



General Assembly

Distr.: General
15 February 2012

English only

Human Rights Council

Nineteenth session

Agenda item 4

Human rights situations that require the Council's attention

Written statement* submitted by the Jubilee Campaign, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[6 February 2012]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Advocacy of religious hatred that constitutes incitement to discrimination, hostility, and violence in Nigeria as well as the climate of impunity relating to religious based violence

The recent call for religious cleansing in the Nigeria's northern region and the resulting violence which killed over 300 people in the first month of 2012 serves as a useful starting point to illustrate the on-going advocacy of religious hatred amounting to incitement in Nigeria. Unfortunately, this latest incident of incitement by the Boko Haram terrorist group is just one of many contributing to episodes of sectarian violence which have claimed over 13,000 lives in Nigeria since 1999.¹

Much of this violence has occurred in the Middle Belt of Nigeria between the largely Christian South and the largely Muslim North. Several waves of violence in Plateau State have been investigated by Judicial Commissions and/or Presidential Panels, which have gathered facts about the background, causes and extent of specific incident of widespread violence, but lacked the power to prosecute. These commissions and panels generated reports which detailed among other things the public advocacy of violence as well as specific incidents of incitement by social or governmental actors. In theory these reports should have been used as evidence in prosecutions. In practice none of these reports have ever been acted upon.

For example, the "Judicial Commission of Inquiry into the Civil Disturbances in Jos and Its Environs," popularly known as the "Niki Tobi Commission," recommended the retirement of Muhammed Abubakar from the police force for his failure to investigate incidents of incitement such as the distribution of flyers calling for the assassination of public figures or acts of communal violence. This commission was called in response to the September 2001 Jos crisis, estimated to have killed over 1000 people.²

Not only have the perpetrators of the 2001 violence never been effectively prosecuted, but this same Muhammed Abubakar was recently appointed head of the federal police forces by the President of Nigeria. As there are no state or local police forces, with the exception of the Hisbah, or Sharia police which operate in certain northern states, this means that Mr Abubakar controls virtually all non-military security forces throughout Nigeria.

This example also showcases the climate of impunity in Nigeria. Many human rights observers focus on the climate of impunity relating to police brutality or extrajudicial killings.³ While this is a serious problem and one that needs to be addressed, Jubilee Campaign wishes to point out the failure of the government to effectively prosecute those who plan, recruit for and carry out widespread violence.

For example, much has been made of the extrajudicial killing of Mohammad Yusuf, the leader of the Boko Haram terrorist group. However, Jubilee Campaign notes that Boko Haram members, including Yusuf had been previously arrested after attacks on police stations but were quickly released by federal authorities before effective prosecutions could take place. Back in 2005 Asma Jahangir, the Special Rapporteur on freedom of religion or

¹ USCIRF Annual Report - Countries of Particular Concern: Nigeria
<http://www.unhcr.org/refworld/country,,USCIRF,,NGA,,4dbe90c25,0.html>

² Human Rights Watch - Nigeria: Jos: A City Torn Apart
<http://www.unhcr.org/refworld/docid/3c272b4e7.html>

³ Human Rights Watch - Arbitrary Killings by Security Forces
<http://www.hrw.org/reports/2009/07/20/arbitrary-killings-security-forces>

belief, noted in her report on Nigeria⁴ that the Government had failed to initiate prosecutions of the instigators of widespread religious violence, with claims “from the highest official level” that prosecutions were not the priority of the authorities.

Unfortunately, Jubilee Campaign notes that since 2005 this situation has not changed. During 2010 for the first time a handful of effective prosecutions took place in Plateau State relating to sectarian violence. Unfortunately, these few prosecutions do not change a decade of impunity and government inaction. Jubilee Campaign has repeatedly heard from our Nigerian contacts that when prisoners are captured, the police refuse to turn them over to the state governments and instead send them to the federal capital of Abuja, where they are shortly released and often return to participate in further violence. This climate of impunity contributes to a deep mistrust of and frustration with the Federal government to the point that the general populace assumes collusion between the government and violent extremists. This was clearly seen in the public reaction to the escape of Kabiru Sokoto, the alleged mastermind behind the bombing of St. Theresa Catholic Church at Madalla, Niger State on Christmas Day 2011.

While we do not justify extrajudicial killings or vigilante justice, Jubilee Campaign believes that one of the root causes of both of these crimes is the climate of impunity. When there is a widespread perception that the system will not carry out justice, individual actors will seek to take justice into their own hands. Unfortunately, the Nigerian government has failed to address this core issue, choosing to ignore building tensions until violence erupts. Security or military forces are then employed in a heavy-handed manner until the violence stops, but no effective prosecutions take place. The failure to prosecute permits the local actors who instigated the violence to regroup and plan their next attack, often drawing fresh new recruits from those affected by police brutality

Returning to the original issue of incitement, nearly all of these actors ‘telegraph’ their intentions by publicly advocating violence. Jubilee Campaign believes that in order to deal with this threat to their citizens and to their nations the Nigerian Government must begin to proactively deal with the issue of incitement using tactics that accord with human rights law. By identifying and isolating those who advocate violence, the Nigerian government will be able to prevent future attacks and avoid the need for massive and heavy-handed security responses.

The growing recognition on the international level of the dangers of incitement should propel the Human Rights Council to take all available steps to aid and encourage the Nigerian Government in effectively dealing with this serious human rights issue. This is particularly true as the incitement in Nigeria is directly contributing to violence, which has claimed thousands of lives over the last decade, and unless something is done to stem the tide, bids to claim thousands more.

Recommendations to the Human Rights Council:

- To urge the Government of Nigeria to prosecute those guilty of advocacy of religious hatred that constitutes incitement to violence such as the recent calls for religious cleansing in the northern region of the country.
- To urge the Government of Nigeria to extend an invitations to relevant Special Rapporteurs and Independent Experts, especially those who have already sent visit requests such as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

⁴ E/CN.4/2006/5/Add.2

- To urge the Government of Nigeria to end impunity and effectively prosecute those guilty of serious crimes regardless of their religious affiliation or government position.
 - To take other steps, such as holding rule of law and democracy workshops on Nigeria, which might aid the Government of Nigeria as they work to end impunity.
 - To urge the Government of Nigeria to seriously prosecute those actors involved in serious incidents of violence, such as those identified by various commissions and panels.
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