

**Refugee Review Tribunal  
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**RRT RESEARCH RESPONSE**

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**Questions**

- 1. Is the government in Nigeria secular? Does the Muslim president influence the country in terms of making it more Islamic in laws or practice?**
- 2. Are there any reports of an ‘Islamization’ of Nigeria?**
- 3. Are there any reports of conflict between Muslims and Christians in Nigeria?**
- 4. What has the government done to help stem such conflict?**
- 5. Please provide a brief about the Nigeria People’s Party (NPP) i.e. when it was founded, objectives, if it still exists.**
- 6. Are there any reports about child sex offenders - for crimes committed in Nigeria and/or overseas - being seriously harmed (by any group or actor) in Nigeria?**
- 7. If so, what is the level of state protection for the offender?**
- 8. What are the main ethnic groups in the Niger Delta region? What does ‘Delta people’ mean?**

**RESPONSE**

- 1. Is the government in Nigeria secular? Does the Muslim president influence the country in terms of making it more Islamic in laws or practice?**

The 2008 US Department of State report on religious freedom in Nigeria indicates that the Nigerian “Constitution provides for freedom of religion” and “Chapter 1, Section 10 of the Constitution mandates that the Government ‘shall not adopt any religion as State Religion.’” However, the report also indicates that “[i]n 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari’a legal system, which many Christians allege amounted to the adoption of a state religion.” It is stated in the report that:

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief through worship, teaching, practice, and observance. Chapter 1, Section 10 of the Constitution mandates that the Government "shall not adopt any religion as State Religion." The Government occasionally places limits on religious activity to address security and public safety concerns.

There are 36 states; state governors enjoy significant autonomy in decision-making and derive substantial resources subject to oversight from the Government. State legislatures possess significant discretion and autonomy to develop and promulgate legislation. Disagreements have arisen over the past several years between the Federal Government and state governments over the constitutionality of legislation unilaterally passed by state legislatures.

The Constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community

In 2000, 12 northern states (Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, Zamfara, and Gombe) reintroduced criminal law aspects of the Shari'a legal system, which many Christians allege amounted to the adoption of a state religion. Moreover, the Nigerian Civil Liberties Organization contends that the establishment of a Commission for Religious Affairs in Zamfara State is tantamount to adopting Islam as a state religion.

Several northern states used state funds for the construction of mosques, teaching of Qadis (Shari'a court judges), and subsidies for the annual pilgrimage to Mecca. However, several other states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches. States, whether predominantly Christian or Muslim, generally responded to the religious needs expressed by the majority of their residents.

The question of the constitutionality of the Shari'a legal system, as adopted in 12 northern states, has been debated at the Supreme Court. However, the court has not rendered a judgment on this issue, in part because of the often volatile relationships between religious groups.

The report also indicates that:

President Umaru Yar'Adua continued to support the Nigerian Inter-Religious Council (NIREC), cochaired by Christian Association of Nigeria President Archbishop John Onaiyekan and Jama'atul Nasril Islam President Sultan Muhammadu Abubakar, which advises the Government on ways to mitigate violence among religious communities. NIREC meets on a quarterly basis, rotating its meetings at locations throughout the country (US Department of State 2008, *International Religious Freedom Report for 2008 – Nigeria*, September, Section II – Attachment 1).

The United States Commission on International Religious Freedom's 2009 annual report also refers to President Umaru Yar'Adua of Nigeria continuing "to publicly support the government-funded NIREC and other nongovernmental organizations that promote reconciliation and inter-religious understanding" (United States Commission on International Religious Freedom 2009, *Annual Report of the United States Commission on International Religious Freedom*, May, p. 60 – Attachment 2).

A *Reuters* article dated 28 July 2009 refers to Nigerian President Umaru Yar'Adua saying "that security forces would hunt down remnants of a radical Muslim sect behind days of clashes which killed at least 150 people and displaced thousands." According to the article:

Supporters of a militant Islamic preacher armed with machetes, knives, home-made hunting rifles and petrol bombs have attacked churches, police stations, prisons and government buildings in parts of the mostly-Muslim north in recent days.

The violence was triggered when some members of the group called Boko Haram, which wants a wider adoption of Islamic sharia law across Africa's most populous nation, were arrested on Sunday in Bauchi state.

Unrest spread to the northern states of Kano, Yobe and Borno, whose capital Maiduguri is home to the group's leader, Mohammed Yusuf, and has seen the worst violence.

"The situation has been contained in Bauchi and Yobe. The bad situation we have now is in Borno where the leader of the group is residing ... We are going to launch an operation, a main operation to flush them out," Yar'Adua told reporters after meeting security chiefs and state governors.

...U.N. Secretary-General Ban Ki-moon said he was concerned by reports of "yet another round of sectarian violence".

...Locals say Yusuf's views are not espoused by the vast majority of Nigeria's Muslim leaders or by their followers.

"I want to emphasise that this is not an inter-religious crisis," Yar'Adua said (Mshelizza, Ibrahim 2009, 'Nigeria to hunt down Islamic radicals –president', *Reuters*, 28 July – Attachment 3).

An *All Africa* article dated 29 February 2008 sourced from Nigeria's *Daily Trust* newspaper indicates that "[p]robably because [President] Yar'adua has succeeded in dousing the unnecessarily [sic] tension created by [former President] Obasanjo, and in ensuring relative peace and stability in the polity, many important stakeholders in the country including the caliphate, the Northern political establishment, the Nigeria Supreme Council for Islamic Affairs (NSCIA), the Christian Association of Nigeria (CAN), etc, have declared their support for the president" (Olajide, A. 2008, 'Implications of Yar'Adua's Victory at the Election Tribunal [analysis]', *All Africa*, source: Daily Trust, 29 February – Attachment 4).

The section on Nigeria in a 2008 report published by Aid to the Church in Need indicates that:

Victory for Umaru Yar'Adua in the April 2007 presidential elections could prove crucial in determining the outcome of Nigeria's long-running religious tensions. A Muslim, Yar'Adua was governor of Katsina when the state adopted *Shari'a* Islamic law back in 2000, one of 12 to do so. But Yar'Adua insisted at the time that non-Muslims in his state would be guaranteed security and independence. Now, many expect him to uphold the rights of Christians as well as Muslims, noting how his bid for the presidency was backed by the then incumbent, Olusegun Obasanjo, a leading Christian. As President, Yar'Adua has pledged to uphold his predecessor's commitment to social and religious cohesion.

...In June 2007 incoming President Umaru Yar'Adua pledged to set up an Advisory Inter-Faith Council to prevent inter-communal violence (Pontifex, J. & Newton, J. (eds.) 2008, 'Persecuted and Forgotten? A report on Christians oppressed for their Faith 2007/2008', Aid to the Church in Need website, pp. 68-69 [http://www.aidtochurch.org/pdf/Persecuted\\_&\\_Forgotton\\_comp.pdf](http://www.aidtochurch.org/pdf/Persecuted_&_Forgotton_comp.pdf) – Accessed 2 February 2009 – Attachment 5).

An earlier *Compass Direct News* article dated 23 April 2007 refers to Christians fearing “that persecution especially in predominantly Islamic northern Nigeria” would “increase following the election... of Muslim Umaru Musa Yar’Adua as president.” According to the article:

As governor of Katsina state in northern Nigeria, Yar’Adua imposed *sharia* (Islamic law) and presided over a system of deliberate denial of land for building churches, as well as government agencies that arbitrarily closed some churches, Christian leaders told *Compass*.

Major political parties in Nigeria nominated only Muslims from the north as part of an unwritten agreement among leaders that the presidency would alternate between north and south. Yar’Adua and his primary opponent, Gen. Muhammadu Buhari of the All Nigeria People’s Party, are both Muslims from Katsina state.

...The Rev. Bulus Polit of the Evangelical Church of West Africa (ECWA) in Jos, told *Compass* that between the two Muslim presidential candidates, Buhari was the more hard-line Muslim who would have presented greater problems to Christians in the country.

...The election of Yar’Adua will aggravate the problems of Christians in northern Nigeria, Rev. Polit said. “Our fear is that under a Muslim president, religious liberty will be eroded.”

...While many Christian leaders are concerned, the Rev. Nevin Mshelia told Reuters Christians need not panic.

