

## **Revenge in the Name of Religion**

### **The Cycle of Violence in Plateau and Kano States**

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## I. Summary

In the first half of 2004, hundreds of people were killed in inter-communal fighting between Muslims and Christians in and around the town of Yelwa and the southern part of Plateau State, central Nigeria, bringing the total number of victims of the violence in Plateau State since 2001 to between 2,000 and 3,000. The violence reached a peak between February and May 2004 in the area around the towns of Yelwa and Shendam. There were many attacks during this period, but two stood out in terms of their scale, the number of victims and the level of preparation and organization. On February 24, 2004, armed Muslims killed more than seventy-five Christians in Yelwa; at least forty-eight of them were killed inside a church compound. Then on May 2 and 3, large numbers of well-armed Christians surrounded the town of Yelwa and killed around seven hundred Muslims. Yelwa and many surrounding villages suffered massive destruction, and tens of thousands of people were displaced.

One week later, on May 11 and 12, Muslims in the northern city of Kano—several hundred kilometers away from Plateau State—took revenge for the Yelwa attack and turned against Christian residents of Kano, killing more than two hundred. A once localized dispute in a specific part of Plateau State had escalated into a religious conflict of national dimensions. Most of the victims of the violence in Plateau and Kano states were unarmed men, women and children who were targeted simply because of their religion.

The federal government and security forces bear a heavy responsibility for the massive loss of life in Yelwa and Kano. In Yelwa, the security forces were absent during the attack of May 2-3. Around 700 people had already been killed by the time the army intervened. Likewise in Kano, around 200 people had been killed before peace was restored. Then, instead of protecting those at risk and trying to arrest the perpetrators, some of the police and soldiers deployed to Kano carried out dozens of extrajudicial killings, contributing further to the violence. Their actions in Kano were typical of the response of the security forces to previous outbreaks of inter-communal violence in other parts of Nigeria.

The conflict in Plateau State stems from longstanding disputes over land and political and economic privileges between ethnic groups who consider themselves “indigenes,” or

original inhabitants of a particular area, and those whom they view as “settlers.”<sup>1</sup> These disputes are not a new phenomenon in Plateau State, but until 2001, they had not led to large-scale loss of life. In September 2001, tensions suddenly exploded in the state capital Jos, and around 1,000 people were killed in just six days.<sup>2</sup> What had originally been an ethnic and political conflict turned into a religious one, as the ethnic divide happened to coincide with the religious divide: the conflict between “indigenes” and “settlers” became a conflict between Christians and Muslims, as both sides exploited religion as an effective way of mobilizing large-scale support. The violence then spread out of Jos to other parts of Plateau State, and scores, and possibly hundreds, more people were killed in 2002 and 2003 in a cycle of attacks and counter-attacks by both Muslims and Christians. Muslims and Christians from different ethnic groups have become increasingly well-armed and have attacked their opponents with impunity, using religion as a tool to whip up sentiment and to spur on their followers.

Despite the escalation of the conflict in Plateau State since September 2001, and clear warning signs of the likelihood of further violence, the Nigerian government did not take any effective action and allowed the conflict to spiral out of control. Finally, when Yelwa was attacked on May 2-3, 2004, the scale of the violence could no longer be ignored. On May 18, 2004, Nigerian President Olusegun Obasanjo declared a state of emergency in Plateau State.

Relative calm was restored in the following months, and the Plateau State government embarked on a number of initiatives as part of a peace process under the state of emergency. But since the state of emergency in Plateau State was lifted in November 2004, the momentum to find long-term solutions to the conflict seems to have been lost. Critically, justice has not been delivered. There have been some arrests, but the people responsible for planning or organizing the violence have not been prosecuted; neither have the police or soldiers responsible for killings in Kano. As evidenced by the chain of events in Plateau State over the last four years, the mere absence of fighting since May 2004 cannot be interpreted as a definitive end to the conflict. Until the root causes of the conflict are addressed, the violence could be reignited at any time, especially in the run-up to the next general elections, scheduled to take place across Nigeria in 2007.

This report documents the killings in Yelwa on February 24 and May 2-3, 2004, and the killings in Kano on May 11 and 12. Given the large number of attacks in different locations in Plateau State over the last three years, Human Rights Watch has not been

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<sup>1</sup> An explanation of this issue is provided in Section III of this report, and, in more detail, in the Human Rights Watch report “Jos: a city torn apart,” December 2001.

<sup>2</sup> See Human Rights Watch report “Jos: a city torn apart,” December 2001.

able to document them all and has concentrated its research on the above incidents, which were among the most serious in 2004. However, the report provides information on the broader context in which these attacks took place.<sup>3</sup>

In July 2004, Human Rights Watch researchers visited Plateau and Kano states, as well as a camp for the internally displaced from Yelwa in Lafia, capital of Nasarawa State. The information in this report is based on their interviews with eye-witnesses and survivors of the violence in these and other locations. Human Rights Watch also spoke with many other individuals and organizations including Christian and Muslim leaders at state and federal level, officials of the Kano and Plateau state governments, representatives of the police, local government representatives, traditional and community leaders, and non-governmental organizations.

This report contains recommendations to the Nigerian government on ways of preventing further violence in Plateau and Kano states, which are also applicable to other parts of Nigeria affected by inter-communal violence. The key recommendations are for the timely deployment of an adequate security force presence in areas of likely tension, while ensuring that members of the security forces do not carry out extrajudicial killings; and for the government to bring to justice those responsible for planning and organizing the violence, as well as those who carried out the killings, including members of the security forces. On the basis of its experiences from countries all over the world, Human Rights Watch believes that the impunity which has protected those responsible for the violence in Plateau State since 2001 has directly contributed to the conflict and has encouraged all sides to continue killing without fear of being held accountable. Human Rights Watch is also urging the Nigerian government to take longer-term measures to prevent a recurrence of the violence by addressing the root causes of the conflict, notably by removing the discriminatory distinction between “indigenes” and “settlers”.

Many of the recommendations below reiterate those made in earlier Human Rights Watch reports on conflicts which followed a similar pattern, notably in Jos in 2001, and in Kaduna State in 2002.<sup>4</sup> In failing to implement these recommendations due to a lack of political will, the Nigerian government allowed the conflicts to continue escalating, with disastrous consequences. Human Rights Watch is again urging the Nigerian

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<sup>3</sup> Human Rights Watch has already documented and reported in detail on the violence in Jos in 2001 and 2002. See Human Rights Watch reports “Jos: a city torn apart,” December 2001, and pages 23-26 of “Testing democracy: political violence in Nigeria,” April 2003.

<sup>4</sup> See Human Rights Watch reports “Jos: a city torn apart,” December 2001, and “The ‘Miss World riots’: continued impunity for killings in Kaduna,” July 2003.

government to implement these recommendations to put an end to the cycle of violence once and for all, not only in Plateau and Kano states, but in all areas affected by inter-communal conflict.

## **II. Recommendations**

### ***To the Nigerian government and security forces***

- Make justice a priority: ensure that the individuals responsible for organizing and carrying out the violence in Plateau and Kano states are identified, arrested, charged, and tried promptly, according to international fair trial standards.
- Publish the findings of all commissions of inquiry set up by the federal and state governments on the violence in Plateau and Kano states since 2001.
- Ensure an adequate security force presence in areas of likely tension in Plateau and Kano states, and improve mechanisms to obtain reinforcements rapidly should the need arise. Efforts should be made to anticipate and prevent violence, rather than just reacting after violence has already begun.
- Give strict instructions to members of the Nigerian police and military deployed to quell rioting that force should never be used against individuals who are unarmed and are not taking part in violence or other criminal activities. In addition, members of the security forces should make every effort to arrest individuals suspected of criminal activity without resorting to lethal force. All members of the security forces should respect the U.N. Code of Conduct for Law Enforcement Officials and the U.N. Basic Principles on the Use of Force and Firearms by Law Enforcement Officials and their conduct should be monitored to ensure that these standards are adhered to at all times.
- Investigate promptly all reports of extrajudicial killings by the police and the military in Kano in May 2004, and ensure that the perpetrators are suspended from active duty and brought to justice without delay. Inform the families of the victims of the progress of such investigations, as well as any judicial action taken, and provide compensation for the loss of their relatives. Investigations into extrajudicial killings should conform with the U.N. Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions.
- Investigate promptly reports of rape and sexual abuse against women taken captive from Yelwa in May 2004 and ensure that those responsible are prosecuted. Police investigations into allegations of rape should be undertaken by female police officers trained for this task.

- Continue to encourage dialogue and conflict resolution between ethnic and religious communities in Plateau and Kano states, at the level of the grassroots as well as the leadership. Conflict resolution initiatives should not preclude the search for justice.
- Pursue a program of disarmament and continue with initiatives to encourage people to hand in weapons. Strengthen controls over weapons flows and improve border security with neighboring countries. Take the lead in pressing for the implementation of a binding regional convention on small arms to replace the ECOWAS small arms moratorium.
- Remove references to the concept of “indigeneship” from the Nigerian Constitution and other official documents and discourse, as the manner in which this concept has been applied violates Nigeria’s obligations under Article 2 of the International Covenant for Civil and Political Rights. Ensure that all Nigerians are able to enjoy the same rights, regardless of their place of origin or residence.
- Address the issues at the heart of the disputes between communities, such as control of local political positions, economic resources and ownership of land.

***To religious and community leaders, at national, state and local levels***

- Continue to seek long-term solutions to the tensions and grievances among communities and pursue meaningful dialogue about peaceful ways of resolving these tensions at all levels.
- Refrain from making statements which incite violence or encourage hostility and prejudice towards other ethnic or religious communities.
- In situations of potential tension, explicitly and publicly call on members of their community to refrain from resorting to violence. Make clear that retaliatory attacks in the name of self-defense are never a justification for killing or other forms of violence against unarmed civilians.

### **III. The Conflict in Plateau State**

Inter-communal violence has affected many parts of Nigeria before and since the end of military rule in 1999. Most of these conflicts were originally very localized. There are more than 250 ethnic groups in Nigeria, a country with a total population of more than 130 million. Some of these groups have fought each other for decades for control of land, economic resources, and lucrative political positions. Central to many of these

disputes, as explained below, is the notion of “indigeneship”, which has pitted groups who consider themselves the “indigenes”, or the first inhabitants of an area, against those viewed as “settlers”.

Large-scale inter-communal violence is a more recent phenomenon in Plateau State than in some other parts of Nigeria. There had been longstanding grievances between different communities for several decades, but it was not until 2001 that people began turning to organized violence to express their frustrations at perceived political and economic marginalization. The turning point was the massive violence in the state capital Jos in September 2001 (commonly referred to as the Jos crisis) which claimed around 1,000 lives.<sup>5</sup> Most of the violence which followed, from 2002 to 2004, can be seen as directly or indirectly connected to the events in Jos. There have been violent attacks in several local government areas in addition to Jos, including Wase, Langtang North, Langtang South, Shendam, Mikang, Qua’an Pan, Barkin Ladi, and Riyom. The area around Wase and Langtang North and Langtang South was especially badly affected, and hundreds of people are believed to have been killed there in 2002 and 2003. The total number of people killed in Plateau State since 2001 has not been confirmed, but on the basis of its own research, Human Rights Watch believes that between 2,000 and 3,000 people were killed between September 2001 and May 2004.

One of the biggest challenges posed by the violence in Plateau State is the difficulty in identifying the perpetrators, particularly those orchestrating the attacks. To date, the violence has not been carried out by recognized groups or militia with a clear structure. No individual or organization has openly claimed responsibility for the killings. Across the state, there are organizations representing the political, economic and social interests of different ethnic groups and communities, but these organizations do not openly advocate violence. There are no formal or clearly identifiable armed groups who maintain a visible presence in the periods between the fighting. Ever since the 2001 Jos crisis, the situation has been fluid: the violence goes in waves, and it may not be the same individuals participating on every occasion. Yet the pattern of the larger attacks, in particular, indicates a high level of organization, forethought and planning. Claims by sympathizers of both sides that these attacks were spontaneous lack credibility. As illustrated in this report, the attack of May 2-3 in Yelwa showed the existence of a network which could be convened, mobilized and armed at short notice. Like other parts of Nigeria, Plateau State has a large population of unemployed youths, from poor backgrounds, who may not have strong ideological beliefs but who can easily be persuaded to take part in acts of violence with the promise of money. They may make up the bulk of those carrying out the attacks. But it has proved more difficult to

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<sup>5</sup> See Human Rights Watch report “Jos: a city torn apart,” December 2001.

confirm the identity of their political sponsors – the individuals who are paying and arming these young men to attack their opponents.

The population of Plateau State is ethnically and religiously diverse, like that of most of the central states of Nigeria known as the Middle Belt. While Christians are in the majority, Muslims make up a large minority<sup>6</sup>. Some ethnic groups are predominantly Christian, others are predominantly Muslim, and others include both Christians and Muslims, even within the same families. Many people also observe traditional beliefs, sometimes alongside Christianity or Islam. In recent years, influential positions in the Plateau state government and many local governments have tended to be dominated by Christians, leading to feelings of resentment and marginalization on the part of some Muslims. On the other hand, Christians have complained that economic activities in some areas are dominated, or even monopolized, by Muslims.

These grievances should be seen in the context of longstanding political tensions and rivalries between the predominantly Hausa population of the north and a multitude of other ethnic groups in the south and other parts of the country. Northerners tended to dominate the political and military establishment during Nigeria's long years of military rule. Even since the end of military rule in 1999, many southerners and minority groups still resent what they perceive as the continued domination of northerners. This historical competition between north and south has been brought to the fore in more recent years and has taken on a more overt religious dimension, in particular since 1999 when Shari'a (Islamic law) was extended to cover criminal law in 12 northern states<sup>7</sup>.

The conflict in Plateau State has ethnic, political, economic, and religious components, which, over time, have become inextricably linked. Not all these ingredients have been present from the beginning. As different groups have sought to recruit additional allies to support their cause, the conflict has become increasingly complex, drawing in an ever-larger number of ethnic groups. It has also spread geographically to different parts of the state, leading to a convergence of conflicts originally rooted in different locations. Increasingly, different communities started reacting to events in other localities. The larger attacks have had repercussions not only in the form of counter-attacks by the aggrieved community in the same area, but in other areas some distance away, where communities from a different ethnicity but from the same religion have identified with

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<sup>6</sup> No accurate statistics are available on the proportions of Christians and Muslims. Some Muslims claim that they make up half, or more than half, of the population of the state, but these figures are strongly disputed by Christians.

<sup>7</sup> For a full discussion of this issue, see Human Rights Watch report "Political Shari'a? Human Rights and Islamic Law in Northern Nigeria," September 2004.

the victims and sought to avenge them by attacking people from the “opposing” faith within their own area. In the most extreme cases, these repercussions have extended well beyond the state boundaries. For example, the May 11-12 riots in Kano were a direct response to the May 2-3 attack in Yelwa.

At the root of the conflict in Plateau State is the competition between “indigenes” and “non-indigenes.” Throughout Nigeria, groups considered “indigenes”, or the original inhabitants of an area, are granted certain privileges, including access to government employment, scholarships for state schools, lower school fees, and political positions. To secure access to these privileges, they have to produce an “indigene certificate” which is granted by the local authorities. “Non-indigenes” or “settlers” are denied these certificates and the accompanying privileges. Different groups are considered “indigenes” or “settlers” in different areas. The definition of the term “indigene” is commonly understood to be based on a person’s place of origin, but many people born and brought up in a particular area are not accorded that status, even though they may never have lived in any other part of Nigeria. No official document or legislation defines these categories precisely or sets out clear criteria as to how a person’s “indigeneship” is determined. The Nigerian constitution refers to the concept of “indigene” but fails to define it.<sup>8</sup>

The way in which the concept of “indigeneship” has been applied has been fundamentally discriminatory and constitutes a violation of Nigeria’s obligations under the International Covenant on Civil and Political Rights (ICCPR). Article 2 of the ICCPR requires state parties “to respect and to ensure all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.” It also violates provisions against discrimination within Nigeria’s own constitution, in particular Section 42 which explicitly prohibits restrictions or privileges and advantages on the basis of a person’s community, ethnic group, place of origin, sex, religion or political opinion.<sup>9</sup>

The concept of “indigeneship” has been exploited by various groups to further their own interests. In Plateau State, ethnic groups who have been living in the area for several generations are still considered as “settlers” by “indigenes” who claim that their

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<sup>8</sup> The concept of “indigene” was formalized for the first time in the 1979 Constitution with a view to ensuring representation for the broad diversity of groups within all the major political institutions.