“There is no cause for alarm, because a reasonable Muslim president may even be better than a bad Christian president,” Rev. Mshelia, secretary general of the Christian Association of Nigeria’s branch in Maiduguri, told Reuters.

But the Rev. Dr. Kevin Aje, Roman Catholic Bishop of Sokoto, told *Compass* that he believes Christians will experience more difficulties, especially in northern Nigeria (Minchakpu, O. 2007, ‘Northern Nigerian Christians Wary of New Muslim President’, *Compass Direct News*, 23 April – Attachment 6).

## **2. Are there any reports of an ‘Islamization’ of Nigeria?**

The United States Commission on International Religious Freedom’s 2009 annual report includes information on the application of Sharia law and the situation of religious minorities in Nigeria:

Since October 1999, 12 northern Nigerian states have expanded, or announced plans to expand, the application of sharia in their states’ criminal law; however, there have not been further enactments in the past year. Although the particulars vary from state to state, each of the 12 states are working to extend the jurisdiction of sharia courts beyond personal status matters to include sharia crimes and punishments for Muslims only. Punishments include amputation, flogging, or death by stoning, often after trials that fall short of basic international legal standards. Defendants have limited rights of appeal and sometimes have no opportunity to seek legal representation. Women have faced particular discrimination under these codes, especially in adultery cases where pregnancy alone has been used as adequate evidence of guilt, and allegations of rape and sexual violence are rarely investigated. In addition to criminal code changes that purportedly apply only to Muslims, in recent years, some states have instituted or tolerated discriminatory practices based on religious precepts such as banning the sale and consumption of alcohol and disadvantaging women in education, health care, and public transportation. These practices affect Muslims and non-Muslims alike.

There are some sharia cases pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara states. Many of these cases have been delayed continuously for various reasons. However, as noted above, a number of stoning cases have been reversed on appeal and there have been no floggings or amputations carried out during the past year. The *Hisbah*, or religious police, funded and supported by state governments in Zamfara, Niger, Kaduna, and Kano, enforce some sharia statutes in their respective states. In some areas, the *Hisbah* primarily worked as traffic wardens and marketplace regulators.

...In addition to the sharia controversy and the violence it incites, Nigeria faces a number of other serious problems regarding freedom of religion or belief. Christians in the northern states complain of what they view as discrimination at the hands of Muslim-controlled governments and describe their communities as having the status of “second-class citizens.” Most complaints predate the recent initiatives regarding sharia, and include allegations of official discrimination in the denial of applications to build or repair places of worship, access to education and state-run media, representation in government bodies, and government employment. Reports indicate that in certain northern states, it is very difficult to obtain permits to repair or build a non-Muslim place of worship, and that some Christian churches have been torn down because they lacked appropriate government permits; specific zoning laws were invoked to justify action or inaction by state authorities. Muslim communities in southeastern Nigeria echo some of the complaints of minority Christian communities in northern Nigeria. Southern Muslim leaders report official or officially sanctioned discrimination in the media, education, and representation in government institutions. Although proselytizing is permitted by the Constitution, several northern states continue to ban some public religious activities to address public safety and security concerns.

In addition, there continue to be reports of foreign sources of funding and support for Islamist extremist activities in northern Nigeria, activities that threaten to fracture the already fragile relations between the two main religious groups. Since 2003, there have been a number of small, vocal Muslim groups in northern Nigeria that advocate strict application of sharia, and which, some argue, are helping create a haven for radical Islamist militants from outside Nigeria. Though not organized as a nationwide movement, some of these groups advocate a more forcible Islamization of all Nigerian society, regardless of religious affiliation. In recent years, Nigerian security forces have dealt more decisively with Islamic extremist groups. However, in April 2007, 12 Nigerian police officers were killed after Islamist extremists attacked a police station in Kano. Nigerian security forces responded by killing at least 25 of the self-styled “Taliban” militants, who Nigerian authorities said came into Nigeria from neighboring Chad (United States Commission on International Religious Freedom 2009, *Annual Report of the United States Commission on International Religious Freedom*, May, pp. 59-60 – Attachment 2).

According to a *BBC News* article dated 28 July 2009, “[t]he idea of radical Islamist militants gaining a serious foothold in Nigeria is usually dismissed, because of the strength of local identities and traditions.” It is also stated in the article that:

Sharia law is in place across northern Nigeria, but there is no history of al-Qaeda-linked violence in the country.

The country’s 150 million people are split almost equally between Muslims and Christians and the two groups generally live peacefully side by side, despite occasional outbreaks of communal violence (Duffield, C. 2009, ‘Security boosted in north Nigeria’, *BBC News*, 28 July – Attachment 7).

The US Department of State report on human rights practices in Nigeria for 2008 indicates that:

The constitution prohibits state and local governments from adopting or giving preferential treatment to a religious or ethnic community; however, states, whether predominantly Christian or Muslim, generally favored the faith practiced by the majority of their residents. Many Christians alleged that the 2000 reintroduction and enforcement of criminal aspects of the Shari'a legal system and the continued use of state resources to fund the construction of mosques, the teaching of qadis (Shari'a court judges), and subsidies for the pilgrimage to Mecca in the 12 northern states amounted to the adoption of Islam as a de facto state religion. Moreover, the NGO Civil Liberties Organization (CLO) contended that the establishment of a Ministry of Religious Affairs and the creation of a preacher's council in Zamfara State were tantamount to adopting Islam as a state religion. However, several states, including northern states, apportioned funds to finance Christian pilgrimages to Jerusalem and to construct churches.

...Although several northern states continued to ban public proselytizing to forestall ethno-religious violence, some Christian proselytizing groups nonetheless remained active. The bans generally were enforced on a case-by-case basis.

The constitution does not require students to receive religious instruction in secular public schools. However, state governments occasionally passed laws seeking to incorporate religious studies into the curriculum. NGOs such as the CLO claimed that the 12 northern states had made Islamic religious education compulsory in previously secular public schools. Authorities of several of these states claimed that schools did not require students to attend classes of a religious group other than their own, and that students could request a teacher of their own religious beliefs to provide alternative instruction. However, there were often no teachers of "Christian Religious Knowledge" in many northern schools.

...Although the expanded jurisdiction of Shari'a did not apply to non-Muslims in civil and criminal proceedings, certain social mores inspired by Shari'a, such as the separation of the sexes in public schools, health care, and public transport, also affected non-Muslim minorities in the north at times.

A number of states with expanded Shari'a laws sanctioned enforcement by private groups known as the Hisbah, which were funded by state governments. In some cases these groups had authority to make arrests, but they primarily served as traffic wardens and helped regulate commercial activity in the marketplace. Hisbah groups were active during the year in Zamfara, Niger, and Kano states.

Although most Shari'a states did not criminalize alcohol consumption by non-Muslims, Kano State maintained laws providing for steep fines and prison sentences for the distribution and public consumption of alcohol. However, there were no reports of non-Muslims being penalized during the year. In spite of the ban, alcohol was available in Kano at some hotel bars and restaurants and in the Sabon Gari area of Kano, where a majority of non-Muslims lived. During the year, however, the governor and state Hisbah began cracking down on the import of alcohol into Sabon Gari by mounting checkpoints and impounding vehicles carrying alcohol. The Legal Director of the Hisbah Board reportedly claimed the Hisbah had authority to operate throughout the state. Others responded that the federal constitution, which permits the sale of alcohol, has priority over the Hisbah's mandate. In some northern states, government officials restricted the sale and public consumption of alcohol to federal government installations, such as military and police barracks (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nigeria*, February, Section 2(c) – Attachment 8).

An RRT research response dated 6 February 2009 looks at the situation of Christians in Nigeria, and refers to sources that include information on the effect of Sharia law on Christians in the country (RRT Research & Information 2009, *Research Response NGA34366*, 6 February, (Question 2) – Attachment 9).

### **3. Are there any reports of conflict between Muslims and Christians in Nigeria?**

The United States Commission on International Religious Freedom's 2009 annual report includes the following information on sectarian violence in Nigeria:

In November 2008, the city of Jos, Plateau state, experienced several days of intense sectarian and communal violence. At least several hundred Muslims and Christians were killed, with some independent groups estimating the death toll closer to 3,000. Even the lowest reported death tolls from Jos represent a significant spike in the number of deaths that the country has seen from a single sectarian and ethnic flare-up in several years.

Jos has been deeply scarred from this violence. At least 10,000 have been displaced. Dozens of churches, mosques, businesses, vehicles, and private homes were burned and destroyed. In the weeks that followed, investigations into the violence were launched by the President and the governor of Plateau state. Both are still ongoing. But in March 2009 a third investigation, by a committee of the Nigerian House of Representatives, concluded that the violence was “absolutely avoidable” and that its immediate cause was the role of the state government and political parties in igniting violence and manipulating voting results during campaigning for local government councils. The report found, among other things, that the state government failed to act on intelligence from the state security services about violence being planned.

Less than three months later, in February 2009, Muslim-Christian clashes in Bauchi state resulted in at least 11 deaths, although some reports indicated as many as 20 people were killed, with 1,500 individuals displaced. In addition, fourteen churches, eight parsonages, one mosque and approximately 150 homes and businesses were burned and/or destroyed. The causes of the violence reportedly include a dispute between Christians and Muslims in a church parking lot, reprisal for the burning of two mosques in the state capital, and retaliation for events which took place in Jos in November 2008 when rioting Muslims were shot for defying a government imposed curfew. In addition, in April 2009, a group of Muslims in central Niger state reportedly attacked a procession of Christians who were celebrating Easter in two separate towns. Clashes ensued and dozens of Christians were injured and at least two churches and one mosque were burned.

The sectarian conflicts recently witnessed in Jos and Bauchi are just the most recent in a long line of violent incidents resulting in death, destruction, and a sense of fear within Northern and Central Nigerian communities. Indeed, since 1999, a disturbingly large number of Nigerians—12,000, if not more—have been killed in sectarian and communal attacks and reprisals between Muslims and Christians. The most severe clashes occurred in Kaduna state (February and May 2000 and November 2002); Jos, Plateau state (September 2001); Kano state and Yelwa, Plateau state (February-May 2004); and in northern and southeastern Nigeria, in the wake of the controversy over depictions of the Prophet Muhammad in the Danish press (February 2006) (United States Commission on International Religious Freedom 2009, *Annual Report of the United States Commission on International Religious Freedom*, May, p. 57 – Attachment 2).

The *BBC News* article dated 28 July 2009 indicates that “[t]he country’s 150 million people are split almost equally between Muslims and Christians and the two groups generally live peacefully side by side, despite occasional outbreaks of communal violence” (Duffield, C. 2009, ‘Security boosted in north Nigeria’, *BBC News*, 28 July – Attachment 7).

The US Department of State report on human rights practices in Nigeria for 2008 indicates that:

Religious differences often mirrored regional, tribal-ethnic, and occupational differences. For example, in many areas of the Middle Belt, Muslim Fulani tended to be pastoralists, while the Muslim Hausa and most Christian Igbo and other ethnic groups tended to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often correlated with religious differences between the competing groups. Interreligious tension between Christians and Muslims remained in some areas, and conflicts of a socioeconomic or political nature often divided persons along religious lines.

...Ethno-religious violence resulted in numerous deaths and the displacement of thousands of persons throughout the country.

On November 27, in Jos, ethno-religious violence erupted during the vote tabulation for the Jos North Local Government Area elections, resulting in the deaths of approximately 300 persons. As with previous such outbreaks, local elites may have exploited underlying tensions between the Muslim Hausa-Fulani in Jos North and surrounding Christian ethnic groups for political purposes. Credible reports indicate police used lethal force during attempts to quell the violence, killing many civilians (see section 1.a.).

On August 31, Muslims in Ilorin, Kwara State, allegedly set fire to the four-year-old, 20 million naira (approximately \$170,575), Christ Apostolic Church building in the Baboko area due to its proximity to a mosque. Local Muslim leaders had complained to the Inter-Religious Committee, an interfaith panel established by the state government to mediate Muslim-Christian conflicts, and after initially rejecting their complaint, the committee offered the congregation 3 million naira (\$24,580) and ordered them to relocate. The church leadership rejected the directive and appealed to the committee to reconsider. There were no additional developments at year’s end (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nigeria*, February, Section 2(c) – Attachment 8).

The RRT research response dated 6 February 2009 provides information on the situation between Christians and Muslims in Nigeria (RRT Research & Information 2009, *Research Response NGA34366*, 6 February, (Question 2) – Attachment 9). Sources referred to in the research response include the 2008 report published by Aid to the Church in Need, which indicates that “for Nigeria’s large Christian population, religious freedom in a *Shari’a* system is hugely problematic and as yet there is no sign that the tensions of the past will disappear.” It is stated in the report that:

But for Nigeria’s large Christian population, religious freedom in a *Shari’a* system is hugely problematic and as yet there is no sign that the tensions of the past will disappear. In principle *Shari’a* law does not apply to non-Muslims in civil and criminal matters. And yet, the lives of many non-Muslims in Nigeria have been affected in various ways. In Kano State public consumption and distribution of alcohol is banned; in other states alcohol can only be consumed inside federal buildings like police stations.

One priest told *Aid to the Church in Need* that indigenous people from Kano who refuse to abandon their Christian names risk losing rights and privileges. According to sources in Yobe state, a Christian name alone bars an applicant from a government post, In Zamfara State many public facilities are strictly segregated by sex. Meantime, in Maiduguri, Borno State, a source close to ACN spoke of a ban on Christian public rallies and outdoor services. The source said indigenous people in the region who had converted to Christianity risked being killed by extremists.

Christian communities in the 12 *Shari'a* states have experienced widespread religious intolerance and discrimination. These include Christian students and teachers facing trumped up charges for blaspheming against Islam, a court action which forced them to leave school. Elsewhere, Christians are repeatedly denied permits to build churches and cemeteries.

Church buildings are destroyed after being judged illegal. Christian teenagers are abducted and forced to convert, especially girls given in marriage to Muslim men. And Muslims who convert to Christianity are intimidated and receive death threats. In some cases, Christians are forced to go before *Shari'a* courts, even though they have the right not be judged by such tribunals.<sup>147</sup> Other reports describe how Christian girls are compelled to wear Islamic dress in public schools.

But work to ease inter-religious tension continues. Inter-faith dialogue is strong thanks to initiatives by non-governmental organisations such as Kano's Inter-Ethnic Forum and Kaduna's Inter-Faith Mediation Centre and Muslim/Christian Dialogue Forum. In Kano and Kaduna, sectarian violence has broken out periodically and was particularly bad in 2004. In June 2007 incoming President Umaru Yar'Adua pledged to set up an Advisory Inter-Faith Council to prevent inter-communal violence.

The report refers to incidents of discrimination or violence against Christians by Muslims in Nigeria during 2007 and early 2008 (Pontifex, J. & Newton, J. (eds.) 2008, 'Persecuted and Forgotten? A report on Christians oppressed for their Faith 2007/2008', Aid to the Church in Need website, pp. 68-69 [http://www.aidtochurch.org/pdf/Persecuted\\_&\\_Forgotton\\_comp.pdf](http://www.aidtochurch.org/pdf/Persecuted_&_Forgotton_comp.pdf) – Accessed 2 February 2009 – Attachment 5).

The 2008 US Department of State report on religious freedom in Nigeria indicates that “[t]ension between Christians and Muslims remained acute in some areas, and conflicts of a seemingly socioeconomic or political nature often divided people along religious lines. Events, particularly of a religious tenor, occurring in other regions of the country or parts of the world, heightened tensions between religious groups.” The report refers to instances of violence between Christians and Muslims in Nigeria between September 2007 and May 2008 (US Department of State 2008, *International Religious Freedom Report for 2008 – Nigeria*, September, Section III – Attachment 1).

#### **4. What has the government done to help stem such conflict?**

A Human Rights Watch submission to the investigative bodies on the November 2008 violence between Christians and Muslims in Jos refers to “the Nigerian police and military”, in responding to the violence, being “implicated in more than 130 arbitrary killings, mostly of young Muslim men from the Hausa-Fulani ethnic group.” According to the submission:

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...

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.

...Senior police and military officials interviewed by Human Rights Watch in December denied having received any reports of their forces being involved in arbitrary killings during 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 <http://www.hrw.org/sites/default/files/reports/nigeria0709webwcover.pdf> - Accessed 3 September 2009, pp. 1 & 9-10 – Attachment 10).