For a fuller explanation of the problems caused by the distinction between “indigenes” and “non-indigenes”, see pages 22-24 of Human Rights Watch report “Jos: a city torn apart,” December 2001.

<sup>9</sup> Section 42, Constitution of the Federal Republic of Nigeria, 1999.

own ancestors were there before them. Different groups voice competing claims to “indigeneship” or “ownership” of the same town or area, as in the case of Yelwa and Jos. In Plateau State, the “indigenes” have most often tended to be Christians while the “settlers” have tended to be Muslims, but there are exceptions, for example the Gamai ethnic group, who consider themselves to be “indigenes” and who include members of both faiths.

The dispute between “indigenes” and “non-indigenes” has surfaced in different contexts. In some instances, for example in Jos, the two groups have fought primarily over political positions.<sup>10</sup> In other cases, the dispute has focused on the use of land. An additional dimension in this context is the presence of Fulani cattle herders in many parts of Plateau State. The Fulani, who are nomadic and predominantly Muslim, are resented by many “indigenes” because they allow their cattle to graze on their land and cause damage. There have been numerous cases of cattle rustling, where cattle belonging to Fulani have been stolen by members of other communities, leading to revenge attacks by Fulani on these communities, followed by counter-attacks by these communities against the Fulani.

The dispute between the Fulani and other communities can be seen as a sub-conflict within the broader conflict in Plateau State, but soon the two became intertwined. The cow rustling was probably motivated primarily by economic considerations, as the sale of cattle is a lucrative business. Cattle are the main source of livelihood for the Fulani and play an important social and cultural role in their lives. As the Fulani fought back against the Tarok and other predominantly Christian groups whom they suspected of stealing their cattle, the religious dimension came into play. As most Fulani are Muslim, Christian “indigenes” assimilated them with their other Muslim “enemies”, particularly the Hausa. The Fulani claim to have lost over 1,800 human lives and 160,000 cows between September 2001 and May 2004.<sup>11</sup>

As explained above, neither the conflict between “indigenes” and “non-indigenes” nor the conflict over land and livestock were originally about religion. However, religious identity has gradually overtaken other considerations in Plateau State and has proved to be one of the most effective ways of mobilizing people: not only does it have a strong

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<sup>10</sup> This was the case in the period leading up to the Jos crisis of September 2001, and again during the primaries for the ruling People’s Democratic Party (PDP) in Jos north, in May 2002, when scores more people were killed. For details, see pages 23-26 of Human Rights Watch report “Testing democracy: political violence in Nigeria,” April 2003.

<sup>11</sup> See letter to the Administrator of Plateau State by Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN), May 24, 2004. Human Rights Watch has not been able to confirm these figures. This letter also provides a fuller explanation of the Fulani point of view on the conflict.

emotional appeal, but it has enabled both sides to reach out to a much larger number of people from many different ethnic groups. Religious rhetoric and prejudice have escalated, not only among local communities, but among Christian and Muslim leaders at state level, and even, sometimes, at national level. Whereas in previous phases of the conflict, ethnic allegiance tended to be stronger than religious allegiance, in the last one to two years, the question of religion has become paramount, leading to situations where members of the same ethnic group—for example the Tarok or the Gamai—have clashed because they were from different faiths.<sup>12</sup>

## **IV. The Conflict in Yelwa**

### **1. Background**

Yelwa is a market town located in the southern part of Plateau State. As it is an important commercial center, people from different ethnic groups have settled there over the years. However, the majority of Yelwa's residents are Muslim. Yelwa is under the administrative control of Shendam local government area, which has its headquarters in the town of Shendam, about 20 kilometers away. Shendam, which is roughly the same size as Yelwa, is a predominantly Christian town and the residents of the villages in the surrounding area are also predominantly Christian. Most local government officials and traditional leaders in Shendam are Christian.<sup>13</sup>

The disputes in Yelwa and Shendam have involved several ethnic groups. The principal protagonists in the conflict have been the Gamai, the majority ethnic group in Shendam local government area, and the Jarawa. Members of both communities gave Human Rights Watch several explanations for the conflict in Yelwa which, according to them, dated back to the nineteenth century and early part of the twentieth century, but had only turned violent in recent times. The causes they cited included competing claims to the status of “indigeneship;” disputes over the process of selection of traditional chiefs; and, more recently, political rivalry in the context of local elections, particularly elections for the chairmanship of the ruling People's Democratic Party (PDP) at the PDP ward

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<sup>12</sup> In this respect, the evolution of the conflict in Plateau mirrors that of other states, such as Kaduna, where the religious element has been introduced with devastating consequences. See Human Rights Watch report “The ‘Miss World riots’: continued impunity for killings in Kaduna,” July 2003.

<sup>13</sup> A system of traditional leaders, or chiefs, operates in parallel with administrative local government structures. Traditional leaders are recognized by the government, but are not elected in the same manner as government officials. They are selected according to different traditions in different communities. Despite not holding formal positions in the government, they wield considerable influence at the local level and can accumulate significant wealth. Some of the most bitter disputes between communities in Plateau State, as in other parts of Nigeria, have been over the selection of traditional chiefs.

Congress in Yelwa, in April 2002, when tension increased as voters supported candidates along religious lines.

The Gamai, who include both Christians and Muslims, consider themselves to be “indigenes” and regard the Jarawa as “settlers”. The Jarawa, who are predominantly Muslim, claim to be the original founders of Yelwa. Until the 1990, the Jarawa, and other predominantly Muslim groups such as the Borghom and the Pyem, were granted indigene certificates, but claim that from then on, the traditional leader of Shendam, known as the Long Gamai, began denying them indigene rights.<sup>14</sup>

Both communities have produced documents attempting to substantiate their “claims” to Yelwa. For example, a document outlining the Gamai point of view states categorically: “We want to reaffirm here that the soul and heart of Yelwa town belong to the Gamai. No amount of intimidation can make us cede that place to any group no matter how powerful their backers may be. After all Yelwa cannot be an island, since it is surrounded by other Gamai villages.” It states that “whoever wants to return to Yelwa and other settlements within Gamai land is free to do so” but adds that “all returnees to Yelwa town [...] must first of all accept the fact that Yelwa is a Gamai town in Gamai land in Plateau State.”<sup>15</sup> A document outlining the Jarawa point of view declares equally emphatically: “The original people who founded Yelwa are the Jarawa from Dass in Bauchi State from 1824 to date.”<sup>16</sup>

Historically, religion was not a primary cause of the conflict in the area. In recent years, however, the situation has become increasingly polarized, and ethnic groups including the Fulani, the Tarok and a number of smaller groups from other local government areas have taken sides largely along religious lines. For example, a Christian from the Angas ethnic group in Yelwa told Human Rights Watch: “As indigenes of Plateau State, we can’t leave this place to them [the Muslims]. The Gamai are indigenes of Shendam local government. The Angas perceive ourselves as indigenes of Plateau State. The Muslims who are in Yelwa now are non-indigenes. They come from the northern states [...] It’s a religious war. They said they are the indigenes of this place and want to chase us out. They want to occupy the place.”<sup>17</sup>

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<sup>14</sup> Human Rights Watch interviews, Lafia, Yelwa, and Jos, July 2004. Many Jarawa blame the current Long Gamai, Hubert Sheldas, for the conflicts in Yelwa and Shendam.

<sup>15</sup> “Road map to peace in the southern part of Plateau State: ‘the Yelwa-Shendam LG case’ presented by the Gamai community of Yelwa-Inshar, Plateau State.”

<sup>16</sup> “The true facts about the Yelwa crisis submitted by Mal. Abdullahi D. Abdullahi II on behalf of the Yelwa Rehabilitation Committee [...] to the Special Committee ‘C’ Yelwa-Shendam-Qu’aan Pan Axis, Government House Rayfield, Jos, June, 2004.”

<sup>17</sup> Human Rights Watch interview, Yelwa, July 10, 2004.

None of those interviewed by Human Rights Watch in July 2004 cited religion as a fundamental cause of the conflict. Yet, as documented below, when the fighting began, groups and individuals were targeted on the basis of religion rather than ethnicity. Mosques and churches were deliberately attacked. Religion was used as a rallying cry to drag other groups into the conflict, and both sides used explicitly religious language to defend their own position or tarnish their opponents'. A local government official in Shendam explained the transformation of the conflict as follows: "There has always been an indigene/settler issue. Indigene tribes and settlers both insist they own the land. Religion is a cover [...] But anything that happens now is turned into a religious issue."<sup>18</sup>

## **2. *Violent conflict in Yelwa***

Witnesses interviewed by Human Rights Watch described three major outbreaks of violence in Yelwa town: the first on June 26, 2002, the second on February 24, 2004, and the third on May 2-3, 2004. All three incidents involved deliberate attacks. In all three cases, the victims included both Christians and Muslims. However, the majority of victims in the February 24, 2004 attack were Christians, while the majority of victims in the May 2004 attack were Muslims.

In the periods between these attacks, particularly between late February and early May 2004, there were numerous smaller attacks on villages in the surrounding area. When Human Rights Watch researchers visited the area in July 2004, the scale of the destruction was clearly visible both in Yelwa and in the surrounding villages, especially those located between Yelwa and Shendam.

The accounts of the violence that the different parties gave to Human Rights Watch had little in common. While most Muslims described all three incidents as attacks by Christians, most Christians described them as attacks by Muslims. A few of those interviewed conceded that members of their own group had fought back, or that there had been armed clashes between the two sides, but hardly anyone was prepared to admit that members of their own community had initiated the violence, or had attacked unarmed people. In some cases, their accounts were so divergent that it was difficult to ascertain the correct sequence of events or even an approximate overall death toll. This was particularly true of the accounts of the violence of June 2002, which each side simply blamed on the other.

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<sup>18</sup> Human Rights Watch interview, Shendam, July 9, 2004.

Human Rights Watch's research focused primarily on the February and May 2004 violence. We did not carry out detailed research into the June 2002 attack. However, in view of the fact that almost all the people we interviewed referred back to the June 2002 violence as the genesis of the crisis, a summary of those events based on their accounts is included here. We were also not able to investigate all the attacks on villages in the surrounding area, but references to these incidents are included as they contributed significantly to the build-up of tension that led to the attacks in February and May 2004.

### **2.1 Violence on June 26, 2002**

The first major outbreak of violence in Yelwa occurred on June 26, 2002. Residents of Yelwa who were present when the violence began cited several different events as possible triggers for the violence. They highlighted two specific incidents which occurred on June 26. In the early hours of the morning, a security man guarding a mosque in the Angwan Galambi (Congo) area of Yelwa was stabbed and seriously injured. As news of the incident spread through the town, it provoked the anger of some Muslim youths. The Shendam local government chairman called religious and community leaders of Yelwa to an emergency meeting in Shendam that afternoon, to try to resolve the tension peacefully, and leaders agreed to try to prevent further violence.

That evening, at around 9 p.m., a masquerade (a traditional celebration or parade in which people wear masks) came through Yelwa town. Muslims interviewed by Human Rights Watch described it as a Tarok masquerade, although it also included people from other ethnic groups. Eye-witnesses said a large crowd was following the masquerade, and that many of them were carrying machetes and other weapons. Several witnesses claimed that these armed people taunted and threatened Muslims and challenged them to come out. They noticed a mosque on fire in the Angwan Pandam area, then saw another building burning in a different area. Muslims reportedly came out of their homes, confronted the people in the masquerade, and the violence began. A witness described it as "effective mobilization in both camps. Muslims came out in droves. Christians did too." The fighting lasted until around 4 a.m. the following morning, when soldiers were sent to Yelwa to restore peace.<sup>19</sup>

Both Muslims and Christians died in the violence on June 26. Human Rights Watch was not able to confirm the death toll. According to some Muslim residents, between ten

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<sup>19</sup> This account is based on testimonies from residents of Yelwa and other local sources interviewed by Human Rights Watch in Lafia, Yelwa, and Jos, in July 2004.

and twenty Muslims and an unknown number of Christians were killed.<sup>20</sup> Other Muslims claimed the figure was over 100; a Muslim man who helped bury some of the bodies claimed that as many as 150 Muslims were killed.<sup>21</sup> Christian sources interviewed by Human Rights Watch were not able to give a precise number of victims. However, a document produced by Gamai representatives claims that 34 Christians were killed, and lists them by name.<sup>22</sup>

Some residents of Yelwa described another possible catalyst for the fighting. They mentioned that as tensions between Christian and Muslims had been rising, Christian community leaders issued a directive that their young women should not befriend young Muslim men, and that anyone caught doing so would be punished. Some interviewees alleged that this directive was one of the factors which sparked off the violence, but did not provide clear evidence of a direct link between the two.

Regardless of the actual causes of the fighting in June 2002, government authorities should have seen these incidents as a warning sign of the potential for further violence and taken steps to address the underlying sources of conflict in the area.

## ***2.2 The attack of February 24, 2004***

In February 2004, after nineteen months of relative peace in Yelwa, violence in the area escalated again. The trigger for the escalation appears to have been an incident on February 21 or 22 in Yamini, a predominantly Muslim village about thirty kilometers from Yelwa. A clash occurred between some Fulani, who were angry at the theft of their cattle, and Christians from Langtang South who chased the Fulani into Yamini. It was reported that the Fulani had killed several people in villages in Langtang South in retaliation for the theft of their cattle. Christians from Langtang South then killed several people in Yamini, including the local chief, Sa'adu, a Muslim Gamai in his fifties, and around eight others. They burned many houses in Yamini as well as in other villages including Lakushi, Sabon Layi and Ajikamai.<sup>23</sup> Shortly before this incident, four mobile policemen were killed as they attempted to hunt down armed men in a forest nearby. The armed men fled. According to one version of events, the armed men who had killed the policemen may have been linked to the Fulani were trying to recover their cattle.

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<sup>20</sup> Human Rights Watch interviews with people displaced from Yelwa, in Lafia, Nasarawa State, July 8, 2004.

<sup>21</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>22</sup> "Road map to peace in the southern part of Plateau State: 'the Yelwa-Shendam LG case', presented by the Gamai community of Yelwa-Inshar, Plateau State."

<sup>23</sup> Human Rights Watch interviews in Shendam and Yelwa, July 9, 2004.

On February 24, at about 6.30 a.m., Yelwa was attacked. The fighting lasted until around 3 p.m. or 4 p.m. Christians claimed the attack was initiated by Muslims, while Muslims claimed it was initiated by Christians. Human Rights Watch was not able to confirm which side started the fighting, but our research indicates that the majority of victims were Christians.

According to testimonies gathered by Human Rights Watch in Yelwa, at least 78 Christians, and possibly many more, were killed in Yelwa on February 24. Several churches were destroyed, including the Evangelical Church of West Africa (ECWA) Bishara no.1 church in the new market area, Angwan Baraya, a church of the United Church of Christ in Nigeria (UCCN, or HEKAN by its Hausa acronym) on the road leading to Langtang South, and three churches of the Church of Christ in Nigeria (COCIN), including one in Nshar, a village just outside Yelwa.

One of the most calculated and bloody incidents on February 24 was an attack on the compound of a church known as COCIN no.1, situated on the road leading to Langtang South.<sup>24</sup> At least 48 Christians were killed inside the church compound, and around 30 others outside the compound. The victims were from various ethnic groups, including Tarok, Angas and Sayawa. The majority of victims were men, but there were also several women and at least two children, aged about ten. Human Rights Watch researchers collected the names of many of the victims killed in or near the church compound.

Witnesses described how the attackers—armed Muslims—surrounded the church at around 7 a.m. and told people to go inside. Some of the attackers were wearing military uniforms. One witness said he knew they were not soldiers because their caps, belts and shoes were not those usually worn by the army; he recognized several of them as Jarawa from Yelwa. The attackers duped people into believing they were trying to protect them. A woman said that initially, she thought they were real soldiers coming to save them, because they told people they should go inside the church and nothing would happen to them. Another witness said that a number of Christians who had initially run away started to come back because the “soldiers” were telling them not to worry and they therefore thought it was safe.