The United States Commission on International Religious Freedom in its annual report for 2009 indicates that “[t]he government of Nigeria continues to respond in an inadequate and ineffectual way to persistent religious freedom violations and violent sectarian and communal conflicts along religious lines.” It is stated in the report that:

The government of Nigeria continues to respond in an inadequate and ineffectual way to persistent religious freedom violations and violent sectarian and communal conflicts along religious lines. The toleration by Nigeria’s federal, state and local governments of systematic, ongoing, and egregious violations of religious freedom has created a climate of impunity, resulting in thousands of deaths. In late November 2008, hundreds of people were killed and at least 10,000 displaced when ethnic and sectarian violence erupted in the city of Jos, where the number of deaths reached the greatest level in over four years. Other concerns include an ongoing series of violent communal and sectarian conflicts along religious lines; the expansion of sharia (Islamic law) into the criminal codes of several northern Nigerian states; and discrimination against minority communities of Christians and Muslims.

It is also stated in the report that:

The government of Nigeria has done little, if anything, to address sectarian and communal violence. There have been no serious efforts to investigate or prosecute the perpetrators of the numerous killings and other crimes that have occurred in Bauchi, Jos, and the other incidents noted above. There are reports of specific instances of failures to heed warning signs of violence on the part of various government leaders, and failures on the part of federal police to respond effectively and appropriately—at times, if at all—to violence once it has erupted.

The national legislature has exercised no discernible oversight over either the Ministry of Justice or the National Human Rights Commission in an effort to ensure adequate investigation and resolution of religious violence and intolerance. The Human Rights Commission is, both by design and in practical effect, bereft of the independence it needs to investigate and speak out boldly to address religious conflict. It lacks satisfactory funding or the tools for investigation, and all of its members serve at the pleasure of the President.

Put simply, the Nigerian Government has permitted religious violence and other severe violations of the freedom of religion to occur with impunity.

The report also notes that “some state governors, including from northern states, actively encouraged interfaith and inter-communal discussions and undertook efforts to prevent further violence and tension along religious lines; however, implementation of such efforts is limited and varied from state to state”:

Over the past year, some state governors, including from northern states, actively encouraged interfaith and inter-communal discussions and undertook efforts to prevent further violence and tension along religious lines; however, implementation of such efforts is limited and varied from state to state. In 2008, the Nigerian Inter-Religious Council (NIREC), composed of 25 Muslim and 25 Christian leaders, issued a communiqué pledging to reduce religious conflict in the country. NIREC decided to “sustain and step up efforts of the leadership of the council aimed at reducing interreligious tensions; and foster and promote interreligious cooperation for the common good of the people of Nigeria.” The meeting was co-chaired by the President of the Supreme Council for Islamic Affairs, the Sultan of Sokoto Muhammad Sa’ad Abubakar and Archbishop John Onaiyekan, the Catholic Archbishop of Abuja and President of the Christian Association of Nigeria. President Umaru Yar’Adua continues to publicly support the government-funded NIREC and other nongovernmental organizations that promote reconciliation and inter-religious understanding (United States Commission on International Religious Freedom 2009, *Annual Report of the United States Commission on International Religious Freedom*, May, pp. 5, 58 & 60 – Attachment 2).

An *Integrated Regional Information Network (IRIN)* article dated 24 April 2009 refers to “human rights groups and local residents” saying they were “sceptical that those perpetrating violence will be held to account” following violence between Christians and Muslims in Gwada in Nigeria’s central Niger state. According to the article:

Shehu Sani, activist at a prominent rights group in Kaduna state, Civil Rights Congress, told IRIN the authorities often overlook perpetrators’ actions: “The response of the government when sectarian clashes erupt has always been the same - impunity, shifting of blame, looking for scapegoats and non-implementation of probe panel reports.”

...Government spokesperson Maigari Kanna from Bauchi State, a hotbed of sectarian unrest since 1991, said government authorities are constrained from prosecuting those responsible for violence.

“Some of those involved in clashes are related to influential people. who exert pressure and ensure their relations are let off the hook. This attitude has frustrated previous attempts to prosecute the accused, which has only encouraged hoodlums to perpetrate the same crimes.”

...Bauchi state’s Kanna told IRIN: “The government is treading in a minefield. anytime there is religious conflict. This is why suspects are rarely prosecuted and government panel reports are never implemented.”

...The line between religion and politics is usually blurred in Nigeria, particularly in the north, say analysts.

“The power struggle for religion and politics often plays out on the streets through violent clashes that are unfortunately encouraged or sponsored by religious leaders,” said [Human Rights Watch Nigeria researcher Erik] Guttschuss” (‘Impunity for perpetrators of sectarian violence’ 2009, *Integrated Regional Information Network (IRIN)*, 24 April – Attachment 11).

The US Department of State 2008 report on human rights practices in Nigeria indicates that “[a]lthough the federal government generally respected religious freedom, there were instances in which limits were placed on religious activity to address security and public safety concerns” (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nigeria*, February, Section 2(c) – Attachment 8).

The RRT research response dated 6 February 2009 refers to sources that include information on the Nigerian government's attitude to religious freedom and its response to conflict between religious groups (RRT Research & Information 2009, *Research Response NGA34366*, 6 February, (Question 2) – Attachment 9). One source referred to in the research response is a November 2008 report on Nigeria prepared by the office of the UN High Commissioner for Human Rights, which summarises stakeholders' submissions to the universal periodic review. According to the report:

18. CSW [Christian Solidarity Worldwide] reported that Non-Muslims in the northern and central “*sharia States*” are generally denied the same rights, societal advantages and governmental protection that Muslims enjoy, and to which they are entitled. Some states have forcibly deprived Christians of their churches and premises, denying them compensation. Christians are rarely reimbursed adequately for losses incurred during episodes of religiously-motivated violence. They do not always receive sufficient protection from state authorities when such violence occurs, nor are their attackers ever prosecuted; religious repression to some degree condoned by the local authorities.

...23. HRW reported that more than 11,000 Nigerians have died in violent intercommunal clashes since 1999, and though intercommunal violence remains common, the government has failed to take measures to effectively address these problems. CSW also indicated that in recent years a number of religiously motivated assaults, riots and killings have originated in educational establishments usually following unsubstantiated accusations of blasphemy, and that efforts by local authorities to protect Christians have been woefully inadequate in most of the *Sharia States*. The actions of some state authorities even suggest a degree of culpability or complicity in some incidents (UN Human Rights Council 2008, ‘Summary Prepared by the Office of the High Commissioner for Human Rights, in Accordance with Paragraph 15 (C) of the Annex to Human Rights Council Resolution 5/1\* – Nigeria’, A/HRC/WG.6/4/NGA/3, UNHCR Refworld website, 27 November <http://www.unhcr.org/refworld/pdfid/49465a120.pdf> – Accessed 3 February 2009 – Attachment 12).

The 2008 US Department of State report on religious freedom in Nigeria indicates that “[t]he Government generally respected religious freedom in practice.” The report also indicates that “[t]he Government encouraged the activities of nongovernmental organizations (NGOs) such as the Kano-based Inter-Ethnic Forum, the Kaduna-based Inter-Faith Mediation Center, and the Dialogue Forum. Traditional leaders throughout the country took steps to minimize conflict in their communities, albeit with limited results” (US Department of State 2008, *International Religious Freedom Report for 2008 – Nigeria*, September, Section II – Attachment 1).

An RRT research response dated 23 August 2007 includes information on the response of the authorities to violence between Christians and Muslims in Nigeria (RRT Research & Information 2007, *Research Response NGA32240*, 23 August, (Question 1) – Attachment 13).

**5. Please provide a brief about the Nigeria People's Party (NPP) i.e. when it was founded, objectives, if it still exists.**

An article on the history and politics of Nigeria on the website of the Institute for Security Studies, "a regional research institute operating across sub-Saharan Africa" ('About Us' (undated), Institute for Security Studies website [http://www.iss.co.za/index.php?link\\_id=1&link\\_type=13&tmpl\\_id=3](http://www.iss.co.za/index.php?link_id=1&link_type=13&tmpl_id=3) – Accessed 1 September 2009 – Attachment 14), indicates that "the Nigerian People's Party (NPP) with Dr. Nnamdi Azikiwe as its presidential candidate" was one of "five approved parties that contested the elections" when Nigeria returned to civilian rule in 1979. According to the article:

The second republic spanned the period 1979-83. The five approved parties that contested the elections were the Unity Party of Nigeria (UPN) led by Chief Obafemi Awolowo, former vice chairman of the SMC under Gen. Gowon's regime and leader of the AG in the 1950s, the National Party of Nigeria (NPN), formed by veterans politicians like Alhaji Shehu Shagari and Makaman Bida both of whom had played prominent roles in the northern based NPC. The others were the People's Redemption Party (PRP), the northern based opposition to the NPN under the leadership of former member of the NPN, Alhaji Aminu Kano, the Nigerian People's Party (NPP) with Dr. Nnamdi Azikiwe as its presidential candidate and the Greater Nigeria People's Party (GNPP) led by Alhaji Waziri Ibrahim, initial leader of NPP.