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<sup>24</sup> The account of the attack on the COCIN church which follows is based on Human Rights Watch interviews with eye-witnesses and survivors in Yelwa on July 10 and 11, 2004. The testimonies quoted are from these interviews, unless otherwise indicated.

Some of those in military uniform arrived at the church in a pick-up truck, others in a vehicle similar to a fuel tanker. As the pick-up truck reached the Langtang South road, the attackers shouted “that they should start.” Witnesses heard the attackers shouting “Allahu Akbar”(God is great) and “let’s fight those *arna* (infidels), let’s kill those *arna*” as they started attacking Christians. One witness heard the attackers saying they wanted to kill all *arna* as they (the Muslims) were the ones who founded Yelwa and they didn’t want the Christians there. Another witness was able to identify some of the individual attackers as Muslim residents of Yelwa; she recognized some of their faces, including that of a man who appeared to be one of the commanders, but did not know their names.

The attack was well-organized. The attackers split into two large groups. One group, most of whom were dressed in civilian clothes, entered the church compound and attacked people there, while another group, mostly wearing military uniforms, stayed outside, shooting at those who tried to escape. Those who entered the compound used machetes, axes, or long double-edged sword-like knives known as *barandami*, while those surrounding the church used firearms. A survivor described how the attackers who entered the compound split into several groups: “If you escaped the first group, you met the second group, then the third. In every group, there were about 100 men. There were three groups inside. Outside there were many [...] Those outside had guns and climbed the fence to face those of us trying to run away.” Another witness counted seven groups of attackers, each composed of thirty to fifty men. Another said that first a group of more than 80 attackers arrived at the first gate of the church grounds, then fifty or sixty entered through the main gate.

A member of the church who was present when the attack started described what happened:

We had just finished our morning prayer. At about 7 a.m., we heard gunshots. Then we heard shouts of “Allahu Akbar” coming from the mosque. Muslims had surrounded this church and other churches [...] The attackers came through the main gate. I told them they were not the people to tell me to come into the church. I didn’t go inside the church, but many people did. They gathered them in the church. Some Hausa-Fulani had long sickles called *barandami*. They used these to kill our people. They also had guns but used them to block the roads outside and to chase people inside. They slaughtered people inside. I was able to escape [...]

I saw about fifty attackers [...] They were young men, aged between 20 and 40. There were about ten younger boys, aged 12-15, also with *barandami*. There was a commander in front telling them to kill everyone, men and women. He was a tall big man with a black complexion. He was the only commander there. Groups in different directions had different commanders.

A seventy-two-year-old Tarok man, who narrowly escaped being killed, described what he saw:

It was just before 7 a.m. We had finished the morning prayer. I heard the sound of bullets and saw fire far away. I saw an open pick-up truck with about 15 people in military uniform and a small tanker, like an oil tanker, carrying two people. They were just shouting, I couldn't hear what they said. They came to the two gates and surrounded the church. There was no way for us to get out. They came from different directions.

I went out by the side and looked out through the fence and saw the first killing there. They killed a man with machetes. They cut his legs, arms and face. They pushed him over and burned him. Then they came down the side and killed a woman there with machetes.

They entered [the church] and started attacking inside and outside [...] I was holding my bible in my bag. They caught me by one arm each. They accused me of carrying weapons. One of them had a long knife. One of them pushed me. They took my bible and 10,000 naira in my bag [...] Three of them came back with *barandami*. They were about to kill me again. I ran through. An old Muslim man took me into his house where I stayed until 6.30 p.m.

I came to the church in the evening. I saw how they had killed people, cut their legs, and burned them. I saw 34 dead in the compound and more outside. Some died in the church, some just outside. Inside, the victims were men. There were a few women who died outside. The total number killed was about 70 or 80.

Another elderly Christian man, aged seventy, recognized some of the attackers; some of them also recognized him and called him by his name. He was with his seventy-five-year-old friend, whom the attackers tried to kill; they lifted their sword and tried to cut his neck. Both men managed to escape and were saved by a Muslim acquaintance who

hid them, along with eight women and two young men, in his house close to the church premises. He stayed in the man's house until around midnight and left several hours after the fighting had stopped. The following morning, he returned to the church: "We asked the soldiers to accompany us to the church. We saw many dead bodies. There were 75 in the church premises and near the fence. I found the body of my twenty-four-year-old son. He was cut into pieces. All the other bodies were cut too."

Another survivor also saw about seventy dead bodies inside the church, killed with machetes, and at least five outside, killed with guns. Among the victims was her twenty-five-year-old son, who was shot dead as he was trying to run away from the scene; she found his corpse near a primary school.

Eventually, the military intervened and stopped the violence, within several hours. The police had been absent throughout the attack.

A number of Muslims were also killed on February 24. The estimates provided by Muslim residents ranged from 15 to 190; Human Rights Watch has not been able to substantiate these figures. Some Muslims implausibly denied any knowledge of killings of Christians on that day, or claimed that the attackers had not known that there were people in the church. Others, however, agreed that a greater number of Christians than Muslims had been killed but said they did not know the exact numbers. A local official in Yelwa claimed that Muslims had attacked the COCIN church and burned it in anger after nine Muslims were allegedly killed by Christians in the vicinity.<sup>25</sup>

Police representatives in the state capital Jos told Human Rights Watch that according to the police investigations, a total of around 78 people were killed on February 24, 48 inside the COCIN church compound and about 30 in other parts of town.<sup>26</sup> A local government official from Shendam claimed that 265 people were killed; this figure included about 20 people who were missing but not confirmed dead.<sup>27</sup> A traditional leader in Shendam claimed that in addition to 265 killed in Yelwa and the neighboring village of Nshar, 150 were killed in the COCIN church.<sup>28</sup> Human Rights Watch was not able to substantiate these higher numbers.

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<sup>25</sup> Human Rights Watch interview, Yelwa, July 9, 2004.

<sup>26</sup> Human Rights Watch interview with Plateau State Commissioner of Police Joseph Apapa, and Sotonye Leroy Wakama, Assistant Commissioner in charge of investigations, Jos, July 12, 2004.

<sup>27</sup> Human Rights Watch interview, Shendam, July 9, 2004. The figure of 265 is also cited in documents compiled by Gamai representatives.

<sup>28</sup> Human Rights Watch interview, Shendam, July 10, 2004.

### 2.3 *Other attacks: February to May 2004*

There were a number of smaller attacks on predominantly Christian villages around Yelwa between February and May, mostly attributed to armed Muslims. A chart compiled by the district head of Shendam and submitted to Shendam local government lists 22 separate incidents which took place between February 21 and May 6, 2004 in at least 17 different locations. Excluding the attacks of February 24 and May 2-3 in Yelwa (which are mentioned in the list), the information in the chart indicates that at least 82 people were killed during this period, in various locations including Tumbi, Kawo, Tukung, Goede Mangoro, Gwanzam, Kwapjur, Durka, Rawaya Gada, Tawayaya Rijija, Dungba, Saake, Yelwa-Shendam road, Rafin Baba (Haambang), Kawo-Karbang road, and Makera. In some incidents, the exact number of victims is not cited. In others, it mentions destruction of houses and property, but no deaths. Human Rights Watch researchers saw the damage and destruction in some of the villages mentioned but were not able to confirm all the incidents listed in the document.<sup>29</sup>

Christians interviewed by Human Rights Watch confirmed that there had been several attacks on Christian villages during this period, particularly at the end of February. They said that the villages of Tabat, Timshat, Tukung, Zamwe, and Tumbi, were all attacked on February 24, the same day as the attack in Yelwa. Other villages, including Kopjur, Durka, Rawaya, Kabong, Lakung, Daful, Lankaku, Karkashi, and Zamnasara, were attacked in the following days and weeks. Residents of the areas cited specific incidents. For example, ten people were reportedly killed in Timshat on February 24 and about twenty in Karkashi, in late February or early March. Three women who were members of the COCIN church—Dorkas Dashe, Ladi Doga, and Nanfe Dashe, all in their late twenties, and all from the same family—were killed in Pandam in mid-March; they had gone to see their houses which had been burnt during the attack of February 24. About two months later, in April or early May, a man and his wife were reported to have been killed in Karbang.<sup>30</sup>

There were also attacks by Christians against Muslims during this period. For example, in late February or early March, four Borghom men were killed in the village of Longvel

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<sup>29</sup> Human Rights Watch was given two versions of the same document, one by the district head of Shendam, entitled "Chronology of acts of atrocities committed by Yelwa people on the Goemai native villages with dates and various incidents without any provocation as at 10<sup>th</sup> May, 2004", the other by the deputy chairman of Shendam local government, entitled "Chronology of incidents that led to the crisis on 2<sup>nd</sup> May 2004." The information is the same in both documents. Further information on some of these incidents was also obtained in Human Rights Watch interviews, Shendam, July 9 and 10, 2004.

<sup>30</sup> Human Rights Watch interviews, Yelwa, July 10 and 11, 2004. Human Rights Watch has not been able to verify the information about each of these attacks.

and six Fulani men were killed in a nearby Fulani settlement.<sup>31</sup> According to press reports, on 26 February, at least forty people were killed in the town of Garkawa in what was thought to be a revenge by Christians for the attack on the church in Yelwa<sup>32</sup>. In early March, some Muslims returning from Shendam in a vehicle were attacked at Kawo, a majority Christian village about seven kilometers from Yelwa; nine of them were killed and thrown into a well.<sup>33</sup> Between March and early May, there were several other attacks on Muslims going to farm on the outskirts of Yelwa. At least seven people were reported to have been killed during this period.<sup>34</sup>

In March and April, violence was reported in other parts of Plateau State, including in Wase, at the end of March, and in Bakin Chiyawa, at the end of April. Twenty people were reportedly killed in each of these attacks.<sup>35</sup> Human Rights Watch has not been able to verify these reports.

#### ***2.4 The attack of May 2-3, 2004***

On May 2, Yelwa was attacked again. This attack, which lasted two days, was on a larger scale than any of the previous attacks in the area. Despite claims by some Christian leaders that it was “spontaneous,” on the basis of the testimonies of eye-witnesses and residents of Yelwa, it would appear that the attack was carefully coordinated and involved not only Christian residents of the immediate area, but also Christians from other local government areas.

As in the case of some of the earlier attacks by Christians, the perpetrators were initially described as Tarok by the media and others; in reality, it was not only the Tarok but many different groups who participated in this attack.<sup>36</sup> Eye-witnesses mentioned a wide range of tribes among the attackers, including the Tarok, Gamai, Montol, Angas, Kwalla, Birom, Sayawa, and Jukun. The victims were also from many different tribes, with only their religion in common: almost all of them were Muslim. A member of a non-governmental organization explained to Human Rights Watch: “Yelwa includes lots of

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<sup>31</sup> Human Rights Watch interview with displaced resident from Longvel, Lafia, July 8, 2004. The witness provided the names of seven of the victims.

<sup>32</sup> “Forty killed in fresh violence in Nigeria,” Reuters, February 27, 2004.

<sup>33</sup> Human Rights Watch interview, Yelwa, July 9, 2004. The names of four of the victims were provided.

<sup>34</sup> Human Rights Watch interview, Yelwa, July 9, 2004.

<sup>35</sup> “Nigerian religious feud kills 20 more, total 220,” Reuters, March 26, 2004, and “At least 20 killed in central Nigeria: witness,” Agence France-Presse, April 26, 2004.

<sup>36</sup> Ethnic labels are sometimes used as a shorthand, or inaccurately, to tarnish particular groups. In the same way that Muslims often describe all Christian attackers as “Tarok militia” even when they are from other ethnic groups, Christians often describe Muslim attackers as Hausa or Fulani, even when they are from other groups. Christians frequently use the term “Hausa” to refer to Muslims in general.

tribes. All would have been affected by the [May 2004] violence simply by virtue of religion.”<sup>37</sup>

The attack started early in the morning of May 2. Among the first victims were a Muslim woman and two children who were killed in the early hours of the morning on the outskirts of Yelwa, on the Shendam Road, where they had gone to fetch firewood. Residents who found their dead bodies alerted soldiers, who came to see the corpses and told the residents that they would return to take them away. According to the residents, the soldiers did not return.

Large groups of attackers surrounded the town from different directions and blocked all the main roads leading out of Yelwa. Witnesses estimated that they numbered several thousand and described them as an “army of men.” A man who saw the attackers as they entered the town said: “I could see them on the outskirts. It was as if they were a cloud, so dark, so many of them [...] First over 500 people came from Shendam Road. The second advance was from Langtang South Road, the third from Kalong Road, the fourth from Langtang road, and finally from Yamini Road. I could recognize the language and dialect of the attackers. The first advance from Shendam Road was made up mainly of Gamai. It was those living in Yelwa town that left after the second crisis. I could recognize some of them, I knew them by face. The second advance from Langtang South Road comprised Tarok. The third was Montol.”<sup>38</sup>

The attackers were operating in different groups and their mode of operation indicated a high level of coordination. A witness said that on May 3, “the attackers came and retreated. They had a system: one group attacked and retreated, then another group attacked.”<sup>39</sup> Most of the attackers were bare-chested and just wearing shorts or trousers. They carried a variety of weapons, including firearms, such as kalashnikovs and G3s, and machetes, knives, cutlasses, and bows and arrows. One witness said he saw three groups of attackers on May 2, one with guns, one with machetes, and one with bows and arrows.<sup>40</sup> Another explained that those who had guns shot at people and “those with knives and cutlasses came to finish off the victims.”<sup>41</sup> Many more firearms were used in this attack than in previous attacks in the area. When Human Rights Watch visited a camp for the internally displaced in Lafia, Nasarawa State, the majority of the injured

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<sup>37</sup> Human Rights Watch interview, Lafia, July 7, 2004.

<sup>38</sup> Human Rights Watch interview, Lafia, July 7, 2004.

<sup>39</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>40</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>41</sup> Human Rights Watch interview, Lafia, July 8, 2004.

there were being treated for gunshot wounds; among them was an eight-year-old girl who had been shot in the face.

The attackers were mostly adult men. Witnesses said there were several commanders among them. One witness said he saw about three commanders leading the attackers; one commander was in front, shooting, while the crowd of attackers followed.<sup>42</sup> Another witness also saw several commanders, “with one leading. He had a bigger gun. He shot as they advanced, and the others followed.”<sup>43</sup> Another described how “the commanders called each group with their hands, then told them to withdraw when the ammunition was finished, and called another group.”<sup>44</sup>

Several eye-witnesses reported independently that the attackers included soldiers and policemen, or people in military or police uniform. Some claimed to have recognized individual soldiers stationed in the area. Others said they knew these individuals were military or police because they found some of their identity cards at the scene of the attack. Human Rights Watch was not able to verify independently whether soldiers or police on active duty participated in the attack. When we reported these allegations to the police, they categorically denied that any serving police officers could have been among the attackers. Because people commonly steal uniforms of the security forces or use uniforms belonging to retired officers when carrying out such attacks, it can be difficult to ascertain whether members of the security forces were really taking part in these attacks.

The first phase of the attack lasted from around 8 a.m. until around 6 p.m. or 7 p.m. on May 2. As darkness fell, the attackers retreated. One witness said that at about 6.30 p.m., they heard the sound of whistles and the attackers withdrew.<sup>45</sup> Just before they withdrew, some of them were seen dancing and shouting “we are retrieving our town today!”<sup>46</sup> There was no fighting during the night. The following morning, on May 3, at around 7 a.m., they returned and attacked again. The killings continued until about 11 a.m. Several witnesses confirmed that the violence was worse on the second day, and that the attackers seemed even more numerous, better organized and better armed. By the end of the attack, they had cornered many Muslims into several compounds in the Angwan Galadima area of Yelwa, surrounded the area and attacked them there. Survivors described how they were “caged” in the area and became completely helpless.

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<sup>42</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>43</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>44</sup> Human Rights Watch interview, Yelwa, July 9, 2004.

<sup>45</sup> Human Rights Watch interview, Yelwa, July 9, 2004.

<sup>46</sup> Ibid.

Some said the attackers had set fire to places outside the compounds to prevent people from escaping.

The attackers specifically targeted the Muslim population of Yelwa. One witness said: “They were just killing people like that [...] They [the victims] were all Muslims. The attackers were shooting at random. I also saw women and children who had been killed [...] They were just shooting, not picking them out. When the attackers came into town on Monday, the Muslims were all in one area. The attackers shot anyone who came their way.”<sup>47</sup> Killings and widespread destruction took place in many different parts of town, including Angwan Galadima, Angwan Murtala, Motor Park, Angwan Jarawa, Angwan Iya, Angwan Jukun, Angwan Galambi, and the area around the cattle market at Zango. Numerous houses, shops, mosques, and other buildings were burnt throughout the town. Most of the victims were men; a minority were women and children. There was a higher proportion of women and children among the victims in Angwan Galadima, on May 3.

Some Muslim youths fought back soon after the attack began on May 2, throughout the day, and again on the morning of May 3. Some had weapons, others used stones. In some areas, there was fighting between the armed Muslims and armed Christians. A number of Christians were reportedly killed. However, the Christians attackers were so numerous and well-armed that they quickly overpowered even those Muslims who had weapons.

Muslim residents of Yelwa estimate that around 660 Muslims were killed on May 2 and 3. On the basis of its own research and detailed testimonies from residents, including some who buried the bodies and others who were present as the bodies were counted, Human Rights Watch believes this figure to be credible, and that the real figure may be closer to seven hundred. These figures refer only to the Muslim deaths. The number of Christians who died over the two days is not known. Most Christians interviewed by Human Rights Watch were not able to give a precise figure of the number of casualties on their side, except for the Plateau State chairman of the Christian Association of Nigeria (CAN), who claimed that there had been 70 Christians among a total of 250 people killed on May 2.<sup>48</sup>

The figure of 660 refers to the number of people buried behind the chief’s compound in Yelwa. Human Rights Watch visited the site where there were six mass graves for

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<sup>47</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>48</sup> Human Rights Watch interview, Jos, July 12, 2004.

victims of the May 2004 killings. Local residents had counted the bodies in each grave and pinned up pieces of paper showing the number in each grave: over 130 bodies in a “first grave”, over 140 in a “second grave”, 100 in a “third grave”, over 70 and over 100 in two other graves, and 140 in a children’s grave – totaling 680. (An additional “old grave”, at the same site, contained the bodies of 120 people killed during the June 2002 and February 2004 violence.) The majority of victims of the May 2004 attack were buried in this site behind the chief’s compound, but others were buried elsewhere. For example, more than thirty people killed in an attack on the Al-Amin clinic were buried in a mass grave behind the clinic. Some victims killed in other locations were buried elsewhere. Several people who had jumped into deep wells to escape their attackers were then shot dead inside the wells. As the wells were too deep to retrieve the bodies, they were left to decompose there. Two people were killed in this way in a well in Angwan Murtala, one in a well in Hayi Murtala, and another in a well at Motor Park.<sup>49</sup>

At the time of the attack, and in the days immediately following it, government officials were anxious to play down the number of victims. When Human Rights Watch visited the area in July, two months after the attack, there was still no official government figure of the number of dead. The deputy local government chairman in Shendam told Human Rights Watch he did not know the number of dead and could not give any figures until a committee set up by the state administrator had completed its report.<sup>50</sup> A police representative in the state capital Jos told Human Rights Watch: “The police saw 67 bodies on 3<sup>rd</sup> or 4<sup>th</sup> of May. The total number may or may not have been more.”<sup>51</sup>

Human Rights Watch researchers collected the names of some of the victims from people whose relatives had been killed or who had witnessed the attack. One man lost at least six members of his family, including an elderly uncle and three nephews aged ten, twelve and fifteen: “My uncle stayed at home; he did not go out to fight because he is old. On previous occasions, the attackers had never succeeded in entering the town, so he felt free to remain at home. The children followed the women to Angwan Galadima and were killed as they fled. The older two boys were shot, the youngest killed with a cutlass. I saw their bodies [...] My uncle was shot in front of the house. He was killed on the main road as he tried to run away.”<sup>52</sup>

A forty-one-year-old Hausa woman described how her husband was killed on May 3, and how she narrowly escaped death herself:

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<sup>49</sup> Human Rights Watch interviews, Yelwa, July 9 and 10, 2004.

<sup>50</sup> Human Rights Watch interview, Shendam, July 9, 2004.

<sup>51</sup> Human Rights Watch interview, Jos, July 12, 2004.

<sup>52</sup> Human Rights Watch interview, Lafia, July 7, 2004.

As we ran away from our house, we heard gunshots. My daughter was in front, I was in the middle and my husband was behind. The attackers followed us. They caught my husband and killed him, in front of someone's house. I saw it. They placed grass on him and burned him. About ten people attacked him. He was quite elderly, in his eighties. They wrestled him and overpowered him and slaughtered him with a knife. When they rounded on him, I heard them say "today, you're not going to leave." My children in front had already run ahead. I followed running. One of the attackers said: "Shoot her!" I fell down. A shot went off in the air.<sup>53</sup>

Later, she went to look for her children. She found the dead body of her eldest son, aged 21, lying on the street. He had been speared in the stomach and his neck had been cut with a knife.<sup>54</sup>

Human Rights Watch spoke to many other people who had witnessed their relatives being killed. An elderly Jukun woman, aged about eighty, described how the attackers came into her house and burned it. In her presence, they killed her two grandsons and three brothers:

They cut them [with machetes] and burned them. My grandson was slaughtered. They cut open his stomach. They cut him into pieces, brought kerosene, oil and matches, and set him on fire. They were killed outside the house, in Angwan Jukun, near the road to Ibi, on the Monday. My sister's daughter was also shot; she is now in hospital.<sup>55</sup>

A twenty-seven-year old palm-oil trader from the Tatana ethnic group was seriously injured on May 3 and his wife and son were killed:

I was shot five times [...] The first shot, on my lower left arm, was at 10 a.m. then I was shot a second time on my right arm, then my left shoulder, my abdomen and face. By this time I had fallen unconscious. I lay there for two hours. They thought I was dead. Around 4 p.m., the army came and poured water on me and I woke up [...] My wife and three-year-old son were killed in

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<sup>53</sup> Human Rights Watch interview, Lafia, July 7, 2004.

<sup>54</sup> Ibid.

<sup>55</sup> Human Rights Watch interview, Lafia, July 8, 2004.

the attack. They were at home when they heard the gunshots. As they tried to run away, they were shot, along with my friend's child.<sup>56</sup>

One of the most brutal attacks took place on May 3 at the Al-Amin clinic, a small private clinic in the Angwan Galadima area of Yelwa. The attackers burned the clinic and killed the patients inside, most of whom were being treated for injuries sustained during the violence on the previous day. About 32 people, all men, were killed at the clinic. The attackers specifically hunted down the men and allowed the women to leave. When Human Rights Watch researchers visited the clinic in July, there was still blood on the floor and an empty packet of cartridges in one of the rooms. The clinic had been almost entirely destroyed. Only the walls and the metal frames of a few beds remained. The toilet doors at the back of the clinic, where some people had tried to hide during the attack, were riddled with bullet holes.

One man, who survived with serious injuries after pretending he was dead, explained what happened. He had gone to the clinic to accompany his friend who had been shot in the foot.

I carried [my friend] on my back. We arrived at the clinic at 11.15 a.m. [...] One of the staff came out to attend to us. Then the doctor came out himself to try and remove the bullet. At this point I went to the bathroom, at the back. The attackers then entered through the door and killed all the people inside. Others waited on the fence, leaving no escape route. Six women and five men were also in the bathroom. We shut ourselves in so that the attackers would not see us. They used their gun to break the door. Then they asked us to come out. From the next toilet a boy came out. They shot him in the stomach. I saw his intestines spill out. His name was Buhari Yunusa. He was eighteen years old. The women also came out, leaving me and two other men inside. The women whom they asked to leave the toilet were not killed. They just took their wrappers, leaving them naked.

The attackers looked straight at me and raised their cutlass as if to strike. They then withdrew and left. Another attacker on the fence saw me and asked me to come out. I refused. He tried to shoot me three times with a Lebanon gun, but it did not work. Then he collected a Kalashin [kalashnikov], aimed and shot me in the stomach. The bullet entered through the front of my stomach, hit my belt and exited through the thigh. I fell on a blade and injured my back. I pretended

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<sup>56</sup> Human Rights Watch interview, Lafia, July 7, 2004.

to be dead. I put the body of Buhari over my stomach so if anyone saw me they would think I was dead. They set fire to the clinic. It was only the military intervention that prevented the fire from reaching us at the back. At 12.30 p.m., when they heard the military come, I heard the leader of the attackers say “lets go” in Tarok [...] It took me over a month to recover.<sup>57</sup>

Another survivor escaped from the clinic with deep machete wounds to his head:

On Sunday 2 May, I was at the Al-Amin Clinic when I heard gunshots from all sides. They started bringing victims and by 9 a.m. there were sixteen new people [patients]. Previously there had been ten people in the clinic. The injuries ranged from gunshots, machete wounds, burns, fractures, and broken limbs. The victims were men, women and children. The clinic itself was not attacked on the first day [...]

By 5 a.m. on Monday they had started shooting again. The fighting was much worse than the previous day. The attackers came at 12.30 p.m. By now there were 20 dead bodies at the clinic, over 30 wounded, 30 relations visiting and 40 people seeking shelter from the fighting. There were 6 staff in the theatre. In total there were approximately one hundred people in the clinic.

When the attackers came, they were speaking Hausa<sup>58</sup> [...] I heard them ask some of the visiting women if there were any people inside. The women said no. Then they asked them: “where are your husbands?” The women replied: “they have all run away”. The attackers told the women: “get out, we don’t fight with women”. The women left.

Next, one fighter said in Tarok: “This is a hospital, this is where they treat themselves, let’s burn it. Get me petrol”. After that I did not hear a noise. They set the clinic ablaze. There was much smoke and the attackers left. I escaped out of the back, into the courtyard, with five others. Some of those who were injured, but could crawl, also managed to escape. I saw the roof of the main building collapse. Those inside were burnt to ashes.<sup>59</sup>

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<sup>57</sup> Human Rights Watch interview, Lafia, July 7 and 8, 2004.

<sup>58</sup> The Hausa language is spoken by many ethnic groups in the area, not only those of Hausa ethnicity.

<sup>59</sup> Human Rights Watch interview, Yelwa, July 10, 2004.

As one of the men he was with tried to jump over the fence, the attackers realized some people were still alive:

As soon as he jumped over, I heard gunshots. The attackers said in Tarok: “there are people inside”. They came back into the compound through the side gate.

At this point I decided to lie down, amongst the bodies of those previously killed, and pretend to be dead. There was another man who was half dead and I heard them say “go and finish that guy”. They went and butchered him. One of the attackers saw me breathing and said: “that is another one lying down, he is not dead, finish him too.” They started butchering me with a machete. They struck me in four places on the right side of my head. At this point I did not feel any pain. As they left, I opened my eye and saw them moving away. The attackers said in English: “Idiot! He is finished.”

About five minutes later I heard the running of feet and people saying the soldiers were around. I got up and tied a curtain round my bleeding head. I went straight to my house in Angwan Jarawa to look for my family. All around me I saw dead bodies [...] My family were not at the house. By now I could not move any further due to loss of blood.<sup>60</sup>

By July 2004, he had still not found his wife or five of his six children: four daughters aged sixteen, nine, four, and four months, and his nineteen-year-old son. He assumed his son had been killed in the fighting. A relative had informed him that one of his daughters had been seen in a village in his wife’s area of origin, but he had not been reunited with her yet.<sup>61</sup>

The army did not intervene to stop the fighting in Yelwa until the late morning of May 3, a day and a half after the attack began. When the soldiers eventually arrived between 11 a.m. and 12 noon, the attackers dispersed within a short time. The soldiers, who came in several vehicles and at least two armored cars, chased after some of the attackers as they tried to run out of the town and reportedly arrested some of them. The violence stopped soon after the soldiers’ arrival.

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<sup>60</sup> Ibid.

<sup>61</sup> Ibid.

## 2.5 *The response of Christian representatives to the May 2-3 attack*

Some Christians told Human Rights Watch that the attack of May 2-3 may have been a spontaneous reaction to reports that in the early hours of May 2, Muslims attacked the predominantly Christian village of Kawo, just outside Yelwa, and killed one Christian. They described this as the final straw which provoked the attack against Muslims in Yelwa later that day. In the list of incidents from February to May 2004 compiled by the district head of Shendam (referred to above), the May 2-3 attack on Yelwa is simply described as follows: “Attack Kawo again and killed 1 person leading to general reaction which then culminated into the Yelwa crisis of 2<sup>nd</sup> and 3<sup>rd</sup> May, 2004 with loss of lives and properties.”<sup>62</sup> Human Rights Watch was not able to independently confirm the events in Kawo. However, even if the attack in Kawo did take place as alleged, it is very unlikely that without advance planning, Christians would have been able to mobilize and arm so many people and launch such a large-scale attack on Yelwa within a few hours, or less.

A few Christians admitted to Human Rights Watch that the attack on Yelwa had been planned but they described it as an inevitable reprisal for the string of earlier attacks by Muslims against Christians, including but not limited to the February 24 attack in Yelwa, the attack on Kawo, and attacks on other Christian villages in the preceding months. However, the explanations provided by some Christian leaders were contradictory. On the one hand, they described the attack of May 2-3 as spontaneous; on the other, they stated that Christians had been preparing and organizing themselves to retaliate for some time. In a typically confusing response, a traditional leader and a representative of the Gamai Unity and Development Organization (GUDO)—an organization representing the interests of the Gamai ethnic group—told Human Rights Watch: “Sunday [May 2] was D-Day, either now or never. We were forced in self-defense. We were pushed to the wall and had to find a way out. There was no appointed day. It was spontaneous. If there had not been the attack on Kawo and the advance on Shendam, the attack of May 2 would never have happened.”<sup>63</sup> A local government official in Shendam acknowledged that the attack on Yelwa in May 2004 was a “single major attack” but claimed that “cumulatively, the February attack was worse taking into account the other incidents that followed.”<sup>64</sup> The President of the Church of Christ in Nigeria (COCIN) in Plateau State also stated: “The lives lost on 2 May cannot be compared to the Wase

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<sup>62</sup> “Chronology of acts of atrocities committed by Yelwa people on the Goemai native villages with dates and various incidences without any provocation as at 10<sup>th</sup> May, 2004,” by Leonard U. Shaiyen, District Head of Shendam, May 10, 2004.

<sup>63</sup> Human Rights Watch interview with Leonard Shaiyen, Maidaki (traditional leader) of Shendam district, and Ambrose Naanlong Gapsuk, spokesman for the Gamai Unity and Development Organization (GUDO), Shendam, July 10, 2004.

<sup>64</sup> Human Rights Watch interview, Shendam, July 9, 2004.

attacks and the February attack in Yelwa. I call it defense [...] People can't just sit and be killed."<sup>65</sup>

The determination of some Christians to chase all Muslims out of Yelwa was illustrated by an alarming comment made by a Christian leader in Shendam to a journalist who visited the area immediately after the attack. He told the journalist that if they had had four extra hours, no soul would have remained in Yelwa.<sup>66</sup>

Human Rights Watch spoke to a Christian Gamai, who was formerly in the army, who claimed to have mobilized and trained large numbers of Christians in the area in the period leading up to May 2. He had not been living in the area during the events of June 2002 and February 2004, but decided to return at the end of March 2004, specifically for the purpose of organizing Christians to defend themselves against Muslim attacks, "because Christians were being massacred and slaughtered like rams." He boasted about how he had mobilized "all the Gamai in Gamai land" (the area in and around Shendam) and trained them in military skills. He made no secret of how they had prepared themselves and how he had "encouraged Gamai youths to protect Gamai land in case there was any attack." He complained about the arrest of 39 Christians by soldiers following the attack of May 2-3 in Yelwa. When Human Rights Watch researchers asked him whether those arrested had participated in the violence, he said: "Even if they did, it was war. Now it is peace. They shouldn't be arrested." In a sign of the intransigence which persists among some sectors even since the situation has calmed down, he said: "Before there is peace, there must be a village head in Yelwa who is a Gamai man."<sup>67</sup>

Human Rights Watch encountered attitudes of intransigence and prejudice among a number of Christian and Muslim religious and traditional leaders, at local, state and even national level. Two months after the events, some were still speaking in hostile and sometimes inflammatory language and refusing to accept that their members had initiated any of the attacks, other than in "self-defense." A traditional leader and an elder in Shendam, both Christians, described Yelwa as "an Afghanistic citadel" and claimed that groups in Yelwa had links with Al-Qaida.<sup>68</sup> The Plateau State chairman of CAN described the events in Yelwa as follows: "Terrorists came in for a holy war from inside

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<sup>65</sup> Human Rights Watch interview with Rev. Alexander Lar, President of COCIN, Jos, July 12, 2004.