In the aftermath of the elections, the NPN received the most widespread support, securing 37% of seats in the house of representatives, 36% in the state assemblies, and 38% in the senate and winning seven of the 19 state governorships. In the presidential elections, Shagari obtained the 25% mandatory vote in 12 rather than 13 of the 19 states but following a legal debate on this, the supreme court upheld his election.

The article also indicates that "Dr. Nnamdi Azikiwe and Herbert Macaulay, leaders of the National Council for Nigeria and Cameroons (NCNC), an eastern region dominated party," were "[a]mong the key instigators for independence in the country" prior to the Federation of Nigeria achieving independence on 1 October 1960. The article continues:

Between 1960 and 1966, Nigeria was under civilian rule. Tafawa Balewa of NPC continued as the federal Prime Minister also becoming Minister for foreign affairs and Dr. Nnamdi Azikiwe of NCNC succeeded the pre-independence Governor-General-representing the British monarch as head of state. This continued until October 1963 when the country adopted a revised constitution and Dr. Azikiwe took office as Nigeria's first President.

...The first election since independence to the federal House of Representatives took place in December 1964. This was preceded by a split in the coalition between the NPC and the NCNC (renamed the National Convention of Nigerian Citizens) and the formation of two new national coalitions. The Nigerian National Alliance (NNA), led by Ahmadu Bello was comprised of the NPC and the Akintola's breakaway Yoruba party, now renamed the Nigerian National Democratic Party (NNDP). The United Progressive Grand Alliance (UPGA), led by Dr. Michael Okpara, Prime Minister of the Eastern Region, was composed of NCNC, the remainder of the AG (whose leader was imprisoned for plotting to overthrow the federal government) and the minority, populist Northern Elements Progressive Union (NEPU). The NNA won the election by default and Azikiwe reluctantly asked Tafawa Balewa to form a new government.

The period between 1966 to 1979 was characterised by military intervention, takeovers and civil war. National rivalries and ethnic sentiments reflected in the national armed forces led to a military intervention in January 1966 ('Nigeria: History and Politics' (undated), Institute for Security Studies website <http://www.iss.co.za/Af/profiles/Nigeria/Politics.html> - Accessed 1 September 2009 – Attachment 15).

A section on the emergence of Nigerian nationalism in a Library of Congress country study on Nigeria includes information on Nnamdi Azikiwe and “the Igbo-dominated National Council of Nigeria and the Cameroons (NCNC, later the National Council of Nigerian Citizens)” ('Emergence of Nigerian nationalism' in Metz, H.C. (ed) 1992, 'Nigeria: a country study', Federal Research Division, Library of Congress website <http://lcweb2.loc.gov/frd/cs/ngtoc.html> - Accessed 1 September 2009 – Attachment 16).

The Library of Congress country study also provides information on the Nigerian People's Party:

Five major parties competed for power in the first elections in 1979. As might be expected, there was some continuity between the old parties of the First Republic and the new parties of the Second Republic. The National Party of Nigeria (NPN), for example, inherited the mantle of the Northern People's Congress, although the NPN differed from the NPC in that it obtained significant support in the non-Igbo states of southeastern Nigeria. The United Party of Nigeria (UPN) was the successor to the Action Group, with Awolowo as its head. Its support was almost entirely in the Yoruba states. The Nigerian People's Party (NPP), the successor to the NCNC, was predominantly Igbo and had Azikiwe as its leader. An attempt to forge an alliance with non-Hausa -Fulani northern elements collapsed in the end, and a breakaway party with strong support in parts of the north emerged from the failed alliance. This northern party was known as the Great Nigerian People's Party under the leadership of Waziri Ibrahim of Borno. Finally, the People's Redemption Party was the successor to the Northern Elements Progressive Union and had Aminu Kano as its head.

Just as the NPC dominated the First Republic, its successor, the NPN, dominated the Second Republic. Shagari won the presidency, defeating Azikiwe in a close and controversial vote. The NPN also took 36 of 95 Senate seats, 165 of 443 House of Representatives seats and won control of seven states (Sokoto, Niger, Bauchi, Benue, Cross River, Kwara, and Rivers). The NPN lost the governorship of Kaduna State but secured control of the Kaduna legislature. The NPN failed to take Kano and lacked a majority in either the Senate or House of Representatives. It was forced to form a shaky coalition with the NPP, the successor of the NCNC, the old coalition partner of the NPC. The NPP took three states (Anambra, Imo, and Plateau), sixteen Senate seats and seventy-eight House of Representatives seats, so that in combination with the NPN the coalition had a majority in both the House of Representatives and the Senate. Nonetheless, the interests of the two parties were often in conflict, which forced the NPN to operate alone in most situations. Even though the presidential form of constitution was intended to create a stronger central government, the weakness of the coalition undermined effective central authority ('The Second Republic, 1979-83' in Metz, H.C. (ed) 1992, 'Nigeria: a country study', Federal Research Division, Library of Congress website <http://lcweb2.loc.gov/frd/cs/ngtoc.html> - Accessed 1 September 2009 – Attachment 17).

Another section of the Library of Congress country study on Nigeria refers to the NPP as “a rejuvenation of the NCNC with its Igbo core and strands of middle-belt support”. The country study also indicates that a “ban placed on political activities in 1966 was lifted in September 1978” and the NPP was one of five political associations to be registered. In relation to the 1983 elections in Nigeria, it is stated in the country study that:

The demise of the Second Republic was accelerated by the tension generated by the 1983 general elections, which were similar to those of 1964-65. As in the earlier elections, two major political camps were involved in the contest: the NPN and the Progressive Parties Alliance, comprising the UPN, the NPP, and factions of the PRP and the GNPP. The NPN won landslide victories even in states considered traditional strongholds of the other parties. In several places, violence erupted, and every election was contested in court. A number of the electoral verdicts were rescinded in view of evidence that results were falsified. Under these circumstances the military intervened in December 1983 ('The Second Republic' in Metz, H.C. (ed) 1992, 'Nigeria: a country study', Federal Research Division, Library of Congress website <http://lcweb2.loc.gov/frd/cs/ngtoc.html> - Accessed 1 September 2009 – Attachment 18).

The previously mentioned article on the history and politics of Nigeria indicates that "Shagari was deposed in a bloodless military coup, led by Maj.-Gen. Muhammed Buhari-a former military governor of Borno and federal commissioner for petroleum during 1976-78- on December 31, 1983", This led to "the usual military dictatorship and the banning of party political activity" ('Nigeria: History and Politics' (undated), Institute for Security Studies website <http://www.iss.co.za/Af/profiles/Nigeria/Politics.html> - Accessed 1 September 2009 – Attachment 15).

For information on the political situation in Nigeria since 1983, please see the section on Nigeria in the *Political Handbook of the World: 2007* (Banks, A.S., Muller, T.C. & Overstreet, W.R. 2007, *Political Handbook of the World: 2007*, CQ Press, Washington DC, pp. 913-923 – Attachment 19).

RRT research responses from 1994 and 1996 also provide information on the Nigerian People's Party (RRT Country Research 1994, *Research Response 94U08M17.NGR*, 17 August – Attachment 20), and (RRT Country Research 1996, *Research Response NGA21258*, 24 December – Attachment 21). The research response dated 24 December 1996 refers to an article dated 20 March 1995, which indicates that a new cabinet sworn in by "Nigeria's military strongman, Gen. Sani Abacha," included as Health Minister Ihechukwu Madubuike, who "was a member of the banned Nigerian People's Party (NPP)" (Olori, T. & Okusanya, E. 1995, 'Some new faces, some old in Abacha's cabinet', *PeaceNet World News Service*, source: InterPress Service, 20 March – Attachment 22).