<sup>66</sup> Human Rights Watch telephone interview, May 10, 2004.

<sup>67</sup> Human Rights Watch interview, Shendam, July 9, 2004.

<sup>68</sup> Human Rights Watch interview with Leonard Shaiyen, Maidaki (traditional leader) of Shendam district, and Ambrose Naanlong Gapsuk, spokesman for the Gamai Unity and Development Organization (GUDO), Shendam, July 10, 2004.

and outside the country. They were fighting a jihad. Christians conquered them.”<sup>69</sup> Another Christian leader in Jos said: “Every time, the Muslims start the problem and the Christians always suffer. Nowhere have Christians started this problem.” Ignoring the fact that the violence in Plateau State had started in 2001, he stated: “Christians were killed in a church and everything else is a result of that.”<sup>70</sup> Even the Anglican Primate of Nigeria and national president of CAN, Archbishop Peter Akinola, told Human Rights Watch: “I don’t have records of Christian groups going out deliberately to attack. The church says turn the other cheek, but now there is no other cheek to turn. Some Christians are struggling for survival in their land.”<sup>71</sup>

## 2.6 *The response of the security forces*

All the witnesses interviewed by Human Rights Watch confirmed the absence of police and military during the attack in Yelwa until late in the morning of May 3. There is a police station in Yelwa, but residents told Human Rights Watch that the small police presence which had been stationed there had left the town completely at the end of April.<sup>72</sup> Community leaders reported to the local government that all police had vacated the area on April 24. In a security meeting in which a police representative was present, they were told that the situation was a threat to the lives of police officers based there.<sup>73</sup>

When Human Rights Watch asked the state police command in Jos why they had withdrawn their officers from Yelwa in the days before the attack, they denied having done so. The Assistant Commissioner of Police in Charge of Investigations in Plateau State gave the following explanation:

After 24 February, most of the police in Yelwa were Christians. They felt threatened, or were threatened, so the strength of the station was reduced. Normally there are twelve or thirteen policemen for Yelwa. In Shendam, there are about 130 or 150. Those who left Yelwa were not replaced [...] where would we replace them from? After 24 February, there were only one or two Christian officers in Yelwa.

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<sup>69</sup> Human Rights Watch interview with Rev. Yakubu Pam, CAN chairman, Plateau State, Jos, July 12, 2004.

<sup>70</sup> Human Rights Watch interview with Rev. Dr Musa Asake, General Secretary, Evangelical Church of West Africa (ECWA), Jos, July 12, 2004.

<sup>71</sup> Human Rights Watch interview with The Most Revd. Peter J. Akinola, Anglican Primate of Nigeria, Abuja, June 30, 2004.

<sup>72</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>73</sup> Human Rights Watch interview, Yelwa, July 9, 2004.

It is not correct that the police were withdrawn from Yelwa in April. They were there at the time of the attack. There were at least 2,000, possibly 3,000 attackers on 2 May. What would you do with even twelve officers? [...] We had no communication. Yelwa couldn't communicate with Shendam until the attack was virtually over. The roads were barricaded by the attackers. The attack took place at night. The police traditionally do not operate at night.<sup>74</sup>

Some witnesses mentioned that on May 2, a Yelwa resident had alerted the government of neighboring Bauchi State to the situation. In response, soldiers were dispatched to Yelwa, but when they reported to the local authorities in Shendam first, local government officials and traditional leaders in Shendam allegedly told them that there was no need for them to go to Yelwa as the situation there was calm. It was not until the following day, after a resident who managed to escape from the fighting went to Shendam to get help, that the soldiers came to Yelwa. Several witnesses gave a similar account of these events.<sup>75</sup> Human Rights Watch was not able to obtain confirmation of their account from military sources.

The permanent secretary for security of Plateau State government told Human Rights Watch that soldiers who had been deployed to Yelwa in February 2004 had remained there ever since, although their number was reduced when "peace returned" after the February 24 attack, and some were deployed from Yelwa to other locations.<sup>76</sup>

When the army finally intervened on May 3, they were able to stop the killings within a short time. This suggests that if the security forces had intervened earlier, many lives might have been saved.

Once calm was restored in Yelwa after May 3, police and army reinforcements were sent to the town on orders from the federal capital Abuja. However, some police and local government officials showed a complete lack of concern for the injured. Health workers trying to assist the injured in the days immediately after the attack were surprised that the local authorities did not offer them the facilities of Shendam hospital to treat the victims. Instead, the chairman of Shendam local government told them to "treat those you can and leave the others to their fate." When they then approached the Divisional Police Officer and asked him for a police escort to transport the casualties outside the area for

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<sup>74</sup> Human Rights Watch interview with Joseph Apapa, Plateau State Commissioner of Police and Sotonye Leroy Wakama, Assistant Commissioner in Charge of Investigations, Jos, July 12, 2004.

<sup>75</sup> Human Rights Watch interviews, Lafia and Yelwa, July 7-10, 2004.

<sup>76</sup> Human Rights Watch interview with Timothy Parlong, Permanent Secretary for Security, Jos, July 13, 2004.

treatment, he refused.<sup>77</sup> Eventually, they were able to transport some of the injured to Lafia, capital of Nasarawa State, escorted by mobile policemen.<sup>78</sup>

A twenty-five-year-old Jarawa man who was seriously injured on May 3 had to have his arm amputated after the police failed to provide him with medical treatment. On May 3, he and another person were hiding in the boot of a car, trying to escape from Yelwa, when they were attacked on the Shendam road:

At about noon, we met a roadblock at a bend in the road after Tumbi, close to Yelwa. The driver hit the concrete blocks. We fell out of the boot. The attackers captured the second person who was in the boot; I later found out he was shot dead. I ran away. They were shooting while I ran. The bullets hit my arm. [...] I ran into the bush. There was just the skin left on my arm. My bones were broken from the elbow to the wrist. I trekked in the bush for about sixteen kilometers with my arm bleeding. I was running so I got exhausted and had to stop, rest, and start again. I reached Shendam after about three hours.

The police caught me in Shendam. They took me to the police station. I spent two days there. They didn't give me any medication. By the second day, my arm was rotting. On the second day, a policeman asked me which tribe I was from. I said Jarawa and that my parents were from Bauchi, living in Yelwa. The policeman said: "Do you mean you came here as settlers and made money and now are molesting us in our own land?" They took me back to the cell. My arm started smelling on the third day. On the first day, I was not given any food or water. On the second day, I was given only water. They stamped on my legs with their boots [...]

They carried me from the police station to the military barracks. They said: "look at you. They must cut off your arm." [...] There I was put in a vehicle and taken to Kwande, then put in another vehicle and brought to Lafia. I didn't receive any medical treatment until I reached Lafia the same day. I went straight to hospital. They said there was nothing they could do and they would have to amputate from above the elbow.<sup>79</sup>

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<sup>77</sup> Human Rights Watch interview, Jos, August 3, 2004.

<sup>78</sup> The mobile police have a different command from the regular police.

<sup>79</sup> Human Rights Watch interview, Lafia, July 8, 2004.

By July 2004, there were about 120 mobile policemen deployed in Yelwa and Shendam, in addition to the normal police force, and about 50 soldiers. A joint police and military operation was patrolling the area most affected by the violence in the southern part of the state, including with helicopters. State government officials interviewed in early August said that there were 800 police officers (mobile police and regular police), many deployed from outside the state, and 800 soldiers, mostly from the 3<sup>rd</sup> Armored Division in Jos, deployed in the southern senatorial zone of Plateau State, concentrated in particular around Yelwa, Shendam, Wase, and Kadarko.<sup>80</sup> By early 2005, a smaller police and military force was still present, but the area was no longer a “military zone”.<sup>81</sup>

## ***2.7 Abduction of women and children and sexual abuse***

In addition to the widespread killings, the attackers abducted scores of Muslim women and children and took them away from Yelwa, to private homes in a variety of villages in the surrounding area, some situated at quite a distance from Yelwa. Some witnesses estimated that at least two or three hundred were abducted; some quoted even higher figures. A police official referred to a list of more than 370 people who had been abducted.<sup>82</sup> Many of the women and children were taken from the area in Angwan Galadima where the attackers had cornered the population on May 3. The attackers threatened to kill them if they refused to go with them.

The attackers gradually released the women and children over the following days and weeks. Many were released in the days immediately following the attack; others were kept for several weeks. When Human Rights Watch researchers visited Yelwa in July, some had still not been released. The army and the police were trying to trace their whereabouts and had managed to free some of them from their captors.

A number of women who were abducted were raped by their captors. They were distributed among them as “wives” and were kept in houses, in different locations, where they were repeatedly raped, some by several men. They were not allowed to go out of the houses, except to accompany the men to farms where they were made to work. Some said that during their period in captivity they were fed pork and locally-brewed alcohol—both of which are prohibited in Islam.

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<sup>80</sup> Human Rights Watch interview with John Gobak, Secretary to the State Government, and Timothy Parloug, Permanent Secretary for Security, Jos, August 3, 2004.

<sup>81</sup> Human Rights Watch telephone interview with Ezekiel Dalyop, Director of Press Affairs, Plateau State government, April 27, 2005.

<sup>82</sup> Human Rights Watch interview, Yelwa, July 10, 2004.

Some of the children were also made to work on the farms, fetch water, or look after livestock for their captors. The abducted children were of different ages, from teenagers to babies just a few months old, some of whom were on their mothers' backs. For example, the eleven-year-old daughter of a man called Tanko, who was killed on May 3, was among those abducted; his eight-month-old baby girl was also snatched from his wife. They were later released.<sup>83</sup> A fifty-five-year-old man told how his two granddaughters, aged between six and nine, were abducted and held for around one month. The two girls were kept together in a house; the nine-year-old was sent to work on the farm.<sup>84</sup>

Human Rights Watch researchers spoke to several of the women who had been raped. One eighteen-year-old girl was taken to a house in Garkawa, on foot. The man who took her there kept her in the house for one week. She was eventually rescued by soldiers:

He didn't allow anyone in. He didn't want anyone to know I was there. I could identify him even today [...] The day we got to the house, at about 2.30p.m, he told me to bathe. Then he tried to use me. I refused. He said he would kill me and took out a gun. I had to submit. It happened many times, in the day or night, at any time. I stayed there one week. He didn't even feed me. He just gave me the sweet part of the *bukutu* [locally brewed alcohol]. I was not allowed out at all. If we heard vehicles, he would say "run, the soldiers are coming to pick you!" and run back into the house. He took me to the farm twice and made me weed. Then he used me in the evening. Once I heard the vehicles of soldiers. He told me to go inside but I refused. I went out. He pulled me back. I shouted. Some soldiers came and carried me out. The man escaped by jumping over the fence.<sup>85</sup>

A twenty-seven-year-old Pyem woman was abducted with her three children, after her husband and about forty other people were killed in their house in Angwan Baraya Street in Yelwa, on May 3. She was captured along with six other women and about thirty children.

The fighters took me and other women to their houses. They forced us to eat their own food, pig meat or dog meat. They took me to a house in Zamko.

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<sup>83</sup> Human Rights Watch interview, Lafia, July 8, 2004.

<sup>84</sup> Ibid.

<sup>85</sup> Human Rights Watch interview, Lafia, July 8, 2004.

There were about forty women and children in the house. They forced me to drink beer. I said I didn't want to. They said: "eat the food or we will kill you." They took us to the farm to work. Some of us had to sleep with them. I had to sleep with three men, many times. I spent three weeks in the same house. The man who lived there is Jacob. He was among the three I slept with. They were all Tarok. I don't know the names of the others. They were just visiting.

All the women were forced to sleep with the men. If we refused, they beat us or threatened to kill us. They killed one woman because she rejected them. She was Hanatu, about the same age as me. They shot her and she died immediately.

They didn't hurt the children but forced them to eat their food. They took them to the farm. There were boys and girls, aged 9, 10, 12. My three children, aged 7, 9 and 11, were with me.

When the soldiers came, the fighters released us, on Monday. The soldiers just asked them to release us and they did. Some women are still there. They refused to give all of them back. They released me and two of my children but my son, aged 11, stayed behind. They refused to give him back. He is still there now.<sup>86</sup>

A twenty-seven-year-old Jukun woman was abducted on May 3 along with about sixteen other women and about ten male children:

They took us to Zamko, beyond Garkawa. There were about 100 in the group who took us. They were wearing shorts and had leaves on their heads. They said they had already slaughtered the men [...] They beat us and insulted us. They said they had finished with our husbands and pitied us, that was why they were carrying us with them. They took us to different places. I was taken to a house in Rimi with my two-year-old daughter by one of the men. He was Tarok or Yergam.

Residents of Yelwa told Human Rights Watch about other women who had also been raped. One woman was reportedly sexually abused by five men during her abduction. In another case, three men had argued over a woman whom each of them wanted as his "wife". A fourth man said that as they couldn't agree on who would take her, he would

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<sup>86</sup> Human Rights Watch interview, Yelwa, July 10, 2004.

kill her. According to other women who were present at the time, he then shot her dead.

In the weeks following the attack of May 2-3, police officers and soldiers were sent to search for the women and children who were still held. They succeeded in releasing some of them. However, by July, they had still not started investigating reports of rape. A deputy superintendent of the mobile police, who had been deployed to Yelwa in the second week of May, told Human Rights Watch: “They [the abductees] were well kept. There was no molestation and no killing. I don’t know if any woman was abused. I didn’t receive any such report.” When Human Rights Watch researchers told him about the many reports of rape they had received, he said: “I haven’t had any reports so I consider it to be a minor issue.” He said that the absence of female police officers made it difficult to investigate such cases and undertook to ask his command in Abuja to send some female police officers to Yelwa. When asked how many people had been arrested in connection with the violence since his arrival in Yelwa, he said: “I have not been asked to arrest anyone, but to recover property and missing people.”<sup>87</sup>

At state level, the response of the assistant commissioner of police in charge of investigations in Jos also indicated that no serious investigations into sexual abuse had been launched. He told Human Rights Watch that over 137 Muslim women and children had “escaped to Christian hamlets in the bush” but that they were not harmed, and about one month after the attack, were handed back through the police to their community. When Human Rights Watch raised the specific reports of rape, he said: “Of course it is probable that one or two were raped and people abducted. We were not given names. We will look into it.”<sup>88</sup>

## **2.8 *The aftermath of the May 2-3 attack***

The May 2-3 attack in Yelwa quickly led to further attacks in Plateau State. On May 18—the day on which the state of emergency was declared—four or five Christian villages around Bakin Chiyawa, near the border with Nasarawa State, were attacked, allegedly by Muslims in retaliation for the attack on Yelwa. Media reports claimed that dozens of Christians were killed in these villages. A journalist who visited the area soon after these attacks estimated that 30 or 40 people may have been killed.<sup>89</sup> Documents by the Gamai Unity and Development Organization (GUDO) allege that 74 people were killed on May 18 in five different villages: Sabon Gida, Jirim, Gidan Sabo, Saminaka, and

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<sup>87</sup> Human Rights Watch interview, Yelwa, July 10, 2004.

<sup>88</sup> Human Rights Watch interview, Jos, July 12, 2004.

<sup>89</sup> Human Rights Watch interview, London, June 2, 2004.

Bakin Chiyawa.<sup>90</sup> However, other journalists, police sources, and the Administrator himself, claimed that the initial reports may have been inaccurate.<sup>91</sup> Human Rights Watch was not able to conduct its own research into these attacks.