A list of currently registered political parties in Nigeria on the Independent National Electoral Commission (INEC) of Nigeria website does not include the Nigerian People's Party (NPP) (Independent National Electoral Commission (INEC) of Nigeria (undated), 'Political Parties', INEC website <http://www.inecnigeria.org/index.php?do=political> – Accessed 1 September 2009 – Attachment 23).

**6. Are there any reports about child sex offenders - for crimes committed in Nigeria and/or overseas - being seriously harmed (by any group or actor) in Nigeria?**

**7. If so, what is the level of state protection for the offender?**

A Human Rights Watch report dated September 2004 on human rights and Islamic law in northern Nigeria refers to Sharia courts in northern Nigeria passing death sentences in cases involving the sexual abuse of children. However, the report also refers to the sentences in those cases either being appealed or overturned. The report includes the following information:

Since Shari'a courts started hearing criminal cases in 2000, they have handed down at least ten death sentences. Of these, one has been carried out; five have been overturned on appeal; and, at the time of writing, four are still in appeal. Those sentenced to death include four women and six men. The offenses for which they have been sentenced to death have included murder, sodomy, and adultery.

...Sodomy, defined as "carnal intercourse against the order of nature with any man or woman," is also punishable by death by stoning. In practice, most of the sodomy cases which have come before the Shari'a courts have not been about consensual, sexual activity between adults but rather allegations of adults sexually abusing children; Human Rights Watch is not aware of anyone sentenced to death for sodomy with an adult.

...Shari'a courts have continued to hand down death sentences (the last recorded case was in December 2003), but there appears to be a reluctance on the part of state governments to see these sentences carried out. To date, Sani Rodi in Katsina State, whose case is described below, is the only person to have been executed under Shari'a. Several other sentences have been overturned on appeal, on the grounds of numerous irregularities and errors by the courts of first instance. In yet other cases, such as that of the couple in Niger State (see below), the appeal hearings and decision of the court of appeal have been repeatedly postponed. Most observers and lawyers following these cases do not expect the Shari'a state court of appeal to uphold these death sentences. Some believe that the repeated adjournments are part of a deliberate strategy on the part of the judiciary and the state government to avoid making a decision on these cases. These prolonged delays cause considerable anxiety and psychological suffering to the defendants.

...Jibrin Babaji

On 23 September 2003, Jibrin Babaji, a man in his early twenties from a poor background, was found guilty of sodomy with three children under the age of eighteen and sentenced to death by stoning by Shari'a Court I, Kobi, Bauchi State.

Jibrin Babaji confessed to the offense and the judge sentenced him to death. He also sentenced the children who had allegedly accepted money from Babaji in return for sex to six strokes of the cane. One of the three boys was flogged straightaway; the other two were not, as they were not present in court. They have since reportedly appealed the judgment.

The case against Jibrin Babaji was initiated by relatives of the children; they reported Jibrin Babaji to the hisbah, who then handed him over to the police. He was not caught in the act. It is not known whether he confessed to the hisbah or the police, but on the basis of numerous other testimonies of confessions extracted under torture (see below), a conviction on the basis of such a confession alone could not be judged safe.

...On March 9, 2004, the upper Shari'a court acquitted Jibrin Babaji, on the grounds that he had not been granted a fair trial. Among other procedural irregularities, the court noted that his right to legal defense had not been respected.

...Umar Tori

The most recent death sentence in Bauchi State is that of Umar Tori, who was found guilty of incest with his stepdaughter, aged about fifteen. On December 29, 2003, a Shari'a court in Alkalere, Bauchi State, sentenced him to death by stoning. His stepdaughter, who claimed she had been raped, was sentenced to one hundred lashes for pre-marital sex. They did not have any legal representation during their trial. Lawyers have since filed an appeal on their behalf to the upper Shari'a court.

...Attahiru Umaru (Kebbi State)

On September 12, 2001, Attahiru Umaru, a man in his thirties, was sentenced to death by stoning for sodomy by Upper Shari'a Court I in Birnin Kebbi, capital of Kebbi State. He was accused of sexually abusing a seven-year-old boy. Attahiru Umaru confessed to the crime. He did not have legal representation during the trial. He has since appealed against the sentence to the Kebbi State Shari'a Court of Appeal. By September 2003, his appeal was still pending.

Sarimu Mohammed Baranda (Jigawa State)

In May 2002, a Shari'a court in Dutse, capital of Jigawa State, sentenced Sarimu Mohammed Baranda to death by stoning for raping a nine-year-old girl. He did not have a lawyer during his trial; he pleaded guilty and even after being sentenced to death, he said he did not want to appeal. People who attended the trial described him as a poor man, who was very confused and suffering from mental illness. Eventually, in September 2002, it was reported that members of his family had persuaded him to file an appeal, even though the thirty-day period for appeal had long since elapsed. A lawyer assisted with the preparation of the appeal and argued that the defendant was insane. The Shari'a Court of Appeal in Dutse accepted his appeal and overturned the death sentence in August 2003 (Human Rights Watch 2004, "Political Shari'a"? *Human Rights and Islamic Law in Northern Nigeria*, September, Vol. 16, No. 9(A), pp. 22-24, 30-33 – Attachment 24).

The US Department of State report on human rights practices in Nigeria for 2008 indicates that:

Varying Shari'a penal codes (Islamic law) were in place in 12 northern states, and Shari'a courts delivered "hadd" sentences, for example caning, for minor offenses such as petty theft, public consumption of alcohol, and prostitution; it was unknown if any of the sentences were carried out by year's end. The term hadd refers to those crimes mentioned explicitly in the Koran. For example, adulterers are subject to death by stoning. Although such sentences were handed down during the year, none were carried out, nor were death sentences carried out in cases originating in earlier years. In contrast to the previous year, there were no sentences of amputation handed down. However, there were numerous Shari'a cases from previous years pending appeal or implementation of sentence, including pending amputation and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Statutory law mandates that state governors either impose a stay or implement amputation or death sentences. Sentences under Shari'a often were not carried out because of the lengthy process for appeals. Because no relevant case had been appealed to the federal level, federal appellate courts had yet to decide whether such punishments violate the constitution. Stoning and amputation sentences were consistently overturned on procedural or evidentiary grounds but had not been challenged on constitutional grounds. Caning is also a punishment under common law in the Northern Region Penal Code and had not been challenged in the courts as a violation of statutory law. In some cases convicted persons were allowed to pay a fine or go to jail instead of being caned. These sentences usually were carried out immediately, while the Shari'a criminal procedure code allows defendants 30 days to appeal sentences involving mutilation or death; in practice, appeals often took much longer.

On February 23, an upper Shari'a Court in Katsina State sentenced Mani Sule and Rabo Umaru to death by stoning for adultery for the alleged rape and impregnation of a 16-year-old girl. The sentence was not carried out by year's end.

There were no developments in the May 2007 case in which the Shari'a court of Bauchi State sentenced Ade Dabo to death by stoning for the alleged rape of two female minors in 2003 (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nigeria*, February, Section 1(c) – Attachment 8).

A *BBC News* article dated 17 May 2007 refers to local press reporting the sentencing of Ade Debo “to death for raping two teenage girls” by “[a] Sharia court in Nigeria’s north-eastern Bauchi State”. According to the article:

Bauchi is one of 12 states in mostly Muslim northern Nigeria that have introduced Sharia punishments for criminal offences in recent years.

...More than a dozen Nigerian Muslims have been sentenced to death by stoning for sexual offences ranging from adultery to homosexuality since the Sharia legal system was introduced in 2000.

But none of these death sentences has actually been carried out.

They have either been thrown out on appeal or commuted to prison terms as a result of pressure from human rights groups (‘Sharia stoning for Nigerian man’ 2007, *BBC News*, 17 May <http://news.bbc.co.uk/2/hi/africa/6666673.stm> - Accessed 3 September 2009 – Attachment 25).

An Amnesty International report dated October 2008 on the death penalty in Nigeria indicates that the execution of Sani Yakubu Rodi in January 2002 after “[h]e had been sentenced to death in November 2001 by a Shari’a Court in Katsina State... was the last known execution of a death row prisoner to be publicly announced in Nigeria.” The report also indicates that “at least seven condemned prisoners, including six who never had an appeal, were secretly executed in 2006, bringing the total of executions between May 1999 and 2008 to at least 22, and possibly more. Amnesty International and LEDAP [Nigerian NGO Legal Defence and Assistance Project] fear more prisoners may have been executed following flawed processes.” Appendix 5 of the report includes details of the offences in the cases against 22 people executed in Nigeria between 1999 and 2008. The list of offences does not refer to sexual offences against children. Appendix 2 of the report provides details of capital offences in Nigeria, including under Sharia penal laws (Amnesty International 2008, *Nigeria: ‘Waiting for the hangman’*, October, AFR44/020/2008, pp. 33-34, 49-50, 58-59 & 63 – Attachment 26).

An Amnesty International report dated 8 May 2009 refers to Nigeria’s Minister of Foreign Affairs, at the 4th Session of the United Nations Universal Periodic Review in Geneva on 9 February 2009, saying “that ‘Nigeria continues to exercise a self-imposed moratorium [on the death penalty].’” The report also refers to the Imo State House of Assembly passing a new bill providing “for the mandatory death penalty for anyone convicted of kidnapping” (Amnesty International 2009, *Kidnappers face the death penalty in Nigeria’s Imo State*, 8 May <http://www.unhcr.org/refworld/country,...NGA,,4a07cd12c,0.html> – Accessed 7 September 2009 – Attachment 27).

A search of the sources consulted did not locate other specific information in relation to child sex offenders being seriously harmed in Nigeria. The following articles include further information in relation to child abuse in Nigeria.

An *All Africa* article dated 19 August 2009 sourced from *This Day* newspaper in Nigeria refers to “the Senior Programme Officer of the Defence for Children International (DCI) Nigeria Section, Miss Busola Bababola, in a reaction to a recent rape incident involving a nine-year old girl, which took place in Ayobo area of Lagos State” calling “for complete implementation and domestication of the Child Rights Acts 2003 of Nigeria, which has been ratified in about 17 states in Nigeria”. It is stated in the article that:

According to Babalola, “We must step up the fight against the abuse of our children as the punishment presently meted out does not seem to deter these child abusers.”

...“Sections 31 and 32 of the Child Rights Act 2003 states forcefully that ‘no person shall have sexual intercourse with a child.’ Anyone who contravenes the provision of this ‘is liable to conviction to imprisonment for life’ (Akosile, A. 2009, ‘Child Rights Act Must Be Implemented Fully’, *All Africa*, source: *This Day*, 19 August <http://allafrica.com/stories/200908200628.html> - Accessed 8 September 2009 – Attachment 28).

An article dated 16 June 2009 indicates that “[c]oncerned Nigerians at a 2-day Consultative meeting of Media Concern Initiative for Women and Children (MEDIACON) in Lagos have raised alarm over the rising increase in child sexual abuse in the country, lamenting that most of the offenders go unpunished due to inadequate time frame for prosecution.” According to the article:

Speaking to *Good Health Weekly*, the Director from the Office of the Public Defenders (OPD), Lagos State, Mrs. Omotola Rotimi said the law did not provide adequate time to prosecute offenders.

According to Rotimi, the law only provided two months within which an offender should be prosecuted, this she said has made it more difficult for offenders to be brought to book.

Omotola in her paper entitled, “What does the law say?” disclosed that only five offenders have been prosecuted out of hundreds of cases lying before the office due to so many constraints, ranging from timing and lack of forensic evidence, inability of parents to allow their wards to testify and social stigma.”

Her words, “There is a loophole on the defilement. For instance, you must prosecute within two months the offence is committed. This has made it impossible to prosecute over 100s of cases standing before the office. In the last few years we have only been able to prosecute five cases and these girls are all under 10 years.”

Stating that Lagos state has declared zero tolerance to sexual and child abuse, she identified some of the constraints to include; Social stigma, lack of DNA facilities in the country amongst others.

She advocated for the elongation of the two months period to five years in Nigeria in order to effectively pin the offenders down and bring them to book.

...[Executive Director of MEDIACON, Princess Olufemi Kayode] hinted that due to recent awareness many Nigerians are now coming out of their shells to talk about the problem unlike years back.

Kayode further disclosed that about 20 cases of child abuse were reported monthly to her organization, stressing that the situation has shown that long silence about child abuse has been broken and awareness was coming up unlike before (Obinna, C. & Latona, O. 2009, 'Nigerians Lament Rising Incidences of Child Sexual Abuse', *All Africa*, source: Vanguard, 16 June <http://allafrica.com/stories/printable/200906171130.html> - Accessed 1 September 2009 – Attachment 29).

The US Department of State report on human rights practices in Nigeria for 2008 includes the following information on child abuse in Nigeria:

Cases of child abuse, abandoned infants, child prostitution, and physically dangerous child labor practices remained common throughout the country. The government criticized child abuse and neglect but did not undertake any significant measures to stop traditional practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means to supplement their incomes. Young girls sometimes were forced into marriage as soon as they reached puberty, regardless of age, to prevent the “indecent” associated with premarital sex or for other cultural and religious reasons. Human rights groups reported sexual assaults and rapes of young girls, especially in the north. On January 3, Kano State Deputy Police Chief Suleiman Abba reported an upsurge of child rape, noting that the 54 recorded cases during the final six months of 2007 accounted for two thirds more than the number recorded for the first six months (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Nigeria*, February, Section 5 – Attachment 8).

An *All Africa* article dated 20 October 2008 sourced from the *Leadership* newspaper in Nigeria indicates that “[i]n Nigeria, complications from our laws, as well as poor enforcement seem to be the bane of child protection as regards sexual abuse.” According to the article:

Child sexual abuse occurs in three ways, basically: incestuous abuse (i.e by family members of victims), sexual abuse by strangers and child prostitution. In conservative societies, as ours is, reports of incest hardly get to the police for fear of social disgrace. Families often prefer to ‘resolve’ the issue privately, because they view it as not a criminal matter.

...Speaking on the issue, an Abuja-based legal practitioner and child rights activist, Barrister Esther Uzoma said the penal code as operational in the northern part of the country, clearly provides for sanctions against incest and sodomy, as the Penal Code Laws of northern Nigeria calls them unnatural sexual offences. However, during prosecution, the onus of proof, which prosecutors find hard to deal with in court, has made it difficult for offenders to be brought to justice.

...In a bid to strengthen the right of the child, the Child Rights Act, 2004, was passed by the National Assembly, meant to protect the rights of the child from sexual, social and economic abuses. Sadly, the non-establishment of family courts is hindering the effectiveness of the act.

With punishments made more intense and strict under the Act, the non-establishment of family courts, which are saddled with the responsibility of trials in cases involving abused children, has made the act a toothless bull-dog (Nkwocha, S. 2008, 'Incest And Sodomy - Why Paedophiles Get Away With It [analysis]', *All Africa*, source: Leadership, 20 October – Attachment 30).

An article dated 23 April 2008 refers to “[t]he Minister of Women Affairs and Social Development, Hajiya Saudatu Usman Bungudu,” decriing a “judgment handed down by an Upper Area Court in Lafia, Nasarawa State in the case of rape of a nine-month-old baby.” The article continues:

The court had sentenced the rapist, 27-year-old Stephen Takure, to 12 months in prison with an option of N3000 fine.

Speaking at the 2007/2008 ministerial press briefing in Abuja yesterday to highlight the achievements of the ministry, Bungudu said the judgment was “unbelievable”.

She said the National Judicial Council (NJC) had been petitioned to review the case.

...She lamented that despite the fact that Nasarawa State had passed the Child Rights Law, which advocates life sentence for rapists, the court deemed it fit to “practically set the rapist free in spite of the trauma he had caused this baby” (Oyedele, D. 2008, ‘Minister Decries Rape Judgment’, *This Day (Nigeria)*, 23 April – Attachment 31).

An *All Africa* article dated 28 August 2007 sourced from Nigeria’s *Weekly Trust* newspaper provides information on the difficulties involved in rape cases in Nigeria. It is stated in the article that:

At present, the maximum a rapist gets is a seven-year sentence, and this normally comes after long-drawn legal processes that heap unimaginable embarrassment on both the victim and her parents, not to talk of the monetary costs. Because of this, victims and their families prefer to swallow their shame in silence and in the process emboldening the rapists who embark on further conquests. “Few people report rape cases because it is like a stigma for life,” says [National Human Rights Commission (NHRC) deputy director and head of legal and investigation, Mr.]Sebanjo. “Sometimes families cover them up. They accept settlements, money etc.”