After the May 18 incidents and the imposition of the state of emergency in Plateau State, violence decreased. There have been no reports of major attacks between mid-May 2004 and April 2005. However, Nigerian newspapers reported sporadic incidents between the end of May and early August 2004, in various parts of the state including Langtang North, Wase, and Qua'an Pan, with a few people killed or injured in each incident.<sup>92</sup> A further incident in Wase, in which two people were killed, was reported in February 2005.<sup>93</sup> Human Rights Watch has not been able to verify these reports. Cattle-rustling was also reportedly continuing in the southern part of the state.

### **3. Internal displacement**

Each of the major attacks in Plateau State resulted in large movements of population. After the February 24, 2004 attack, almost all Christians moved out of Yelwa, and the town became a no-go zone for Christians. After the May 2004 attack, the number of displaced was even higher: tens of thousands of Muslims moved out of their homes in Yelwa and the surrounding area. Of a population of around 32,000, only around 1,000 people were left in the town of Yelwa following the May 2004 massacre. It was an indication of the extent of Muslims' fears that most of them felt safer fleeing to neighboring Nasarawa and Bauchi states, rather than to other parts of Plateau State. Likewise, those who were injured in the May attack sought treatment in hospitals in those two states, rather than in the Plateau state capital Jos. For several days after the attack, the roads leading out of Yelwa were patrolled by predominantly Christian armed youths, making it extremely difficult for Muslims to move freely.

By June 2004, an estimated 40,000 to 60,000 people from Plateau State were internally displaced, either within the state or in neighboring states.<sup>94</sup> The majority of these had

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<sup>90</sup> "The Yelwa crises in perspective" and "Yelwa crises: the ulama, the media and the rest of us," both signed by Stephen Sarki Musa, Secretary General, Gamai Unity and Development Organization (GUDO), May 2004.

<sup>91</sup> See cover story and "A trip to Yelwa-Shendam" in *Weekly Trust*, June 5-11, 2004.

<sup>92</sup> See for example "Plateau: 2 killed, 20 houses razed in fresh fighting," *ThisDay*, August 6, 2004, and "5 killed as Plateau boils again – 36 speakers back emergency rule," *Daily Champion*, May 27, 2004.

<sup>93</sup> See "Plateau: Hausa/Fulani, Taroh may clash again," *Daily Independent*, March 8, 2005.

<sup>94</sup> A number of national and international humanitarian organizations assisting the displaced advanced figures within this range. See for example "Consolidated Appeals Process (CAP): Humanitarian Appeal 2005 for West Africa," United Nations Office for the Coordination of Humanitarian Affairs (OCHA), November 11, 2004, which refers to the displacement of more than 57,000 people; and "Nigeria: Villagers running scared despite state of

fled as a result of the May 2-3 attack in Yelwa, but some had fled from violence in other locations. Several camps were set up for the internally displaced in Nasarawa and Bauchi states. The National Emergency Management Agency (NEMA), a governmental body with structures at both federal and state level, provided some assistance, mostly in the form of distribution of relief materials and resettlement of those wishing to return. However, as in other conflicts in Nigeria, the federal government stated that it would not provide compensation to those affected by the violence. National and international non-governmental organizations, including the Nigerian Red Cross, Médecins Sans Frontières, and some Islamic relief organizations, as well as United Nations agencies, also provided medical and logistical assistance and other immediate relief in the camps for the displaced.

Some families were displaced several times by the violence in different locations. For example, a Hausa woman who had been living in Wase fled to Yelwa because of the fighting in Wase in August 2002, during which more than 40 of her neighbors were killed and her house was destroyed. She and her family then found themselves in Yelwa during the violence of February 2004, then again in May 2004. Her husband and her eldest son were killed in Yelwa in the May attack, and her eleven-year-old son was seriously injured. She and her remaining children fled Yelwa and were living in a camp for the internally displaced in Lafia in July 2004 when Human Rights Watch met them. She told us: “Now I don’t know where I’m headed to. Our house in Wase has been burnt. Our house in Yelwa has been burnt. I’ve left everything to God.”<sup>95</sup> A Fulani man in his thirties left Longvel village, where he lived, after it was attacked in February 2004 and his house was burnt. He moved to Shendam, but there was further tension there and he did not feel safe, so about a month later, he decided to leave Shendam and moved to Yelwa. He was living in Yelwa when the May 2004 attack took place; he witnessed many killings and was himself injured twice, once seriously when he was shot in the arm. He fled to neighboring Nasarawa State, where he was receiving treatment for his injury when Human Rights Watch spoke to him in July.<sup>96</sup>

From late May onwards, people gradually began returning to Yelwa. Most of the internally displaced people from Yelwa whom Human Rights Watch interviewed in Lafia, Nasarawa State, in July told Human Rights Watch that they wanted to return, despite the extensive destruction of the town and, in many cases, the loss of their homes and livelihood. Only a minority said they were not prepared to return until the security

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emergency,” Integrated Regional Information Network (IRIN), May 3, 2004, which quotes a Red Cross estimate of 50,000 people in camps bordering Plateau State.

<sup>95</sup> Human Rights Watch interview, Lafia, July 7, 2004.

<sup>96</sup> Human Rights Watch interview, Lafia, July 8, 2004.

in Yelwa had improved, or until a political solution to the conflict had been found.<sup>97</sup> By early 2005, the camps for the displaced had gradually emptied, but a few thousand people remain displaced in Bauchi State.<sup>98</sup>

## **V. The Government's Response to the Violence in Plateau State**

### **1. The state of emergency**

On May 18, 2004, two weeks after the Yelwa massacre, President Obasanjo declared a state of emergency in Plateau State. He suspended the state governor, Joshua Dariye, the deputy governor, and the state house of assembly, and appointed an interim Administrator, retired Major General Chris Alli, to run the state for a six-month period. On June 1, the National Assembly passed eight new regulations, called Emergency Powers Regulations, which gave the Administrator and the security forces in Plateau State sweeping new powers, including the power to detain people without a written order, to conduct searches without a warrant, and to ban public processions, demonstrations or public meetings.<sup>99</sup>

In his public broadcast on the state of emergency, President Obasanjo described the situation in parts of Plateau State as “near mutual genocide.” He blamed the continuing violence on Governor Dariye, declaring: “As at today, there is nothing on ground and no evidence whatsoever to show that the State Governor has the interest, desire, commitment, credibility and capacity to promote reconciliation, rehabilitation, forgiveness, peace, harmony and stability. If anything, some of his utterances, his lackadaisical attitude and seeming uneven-handedness over the salient and contending issues present him as not just part of the problem, but also as an instigator and a threat to peace [...] His personal conduct and unguarded utterances have inflamed passions.”<sup>100</sup>

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<sup>97</sup> Human Rights Watch interviews, Lafia, July 7 and 8, 2004.

<sup>98</sup> See IRIN report “Nigeria: Plateau state IDPs face daunting obstacles to return to ‘home of peace and tourism’”, February 18, 2005.

<sup>99</sup> The eight new regulations were the Emergency Powers (General) Regulations 2004; Emergency Powers (Processions and Meetings, etc); Emergency Powers (Reporting of Persons) Regulations 2004; Emergency Powers (Control of Arms and Explosives) Regulations 2004; Emergency Powers (Curfew) Regulations 2004; Emergency Powers (Detention of Persons) Regulations 2004; Emergency Powers (Restriction Orders) Regulations 2004; and Emergency Powers (Protected Places) Regulations 2004.

<sup>100</sup> “Broadcast by His Excellency, Chief Olusegun Obasanjo GCFR, on the imposition of a state of emergency in Plateau State, Tuesday May 18, 2004.”

Many people interviewed by Human Rights Watch also blamed Governor Dariye for the violence. Dariye had become deeply unpopular, even among Christians, especially since the Jos crisis of 2001. There is no doubt

The imposition of the state of emergency was an unprecedented move on the part of President Obasanjo. The fact that he took such an exceptional measure may have indicated a long-overdue recognition of the need to address the escalating violence in Plateau State, but it also provided evidence of his government's failure to take the problem seriously over the preceding three years. Had the federal government acted earlier, many lives might have been saved without resorting to extreme measures. Instead, the government allowed the situation to spiral out of the control. It failed to respond in any effective way to the violence in Jos in 2001, to the numerous incidents of violence in others parts of Plateau State throughout 2002 and 2003, and to the February 2004 attack in Yelwa. It was only after a massacre of unprecedented proportions occurred—around 700 people killed in two days in Yelwa—that it finally reacted.

The declaration of the state of emergency provoked strong reactions across Nigeria—far stronger, in fact, than the reactions to the massacre of hundreds of people in Yelwa or the continuing violence in Plateau State over the previous three years. Many organizations, including civil society groups and lawyers in Lagos, Abuja, and other cities far from Plateau State, denounced the move as unconstitutional and a violation of democracy. Within Plateau State, reactions quickly became polarized. Christians accused the president of being one-sided, complaining that he had only declared a state emergency when Muslims were the victims; some suggested that in order to be even-handed, the president should also have declared a state of emergency in Kano in response to the May 2004 killings of Christians there. Many Muslims, on the other hand, received the news positively and interpreted it as a sign that the federal government was finally taking the situation seriously. A Muslim leader in Jos told Human Rights Watch: “Muslims in Plateau are very happy with the state of emergency because it has brought peace among us as Muslims and between Muslims and Christians. There are no more disturbances. There is a cordial atmosphere and we now accept each other. We regret the past... We are celebrating the state of emergency and want it to be extended.”<sup>101</sup>

As the situation remained relatively calm over the following months, some of the initial objections to the state of emergency gradually dissipated. Fears that the security forces would abuse their powers under the state of emergency by harassing or ill-treating the population did not materialize. Critics began to acknowledge that the state of emergency may have contributed to restoring calm, at least temporarily, while reiterating their in-principle objections to the manner in which it was imposed. For example a local

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that his neglect of the conflict since 2001 contributed to an escalation of the violence. However, Human Rights Watch was not able to confirm whether Dariye or other government officials actively instigated the violence.

<sup>101</sup> Human Rights Watch interview, Jos, July 12, 2004.

government official in Shendam told Human Rights Watch: “The state of emergency is infringing freedoms but has brought relative calm.”<sup>102</sup> A traditional leader in Shendam said that the state of emergency had created psychological fears, but also discipline “in mind and behavior. The presence of law enforcement agents puts people on guard.”<sup>103</sup>

On November 18, 2004, the state of emergency was lifted, and Joshua Dariye was returned to the post of Governor of Plateau State. Since then, the situation in Plateau State has remained relatively calm. The state of emergency might have played a part in restoring calm, or the violence may simply have run its course, as happened on earlier occasions, for example after the Jos 2001 crisis. However, the fundamental problems which gave rise to the conflict—in particular, the different communities’ longstanding grievances over the control of economic resources and political positions and the definition of “indigeneship”—have still not been addressed in an effective or sustained way. Many of the initiatives launched by Administrator Chris Alli during the state of emergency, described below, have not been completed; some have been suspended mid-way. Any progress which may have been achieved under the state of emergency could be short-lived if the government fails to ensure that initiatives aimed at preventing further violence are followed up.

## **2. *Peace initiatives***

Soon after his appointment, Administrator Chris Alli developed an ambitious six month program to restore peace to the state. Known as the Plateau Peace Program, it included, as a central component, dialogue between religious, ethnic and community leaders aimed at preventing further violence.<sup>104</sup> The dialogue was structured into three phases: dialogue between the government and the people, dialogue between the people, and a peace conference involving the whole state. The Administrator emphasized that solutions must come from the communities directly affected, rather than be imposed from the outside. He asked all communities and ethnic groups to submit memoranda outlining their view on the causes of the crisis.

A few days after assuming office, Chris Alli also announced an initiative to encourage people to hand in their weapons in exchange for a financial reward and a promise not to prosecute them for illegal possession of weapons. The success of the initiative was

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<sup>102</sup> Human Rights Watch interview, Shendam, July 9, 2004.

<sup>103</sup> Human Rights Watch interview, Shendam, July 10, 2004.

<sup>104</sup> The Plateau Peace Program of Maj. Gen. MC Alli (Rtd), May-November 2004, signed by John G. Gobak, Secretary to the State Government, June 15, 2004. Human Rights Watch also discussed the program with Administrator Chris Alli and Ezekiel Dalyop, Director of Press Affairs, Plateau State Government, Jos, August 3, 2004.

limited at first, and the deadline for surrendering weapons was extended.<sup>105</sup> In a speech to inaugurate the study group committee, Chris Alli reminded people that those who surrendered firearms would be rewarded and encouraged others to hand in their weapons.<sup>106</sup> In parallel with this effort, there were sporadic reports of police recovering or intercepting arms in various parts of the state.<sup>107</sup>

The peace initiatives launched under the state of emergency seemed to create a momentum for dialogue between opposing sides which no government initiative had achieved in Plateau State before, perhaps because the extent of the violence in Yelwa had been so shocking. On July 2, Christian and Muslim leaders, meeting as members of the Christian Association of Nigeria (CAN) and Jama'atu Nasril Islam (JNI, the Muslim umbrella organization), submitted a peace agreement to the government. In their declaration, they agreed, among other things, to cooperate towards the success of the peace program; that religion had been "used and exploited for political and other mundane interests thus inflaming conflicts resulting in open violence and resolved to adopt measures that will stop this ugly practice;" and they called for "all the tribes in Plateau State to imbibe the culture of mutual respect and tolerance."<sup>108</sup> A similar commitment to peace was contained in a communique by representatives of various ethnic groups in Wase local government area.<sup>109</sup>

Various committees were set up as part of the peace program, including three peace committees (one for each zone of Plateau State) and a "study group on critical issues such as the citizenship / indigeneship / settler, Christian/Muslim, Land Use/Ownership etc."<sup>110</sup> The terms of reference of what became known as the Study Group Committee were outlined in a speech by Chris Alli on July 2. Most of them related to the preparation of the peace conference.<sup>111</sup>

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<sup>105</sup> See "Cash payments offered for militia guns in troubled Plateau," IRIN, May 24, 2004, and "Plateau rewards weapon returnees tomorrow," *Daily Trust*, June 29, 2004.

<sup>106</sup> Address presented by His Excellency, the Administrator of Plateau State Major-Gen. Chris Alli (rtd) on the occasion of the inauguration of a study group committee held at the conference hall of the Administrator's Office, Rayfield, on Friday 2<sup>nd</sup> July, 2004.

<sup>107</sup> See for example "Police recover arms, arrest 15 Plateau militiamen," *ThisDay* (Lagos), September 1, 2004.

<sup>108</sup> "The Plateau State Peace Declaration of Religious Leaders made on 2<sup>nd</sup> July, 2004."

<sup>109</sup> "Communique at the end of interactive session among the various communities of Wase local government area held in the conference hall of the Government House Rayfield, Jos on Thursday 24<sup>th</sup> June, 2004." The communities listed are the Jukun, Tarok, Hausa, Bashar, Jarawa, Fulani, and Bogghom.

<sup>110</sup> The Plateau Peace Program of Maj. Gen. MC Alli (Rtd), May-November 2004, signed by John G. Gobak, Secretary to the State Government, June 15, 2004.

<sup>111</sup> Address presented by His Excellency, the Administrator of Plateau State Major-Gen. Chris Alli (Rtd) on the occasion of the inauguration of a study group committee held at the conference hall of the Administrator's Office, Rayfield, on Friday 2<sup>nd</sup> July, 2004.

The peace conference began on August 18 and lasted one month; it was inaugurated by President Obasanjo. Its aim was to discuss the main issues identified by the communities in the earlier stages of the dialogue, including economic, political and religious factors, and to propose solutions to the government. After the conference, two new committees were inaugurated: an implementation committee, which would ensure that the recommendations of the peace conference were implemented and would identify which issues should be referred to the federal or state government, and a monitoring committee, which would oversee the work of the implementation committee.<sup>112</sup>

The conference produced a report and a number of resolutions which were to be “implemented by the State provided such resolutions do not detract on the provisions of the 1999 Constitution of the Federal Republic of Nigeria.”<sup>113</sup> Some of the resolutions were forwarded to government ministries, others to local governments or other local institutions, others to traditional chiefs. While some of the resolutions dealt with very specific local issues, others addressed issues with a national dimension, in particular the notion of “indigeneship”. Some of the resolutions on “indigeneship” made positive statements aimed at abolishing discrimination. For example, Resolution no.1 states: “Usage of the term ‘settler’ in Plateau State is considered offensive, discriminatory and against our collective quest for effective integration, assimilation and development. It is therefore accepted and provided that instead of the term ‘settler’ the use of the terms ‘citizens’ and/or ‘residents’ should be popularised.” Resolution 3 states: “To allow for effective integration, assimilation and development, indigenes are not to discriminate against other Nigerian citizens, but should embrace them.”<sup>114</sup> However, other resolutions seem to undermine these good intentions. For example Resolution no.20 offers a definition of “indigeneship” which is likely to be interpreted by anyone familiar with the dynamics in Plateau State as favoring Christians.<sup>115</sup> To avoid any ambiguity, several other resolutions on the use and ownership of land make controversial statements, also heavily biased in favour of Christian groups. Resolutions nos. 4, 5 and 6 state: “That the Berom, Anaguta and Afizere ethnic nationalities are the owners of Jos”; “Wase township is under a Fulani dynasty established by way of conquest. However, it

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<sup>112</sup> Human Rights Watch telephone interview with Ezekiel Dalyop, Director of Press Affairs, Plateau State Government, October 7, 2004.

<sup>113</sup> Press statement, Office of the Administrator, Plateau State, October 25, 2004.

<sup>114</sup> Ibid.

<sup>115</sup> Ibid. The resolution states that indigene certificates should be issued on the basis of the following definition: “people who are the first to have settled permanently in a particular area, and who are considered as ‘traditional natives’, such designations being inherited from one’s ancestors, as opposed to their having bought the place of residence, or being given such places free by earlier settlers. Such persons have rights to their lands, their traditions and culture. Indigenes are those who have exclusive claims to a place through historical and homogenous culture without an alternative place to practise that culture.” The resolution then states that indigene certificates should be issued by the very same traditional rulers who issue them at present, thus apparently perpetuating the problem.

is noted from records that there is no denying the fact that the Taroh and Jukun are indigenes of Wase Local Government Area;” and “That Yelwa and Yamini towns in Shendam Local Government Area are Goemai towns.”<sup>116</sup> It is not clear what status these resolutions have and who is responsible for implementing them since the state of emergency has been lifted.

The Plateau Peace Program also included plans for a truth and reconciliation commission. In mid October, President Obasanjo sent a bill to the National Assembly entitled “A Bill to make provision for the Plateau State Unity and Reconciliation Law, 2004 and Establishment of a Reconciliation Commission.” The stated objectives of the commission included establishing “the causes, nature and extent of the gross violations of human rights which were committed during the period from June 2000 to May 2004” and facilitating “the recommendation of granting amnesty, reprieve or forgiveness to persons who make full disclosure of all relevant facts relating to acts committed in the course of the conflicts.”<sup>117</sup> In his address to the Senate President on October 7, President Obasanjo was quoted as saying: “Justice and punishment serve different objectives: they can be restorative, rehabilitative, and retributive or act as a deterrent. It is my view that the prolonged nature of the conflicts in Plateau State and the extensive number of alleged perpetrators of violations in the course of those conflicts makes the combination of truth, forgiveness, reprieve, amnesty and reconciliation a more desirable option, in the first instance, to retributive criminal justice.”<sup>118</sup> The bill was still before the National Assembly when the state of emergency was lifted in November, and there has been no further progress since then. At the time of writing, the truth and reconciliation commission has still not been set up. According to the director of press affairs of the Plateau State government, it was supposed to have been set up during the six months of the state of emergency, but as it hadn’t been, these plans had effectively been dropped.<sup>119</sup> The Plateau State Commissioner for Justice clarified that since the end of the state of emergency, the National Assembly ceased to have competence to legislate for the state, so it was no longer appropriate to pursue the bill through the National Assembly. However, he said that the Plateau State government was still “exploring the propriety or otherwise of setting up a Truth and Reconciliation Commission.”<sup>120</sup>

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<sup>116</sup> Ibid.

<sup>117</sup> As reproduced in “Obasanjo Proposes Reconciliation Commission for Plateau”, *ThisDay*, October 13, 2004.

<sup>118</sup> “The Plateau Unity and Reconciliation Bill,” *Daily Champion*, October 25, 2004.

<sup>119</sup> Human Rights Watch telephone interview with Ezekiel Dalyop, Director of Press Affairs, Plateau State Government, April 27, 2005.

<sup>120</sup> Human Rights Watch e-mail correspondence with Dakas C.J.Dakas, Attorney General and Commissioner for Justice, Plateau State Government, May 5, 2005.

Human Rights Watch is deeply concerned that justice is not being given a higher priority in the government's approach to tackling the problems in Plateau State. Even though plans for the reconciliation commission appeared to have stalled, the idea of an amnesty for the perpetrators of the violence was still under consideration by the Plateau State government in April 2005.<sup>121</sup> The granting of amnesty to those responsible for instigating and carrying out the violence, whether as part of a reconciliation commission or of any other initiative, would seriously undermine efforts to bring peace to the state and would further contribute to the cycle of violence. Amnesties, pardons and similar national measures that lead to impunity for crimes against humanity and other serious human rights abuses, such as torture and extrajudicial executions, contravene fundamental principles of international law. Clearly many of the individuals involved in organizing and carrying out the violence in Plateau State would be held responsible for such crimes. Even if the reconciliation commission is not set up and the amnesty not formally granted, the fact that the president himself stated that retributive criminal justice was not the top priority sends a clear signal to the perpetrators of the violence that they are unlikely to be held to account and does nothing to deter others from resorting to similar violence in the future.

### **3. Commissions of inquiry**

The government's usual response to outbreaks of violence in Nigeria, over the last few years, has been to set up commissions of inquiry. Many such commissions have been set up to inquire into clashes in different parts of the country, but few of them have ever published their reports, and even when they have, their recommendations have rarely been acted upon or led to prosecutions. In relation to events in Plateau State, the federal and state governments have set up several such commissions of inquiry since the September 2001 violence in Jos. A judicial commission of inquiry set up by the Plateau state government, chaired by Judge Niki Tobi, held public hearings and received numerous submissions on the 2001 Jos crisis. Its report was never published, although it was reported to have been one of many documents submitted to the peace conference which took place under the state of emergency in 2004. A judicial commission of inquiry was also set up on "civil disturbances in Shendam, Langtang North, Langtang South and Wase local government areas" and produced a report in June 2003, which has not been published either. A judicial commission of inquiry set up at the federal level, with a broader remit to investigate the conflicts in Plateau and three other Middle Belt states (Nasarawa, Benue and Taraba), was set up in 2002. It concluded its hearings and submitted its report to the presidency in April 2003; by early 2005, its report had still not been published and its conclusions were not known.

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<sup>121</sup> *Ibid.*

On October 7, 2004, while the peace program was still ongoing, the Plateau state government announced that 53,787 people had been killed and more than 200,000 displaced since the start of the conflict in Plateau State in 2001.<sup>122</sup> Human Rights Watch asked the director for press affairs of the Plateau state government how they had arrived at these figures, which are significantly higher than those advanced by any other organization monitoring the conflict in Plateau State. He said that these were the findings of a verification committee, set up as part of the peace program, which had visited communities in all the local government areas affected by the violence.<sup>123</sup> Human Rights Watch believes this figure to be too high. Even allowing for a number of unreported incidents, it is more than ten times higher than a rough total of all the highest estimates received to date on the number of deaths resulting from the violence in the state. It is not clear what the state government hoped to achieve by citing such an inflated figure. The statement did not include any information on the number of arrests or prosecutions of the perpetrators of these killings.

#### **4. Arrests and prosecutions**

Soon after his appointment, Administrator Chris Alli set up special courts to try people suspected of involvement in the violence in Plateau State since 2001. These functioned like normal high courts and magistrates' courts except that they were supposed to deal only with cases arising from the conflict. Chris Alli stated: "The purpose is to provide for accelerated hearing where justice will be dispensed without fear or favor. Nobody will be unjustly treated since this administration has no intention to witch-hunt. Our primary goal is to uphold the rule of law by ensuring that no one is treated as a sacred cow."<sup>124</sup> Hearings began at the Upper Area Court Kabong in mid-July; the courts were supposed to sit for the duration for the state of emergency.<sup>125</sup> In the months that followed, public information on the progress of these courts was hard to come by. However, in early May 2005, the Plateau State Commissioner for Justice told Human Rights Watch that the special courts were still functioning. He stated that the trials of 78 people were ongoing, but that all but six of the accused had been released on bail. They were charged with a variety of offenses including conspiracy, rioting, breach of the peace, and culpable homicide. He also stated that a number of other people charged with lesser offenses were being prosecuted by the police. The cases referred to by the

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<sup>122</sup> The announcement was first made by Thomas Kangnaon, Special Adviser on Resettlement and Rehabilitation. See "Plateau crises claimed 54,000 lives," *ThisDay*, October 7, 2004.

<sup>123</sup> Human Rights Watch telephone interview with Ezekiel Dalyop, Director of Press Affairs, October 7, 2004.

<sup>124</sup> Address presented by His Excellency, the Administrator of Plateau State Major-Gen. Chris Alli (rt) on the occasion of the inauguration of a study group committee held at the conference hall of the Administrator's Office, Rayfield, on Friday 2<sup>nd</sup> July, 2004.

<sup>125</sup> Human Rights Watch interview with Ezekiel Dalyop, Director of Press Affairs, Plateau State Government, Jos, August 3, 2004. See also "Plateau crisis: tribunal commence hearing today," *Daily Trust*, July 16, 2004.

Commissioner of Justice did not relate solely to the 2004 events in Yelwa, but to various incidents of violence committed in Plateau State since 2001.<sup>126</sup>

The police issued their own public statement on June 3, 2004 on the number of arrests and prosecutions relating to the violence in Plateau state since 2001.<sup>127</sup> It stated that a total of 1,284 suspects “have, or are being prosecuted in court.” These included 77 prosecuted for the violence in Yelwa on February 24, and 10 named individuals arrested in connection with the violence in Yelwa on May 2. The statements listed a number of other arrests linked to other incidents in various parts of Plateau State between April 18 and June 3, 2004. Attached to the statement was a chart entitled “Plateau crisis cases charged to court since 2001,” detailing 72 court cases, several of which involved a large number of defendants. The chart listed the offenses but did not specify in all cases the specific incidents in relation to which the accused were charged. Two of the cases related to the violence in Yelwa on February 24. One involved four defendants, the other 73. The defendants were charged with criminal conspiracy, theft, culpable homicide and mischief by fire. In both cases, the police were “awaiting legal advice from MOJ [Ministry of Justice].” The Secretary of the Ulama/Elders’ Council of Plateau State issued a press release in response to the police statement, claiming that the police had misrepresented the facts and giving a detailed rebuttal of some of the cases; the press release stated that contrary to the police’s claims, only four people were charged to court from Yelwa in connection with the attack of February 24.<sup>128</sup>

A police assistant commissioner in charge of investigations in Jos said that the military arrested sixteen people in Yelwa when they intervened to stop the violence on May 3. Those arrested were kept in military custody until the state of emergency was declared on May 18, then were transferred to police custody in Jos. According to the police, those arrested were men aged between 22 and 40, charged with a variety of offenses including rioting, culpable homicide, arson, and unlawful possession of weapons.<sup>129</sup>

According to Muslim leaders in Jos, about eight or nine Muslims were arrested in Shendam in connection with the attack of February 24, 2004. They were charged with culpable homicide and detained in Jos.

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<sup>126</sup> Human Rights Watch e-mail correspondence with Dakas C.J.Dakas, Attorney General and Commissioner for Justice, Plateau State Government, May 4, 2005.

<sup>127</sup> Plateau State Police Command Press Briefing of 3<sup>rd</sup> June 2004.

<sup>128</sup> “Press release on the misrepresentation of facts contained in the Plateau State police command press briefing of 3<sup>rd</sup> June 2004,” May 10, 2004

<sup>129</sup> Human Rights Watch interview, Jos, July 12, 2004. Human Rights Watch has not been able to obtain a more recent update on these cases.

In addition to arrests directly linked with the violence, a representative of the Miyetti Allah Cattle Breeders' Association of Nigeria told Human Rights Watch that he was aware of 37 arrests relating to cow theft since the state of emergency was imposed on May 18.<sup>130</sup> Although the problem of cow theft was not a direct cause of the violence in Yelwa, it was one of the factors which had heightened antagonism between Christians and Muslims, as explained above. In 2003 or early 2004, the state government had ordered local governments in the affected areas to set up a task force to deal with the problem of cow theft, with powers to arrest and prosecute, but this directive had not succeeded in stemming the problem.<sup>131</sup>

Both Muslims and Christians have complained about the low level of arrests of people who organized or participated in the violence. However, when a few people were arrested, each side was quick to complain that its own members were being targeted disproportionately and that the police and government's approach was one-sided.<sup>132</sup> Some leaders claimed that those arrested had only been acting in self-defense, and used the general chaos as an excuse for the actions of their members. For example the CAN Plateau State Chairman told Human Rights Watch: "The boys [arrested] were acting in self-defense to save their lives. There is no doubt some Christians carried out killings. I accept it: they killed. But it's like a war."<sup>133</sup>

Human Rights Watch is not in a position to judge whether the individuals arrested did take part in criminal activities. The absence of a formal structure among the perpetrators and the difficulties in identifying the organizers of the violence, referred to in the background section of this report, also mean that Human Rights Watch is unable to confirm the level of responsibility among those arrested. However, many of the people we interviewed in Plateau State, both Christians and Muslims, strongly believed that the leaders of the violence remained at large, and that those arrested were mostly young men who may have taken part in attacks but were not responsible for planning them in advance. The Plateau State Commissioner for Justice said that it was difficult to make a clear distinction between those who had organized the violence and those

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<sup>130</sup> Human Rights Watch interview, Jos, August 4, 2004.

<sup>131</sup> Human Rights Watch interview, Jos, July 13, 2004.

<sup>132</sup> Allegations of bias have been leveled at the police and the government ever since the Jos crisis of September 2001. See for example "Summary of one-sided arrests of and cases pending in courts affecting Muslims since the September 7, 2001 crisis in Plateau State" by Lawal Ishaq, Defense Counsel. This chart claims that of 482 people arrested from September 2001 to March 2003, 463 are Muslims.

<sup>133</sup> Human Rights Watch interview with Rev Yakubu Pam, CAN chairman for Plateau State, Jos, July 12, 2004.

who had carried it out, and was not able to confirm how many of those arrested were suspected of playing a leading role.<sup>134</sup>

## VI. Revenge and Retaliation in Kano

The attack on Muslims that took place in Yelwa on May 2 and 3, 2004 was part of a bitter cycle of retaliation that, if left unchecked, could continue to threaten the lives of thousands of Nigerians. Less than ten days after the attack in Yelwa, the gravity and scope of this threat were starkly illustrated by a related outbreak of violence and killings in Kano, in northern Nigeria.

On May 11, Muslims in Kano began rioting and attacking Christian residents of the city, in direct response to the news of the killings of Muslims by Christians in Yelwa. More than two hundred people were killed on May 11 and 12 in Kano. The majority were Christians killed by armed Muslims seeking revenge for the events in Yelwa. When the security forces eventually intervened, supposedly to quell the riots, the death toll rose even further, as police and soldiers killed dozens more people, most of them Muslims.

Kano, the largest city in northern Nigeria and the capital of Kano State, is a predominantly Muslim city but is home to many different groups, including a large Christian minority, many of whom have settled there for trade. Kano is viewed as one of the main centers of northern political opinion and, to some extent, acts as a barometer of the mood across northern Nigeria. Like Kaduna, the other large northern city, Kano remains one of the more volatile towns in the north, where violence is most likely to erupt when there are tensions elsewhere in the country.<sup>135</sup> There have been recurring explosions of violence in Kano, particularly in July 1999 and October 2001, when scores of people were killed in ethnic or religious clashes.