The article refers to a policeman who allegedly raped a three year old girl in Abuja, offering the child’s family money to withdraw the case. According to the article, “the rapist is offering the parents of his victim N30,000 to withdraw the case against him, and the father, a very poor man, is jumping at the offer. The NHRC, Sebanjo says, had to invite an NGO that raised N15,000 for the mother to convince her to resist the lure of the offer and continue with the court case.” It is also stated in the article that:

It is probably a sign of hope that some victims are developing the courage to report their abusers to the authorities. The challenge though is protecting them from the likely stigmatisation that might follow. The police have proved incompetent in handling the sensitive nature of rape related crimes, often placing the burden on the victims to describe how it happened.

...Maybe the attitude of the police is a reflection of the general attitude of Nigerians to rape. It is not seen as a serious offence, except by the victims who have had to put up with the horrors or their families who have to battle the stigma. What this engenders is victims suffer in silence while their abusers are left unapprehended to scout for new victims. In other countries, a data base of paedophiles and rapist is kept so that the police can constantly monitor them. Schools are also alerted about them so they should not be employed to work near children. Nigeria is still a long way away from achieving that (Hassan, M.G. & Ibrahim, H.J. 2007, ‘Rapists On the Prowl -Why Cases Rise-NHRC’, *All Africa*, source: *Weekly Trust*, 28 August – Attachment 32).

An Amnesty International report dated 28 November 2006 indicates that:

Rape of women and girls by both the police and security forces, and within their homes and community, is acknowledged to be endemic in Nigeria – not only by human rights defenders but also by some government officials at both federal and state levels.

The government, however, is failing in its obligation to exercise due diligence: the perpetrators invariably escape punishment, and women and girls who have been raped are denied any form of redress for the serious crimes against them.

...The government's response has been, and continues to be, woefully inadequate. Rape is a crime under Nigerian national law and is an internationally recognised human rights violation. Despite this, the government is failing in both its national and international obligations to prevent, investigate and prosecute rape, whether committed by state actors or non-state actors, and to provide any reparations to the victims. Further, Amnesty International has discovered that the Nigerian government has failed in its international obligations to take action against agents of the state who have committed rape and sexual abuse, and has failed to amend discriminatory legislation that guarantees impunity from charges of rape.

The report includes reference to incidents of rape involving young girls by police and security forces in Nigeria. It also includes information on the law and penalties that apply for rape in Nigeria (Amnesty International 2006, *Nigeria: Rape – the Silent Weapon*, 28 November, p. 1 – Attachment 33).

## **8. What are the main ethnic groups in the Niger Delta region? What does 'Delta people' mean?**

A report dated February 2009 on the Niger Delta principally written by Canon Dr Stephen Davis, the Canon Emeritus at Coventry Cathedral in the United Kingdom, includes the following information on the main ethnic groups in the Niger Delta:

The Niger Delta 2006 population of about 31 million people or 22 percent of the national population is comprised of around 40 ethnic groups speaking 250 languages and dialects<sup>14</sup> (See *Figure 3 Nigeria Map 9. Ethnologue: Languages of the World*) with the major groups being Ijaw people who predominate across the coastal region; the Ogoni and Ikwerre of the eastern region; the Annang, Efik Bokis and Yakurrs people in Akwa Ibom and Cross River States; the Annangs, Ijaws, Ibibibios, Efiks, Ibibios, Itsekiris, Ishans, Isokos, Urhobos, Ndokwas, in the western region (See *Figure 4: The Main Ethnic groups of the Niger Delta*) (Davis, S. 2009, 'The Potential for Peace and Reconciliation in the Niger Delta', Legaloil website, February, p. 41

<http://www.legaloil.com/Documents/Library/The%20Potential%20for%20Peace%20and%20Reconciliation%20in%20the%20Niger%20Delta%20%2006%20Feb%202009.pdf> – Accessed 28 April 2009 – Attachment 34).

An RRT research response dated 8 January 2009 provides information on the Ijaw ethnic group in Nigeria (RRT Research & Information 2009, *Research Response NGA34249*, 8 January – Attachment 35). A Minority Rights Group International report referred to in the research response indicates that the Ijaw ethnic group is one of the minority groups in the Niger Delta, which include "the Andoni, Dioubu, Etche, Ijaw, Kalibari, Nemba (Brass), Nembe, Ogoni and Okrika minority groups." It is stated in the report that:

The Niger Delta – a lush region of mangrove swamps, rainforest and swampland – is home to 6 million people including the Andoni, Dioubu, Etche, Ijaw, Kalibari, Nemba (Brass), Nembe, Ogoni and Okrika minority groups. It is the site of rich oil and natural gas reserves both offshore and on land. But ethnic groups have protested about the environmental degradation and about the failure of the central government and the international petroleum companies to share the oil wealth with local communities. Little money goes into schools or hospitals. Public services are in a pitiable condition (Minority Rights Group International 2008, *State of the World's Minorities 2008 – Events of 2007*, February, p.74 – Attachment 36).

Chapter 1 of the 2005 Niger Delta Regional Development Master Plan includes information on the people of the Niger Delta:

The very rich culture and heritage of the region is based on the presence of about 40 different ethnic groups speaking 250 languages and dialects. The numerous ethnic groups include Ijaws, Ogonis, Ikwerres, Etches, Ekpeyes, Ogbas, Engennes, Obolos, Isoko, Nembes, Okrikans, Kalabaris, Urhobos, Itsekiris, Igbos, Ika-Igbos, Ndoni, Oron, Ibeno, and Yorubas, Ibibios, Annangs and Efiks. Other groups include Ibibios, Anang, Efiks, Bekwarras, Binis, etc. The heritage of the people is reflected in modes of dressing, marriages, traditional culture and festivals (Federal Republic of Nigeria 2005, 'Chapter 1: Niger Delta Region Land and People' in 'Niger Delta Regional Development Master Plan', Niger Delta Development Commission website, p. 53 <http://nddc.gov.ng/NDRMP%20Chapter%201.pdf> – Accessed 25 August 2009 – Attachment 37).

A search of the sources consulted did not locate a specific definition of the term 'Delta people'. However, an International Crisis Group report dated 30 April 2009 on the Niger Delta includes reference to the term 'Delta people'. The report indicates that "Nigeria's 148 million population comprises over 350 ethnic groups, the three largest of which are the Hausa/Fulani, Yoruba and Ibo. The smaller groups, commonly referred to as minorities, have been historically resentful of the dominant influence of the larger groups on politics and public policy. The Niger Delta is populated by about 30 minority groups." The report refers to the region's leaders demanding "a committee headed by, and possibly consisting entirely of, Delta people or international mediators" in relation to a proposed Niger Delta summit (International Crisis Group 2009, 'Nigeria: Seizing the Moment in the Niger Delta', Africa Briefing No. 60, ICG website, 30 April, p. 7 [http://www.crisisgroup.org/library/documents/africa/west\\_africa/b60\\_nigeria\\_seizing\\_the\\_moment\\_in\\_the\\_niger\\_delta.pdf](http://www.crisisgroup.org/library/documents/africa/west_africa/b60_nigeria_seizing_the_moment_in_the_niger_delta.pdf) - Accessed 1 May 2009 – Attachment 38).

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An *All Africa* article dated 7 March 2009 mentions “Alhaji Mujahid Dokubo-Asari, charismatic leader of the Niger Delta People’s Salvation Front (NDPVF),” who “was incarcerated and also charged with treason under former President Olusegun Obasanjo regime after spearheading an armed group, Niger Delta People’s Volunteer Force”, referring to “the lives of Ijaw people, the lives of Isekiri and other Niger Delta people” in an interview with the *Vanguard* newspaper in Nigeria (Ezema, J. 2009, ‘Nigeria: MEND No Longer Relevant to Niger Delta Struggle – Asari’, *All Africa*, source: Vanguard, 7 March, <http://allafrica.com/stories/200903091118.html> - Accessed 28 April 2009 – Attachment 40).

The RRT research response dated 8 January 2009 includes information on the Niger Delta People’s Volunteer Force (NDPVF) (RRT Research & Information 2009, *Research Response NGA34249*, 8 January – Attachment 35).

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