Historically, the “indigene” issue has been less contentious in Kano than in Plateau State. In Kano, the Muslims, in particular the Hausa, are seen as the “indigenes” whereas the Christians and other ethnic minorities are seen as the “settlers.” Some witnesses of the violence in Kano interviewed by Human Rights Watch did describe the predominantly Christian victims of the violence as “non-indigenes,” rather than

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<sup>134</sup> Human Rights Watch e-mail correspondence with Dakas C.J.Dakas, Attorney-General and Commissioner for Justice, Plateau State Government, May 4, 2005.

<sup>135</sup> For details of large-scale violence in Kaduna in 2000 and 2002, see Human Rights Watch report “The ‘Miss World riots’: continued impunity for killings in Kaduna,” July 2003.

Christians. However, inter-communal tensions in Kano have more often been expressed in terms of religion or politics than in terms of “indigeneship.”

The manner in which the attack in Yelwa sparked off an almost immediate reprisal in Kano, hundreds of kilometers away, is not unusual in Nigeria, but illustrated more than ever the speed with which people seize upon religious identity to justify retaliation and their readiness to use violence to settle scores. A human rights activist described how each side had developed its army of youths, and that this had resulted in “a balance of terror”.<sup>136</sup>

### **1. Killings of Christians by Muslims**

After the attack on Yelwa on May 2-3, a number of northern state governments offered assistance to displaced Muslim residents of Plateau State in the form of shelter, protection, or humanitarian assistance. Among them was the Kano state government. The governor, Ibrahim Shekarau, welcomed at least five hundred displaced Muslims from Plateau State and provided them refuge in Kano State. He visited some of the displaced people from Yelwa in Bauchi State and provided a significant amount of relief assistance.<sup>137</sup> Some residents of Kano have pointed to this initiative as one of the factors which increased tensions in Kano, as Muslim residents, who may have heard about the Yelwa killings through the media, were then confronted with the reality as they heard the testimonies of victims and survivors at first hand. Some Christians went as far as accusing the Kano state governor of inciting violence by welcoming the displaced from Plateau into Kano State. Certainly the emotions of Kano Muslims about the Yelwa massacre were heightened after listening to survivors who spoke in the mosques in Kano soon after their arrival there. The Kano State Governor said that around ninety percent of the sermons during this time, which coincided with the month marking the birth of the Prophet Mohammed, were on the subject of events of Yelwa.<sup>138</sup> Imams denied having invited the survivors of Yelwa with a view to inciting violence against Christians, and said they had asked them to testify simply in order to raise money to assist the victims from Yelwa and to call for an end to the violence there.

On May 11, Muslim leaders in Kano organized a large but peaceful demonstration of several thousand people to protest against the Yelwa attack. The Muslim leaders had written to the police and the state government asking for permission to hold the

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<sup>136</sup> Human Rights Watch interview, Abuja, July 1, 2004.

<sup>137</sup> Governor Shekarau told Human Rights Watch that he had provided 10 billion naira worth of assistance, the equivalent of around U.S.\$ 76 million. Human Rights Watch interview with Kano State Governor Ibrahim Shekarau, Kano, August 17, 2004.

<sup>138</sup> *Ibid.*

demonstration and stating that they wanted to present the state governor with a protest letter addressed to the President. The police and the federal government advised the governor not to allow the demonstration to proceed, in view of the tension which had been building up in the city for several days. However, the governor said he supported people's right to express their views and gave his guarantee that the demonstration would remain peaceful. The demonstrators were granted permission to hold the rally but only within the confines of the mosque compound. Some observers speculated that the governor may not have wanted to refuse the permission for the demonstration because it would have set him against the Muslim leaders, a powerful element within his own political constituency.<sup>139</sup> Subsequently, the governor came under serious criticism for allowing the demonstration to take place.

On May 11, from around 9 a.m., a large crowd of Muslims gathered at the Aliyu Ibni Talib mosque, on Zaria Road, which is situated one or two kilometers from Government House (the state governor's office). They held their prayers at the mosque, then dispersed. A group of them, numbering several thousand, led by the *ulama* (religious scholars), went to Government House to hand the governor their protest letter to the President. They gave the President a seven day ultimatum to end the killings in Plateau State, warning that if he didn't, he would have himself to blame for the consequences. Some time between 11 a.m. and 12 noon, the governor came out to address the crowd. Some witnesses alleged that he said that even though Muslims were peaceful, when pushed to the wall, anything could happen. The governor also told the crowd not to take the law into their own hands and not to attack people who had not been involved in violence. Other witnesses said the governor had sympathized with the crowd's grievances, but asked the demonstrators to disperse peacefully, as he had promised President Obasanjo that the rally would not degenerate into violence.<sup>140</sup>

At around midday, while the demonstrators were meeting the governor, violence suddenly broke out in several areas of town located some distance away from Government House. Groups of Muslims started attacking Christians, and the violence escalated quickly. Killings and destruction took place in several parts of town, starting in Gyadi-Gyadi Court Road and Hausawa Zoo Road, then spreading to other areas, including Sharada and Shagari Quarters, Challawa, Panshekara, Doreyi, Ja'en, Tukun Kawa, Riyijar Lemo, Kabuga, and BUK Road (the road leading to Bayero University Kano).

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<sup>139</sup> Human Rights Watch interview, Abuja, June 29, 2004.

<sup>140</sup> Human Rights Watch interviews, Kano, July 4 and 5, 2004. There were contradictions between the testimonies of different people who listened to the speech.

It is not clear to what extent the demonstration and the subsequent violence were linked, but the demonstration provided a focus and an excuse for those wanting to unleash chaos. Human Rights Watch received contradictory testimonies on the role of Muslim leaders in inciting violence. Some sources, including people who were present during the speeches at the mosque, claimed that some of the *ulama* had incited violence through “fiery preachings.” According to one source, the day before the demonstration, on May 10, those preaching at the mosque had told Muslims to wake up, that there was no more trust between Muslims and Christians, and that Muslims should no longer give Christians shelter. It was alleged that some of the speeches on May 11, delivered in front of a large gathering, were even more explicit in calling for violence. In particular, the chairman of the council of the *ulama*, Sheikh Umar Kabo, had delivered a speech in which he allegedly stated that they were waging a war in which there was no going back and, in his capacity as commander-in-chief of the *bisbab* (enforcers of Islamic law), urged everyone to get their weapons.<sup>141</sup> Another witness, however, who was also present during the speeches on May 11, claimed that Sheikh Umar Kabo threatened the government but did not encourage people to engage in violence.<sup>142</sup>

During two days of violence in Kano, Christians were hunted down and killed; their houses, churches and other buildings were burnt. A Muslim journalist commented that unlike previous outbreaks of violence in Kano, some of which had been more economically than religiously motivated, this time “they were just out to kill. The primary aim was killing. Looting was incidental.”<sup>143</sup>

The attackers used a variety of weapons including knives, machetes, axes, and locally-made guns. Most of them were young men, in their late teens or in their twenties. Witnesses referred to them as *yandaba*, a term used to describe gangs of unemployed youths in Kano.<sup>144</sup> The gangs also included younger boys, some as young as 10 or 12, thought to be *almajiris*.<sup>145</sup> A witness explained how the older ones were leading the groups of attackers and were carrying out the killings, while the younger ones were shouting and intimidating people. A man who was injured by a group of around

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<sup>141</sup> Human Rights Watch interview, Kano, July 4, 2004.

<sup>142</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>143</sup> Human Rights Watch interview, Kano, July 4, 2004.

<sup>144</sup> For background information on the phenomenon of *yandaba*, see Y.Z.Ya'u, “The youth, economic crisis and identity transformation: the case of the *yandaba* in Kano,” in Attahiru Jega (ed.), *Identity transformation and identity politics under structural adjustment in Nigeria* (2000).

<sup>145</sup> The *almajiris* are boys from poor families, some as young as four or five, sent to study in Qur'anic schools situated far from their family homes. The schoolteachers are supposed to take care of the children but often abuse them and send them out on the streets to beg. The *almajiris*, who are very numerous in large northern cities such as Kano, end up living on the streets, in extreme poverty. They are sometimes recruited to join larger gangs of older boys and men when there are outbreaks of violence.

eighteen attackers said only the older ones had weapons and were using the smaller boys “as instruments.” Another witness said the young boys pursued people and starting attacking them, then the older ones joined in.<sup>146</sup>

Witnesses described how the attackers, some of whom appeared intoxicated, rampaged through the town. Dead bodies were left lying in the streets. A witness said: “On Tuesday [May 11] I saw about ten bodies along the road to the university. Some were still burning. Vehicles were also burning. I saw a man in his twenties swaggering with a machete in his hand [...] I saw a team of five police and military arrest a youth with a big machete in a sheath; he looked drunk [...] I saw a young Christian woman stabbed several times on the back on a motorbike. A man rescued her from a mob in the Gidan Murtala area.”<sup>147</sup>

The victims were from many different ethnic groups, reflecting the diversity of the population of Kano. Most were Christians originally from different states in Nigeria, but who had been living in Kano for some time. There were also a few Muslims among the victims. In Kabuga, on May 12, a group of attackers stopped a Muslim man because he was dressed in a T-shirt and jeans, rather than traditional Muslim clothes. They asked him if he was a Muslim. He said yes. They asked him to recite the Qur’an. When he asked why, they killed him straightaway.<sup>148</sup> The victims also included non-Hausa Muslims, in particular some Yoruba who were assumed to be Christians, even though many Yoruba are Muslim. In one incident in Tukur Kawa, on the morning of May 12, attackers killed a Muslim man from Kogi State. Even though he was shouting that he was a Muslim and reciting the Qur’an, they said they did not trust him because they had never seen him praying.<sup>149</sup>

There were numerous reports of Muslims protecting and saving Christians from the attackers, or warning them in advance that there was likely to be violence and they should leave the area. In some cases, Muslims gave their Christian neighbors headscarves so that they could disguise themselves as Muslim women while fleeing to safer areas. In some instances, Muslims who had protected or tried to protect Christians were threatened by attackers.

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<sup>146</sup> Human Rights Watch interviews, Bompai police barracks, Kano, July 4, 2004.

<sup>147</sup> Human Rights Watch interview, Kano, July 4, 2004.

<sup>148</sup> Human Rights Watch interview, Kano, July 4, 2004.

<sup>149</sup> Human Rights Watch interview, Kano, July 5, 2004.

The attackers put pressure on people to join them. A man told how on May 11, a group of about ten to fifteen people aged between 13 and 25 stopped him and his friend in the Hausawa Zoo Road area and asked them to identify themselves. They then asked them: “do you sympathize with people in Wase?” (referring to Muslims in Plateau State) and “are you for us or not for us?” The same day, a group of attackers tried to force their way into a private secondary school in Gadan Kaya. The teachers prevented them from entering. When some of the students, most of whom were Hausa and Muslim, came out of the school, the attackers made them chant a slogan “we are with you” to show they sympathized with them.<sup>150</sup>

It was several months before the total number of people killed in Kano on May 11 and 12 was officially confirmed. In the aftermath of the killings, figures quoted by residents of the city (some Christian, some Muslim) ranged from 150 to around 1,000.<sup>151</sup> The Kano State Commissioner of Police told Human Rights Watch that the police had recorded a total of 84 deaths and 160 injuries; these figures were based on reports by divisional police officers.<sup>152</sup> When Human Rights Watch met the Kano State Governor three months after the events, he said that thirty-four or thirty-five people were killed, but indicated that he was not sure and referred us back to the police for the exact figures.<sup>153</sup> The Kano state government set up a panel of inquiry to investigate the killings. Its conclusions, announced in December 2004, tallied with those of the police and stated that 84 people had been killed and 160 injured.<sup>154</sup>

On the basis of its own research, Human Rights Watch believes that around 200 to 250 people, and possibly more, were killed in Kano on May 11 and 12. Most of the victims of the violence were men, but a number of women and children were also killed, as illustrated by the testimonies in this report. A document compiled by CAN lists the names of more than 200 people who were killed, including more than 25 women, and others who were missing.<sup>155</sup> Journalists who went to Murtala Mohammed Hospital on May 11 and 12 reported that the mortuary, which has a capacity of around thirty, was full; a further ten to fifteen bodies were lying in the street outside. In addition, bodies burnt beyond recognition were loaded onto vehicles and taken away.

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<sup>150</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>151</sup> Even higher figures were mentioned by some Christian leaders in statements to the media immediately after the riots; these claims do not appear to have been based on accurate information.

<sup>152</sup> Human Rights Watch interview with Commissioner of Police Ganiyu Dawodu, Kano, July 6, 2004.

<sup>153</sup> Human Rights Watch interview with Kano State Governor Ibrahim Shekarau, Kano, August 17, 2004.

<sup>154</sup> See “84 killed in Kano reprisal attacks, says panel,” *Guardian*, December 20, 2004.

<sup>155</sup> “Names of the victims killed during the May 11<sup>th</sup> 2004 religious violence in Kano” by the CAN Compilation Committee, Christian Association of Nigeria, Kano State Chapter. CAN also made a list of 24 churches burnt in Kano.

Almost immediately after the fighting stopped, police and government officials carried out mass burials. Many people were therefore unable to recover, or even to see, the bodies of their dead relatives. Witnesses saw two or three trucks full of dead bodies. One witness saw two tipper trucks full of burnt bodies driving past the police station in Sharada on May 12, at around 3 a.m. The trucks were coming from Sharada Phase 3 and heading towards Sharada Phase 1. They were escorted by two police vehicles and two station wagons, one from the anti-crime patrol team.<sup>156</sup> Another witness saw three trailers full of dead bodies driving past the police station in Sharada; he estimated that there were around forty people in each trailer.<sup>157</sup>

In the aftermath of the killings on May 11-13, tensions remained high. Several months after the riots, Christian residents of the city still felt threatened and fearful. A Christian man who had witnessed killings during the riots told Human Rights Watch in July: “The future of Kano is dark. When the troops are withdrawn, we will not be safe. They [the Muslims] say themselves they will attack us again.”<sup>158</sup> In the year that has followed, there have been no further outbreaks of violence in Kano, but as in Plateau State, this is a fragile peace, since all the components which gave rise to the violence in May 2004 remain in place.

### **1.1 Killings in Sharada**

One of the areas most seriously affected by the violence was Sharada, an industrial area which includes housing compounds for industrial workers.<sup>159</sup> Although Sharada is a religiously mixed area, many of those working and living there are Christians from different parts of Nigeria, including Plateau and other Middle Belt states. The attack in Sharada was particularly fierce. Initially, people fled to the premises of the companies they worked for. Then a large number of terrified Christians fled to the local police station for safety, but the attackers chased them there; they easily overpowered the police and almost invaded the police station. The attack culminated in a showdown between the attackers and the military, and the military eventually repelled them and evacuated the civilian population to the safety of the police barracks.

Human Rights Watch interviewed many people who had been displaced from Sharada, who were living in a camp for the internally displaced in the grounds of the Bompai

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<sup>156</sup> Human Rights Watch interview, Bompai police barracks, Kano, July 5, 2004.

<sup>157</sup> Human Rights Watch interview, Bompai police barracks, Kano, July 4, 2004.

<sup>158</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>159</sup> All testimonies quoted in this section are from Human Rights Watch interviews in Bompai police barracks, Kano, July 4 and 5, 2004, unless otherwise indicated. All the witnesses quoted are Christian.

police barracks. Some of them said the first signs of violence had started on May 10, the day before the riots began.

A man from the Kanuku ethnic group, originally from Kaduna State, who lived in Sharada Phase 3, Angwan Lali, described how the violence started, and how it escalated over the following two days:

It started on 10 May. I came back [from work] at about 8 p.m. I heard people shouting “Allahu Akbar”. They broke shops in my area [...] Nobody was killed.

On Tuesday morning [...] the fighting started. I went to bring my family from our house. The Hausa people blocked me on the road. We ran and I reached my house. I saw eight dead bodies, all Christians.<sup>160</sup> I saw them kill Ado. They cut him with a knife and a machete... They were in groups. Some had guns, others had weapons and sticks. It was a very big gang, several thousand. I saw them burn bodies. They were carrying petrol.

They killed my two brothers near the market, in Sharada Phase 1. I saw their burnt bodies. Just their legs were sticking out. I recognized one of them by his shoe and one leg which hadn't burnt [...]

The youths were shouting “Allahu Akbar” and waving knives around. They pursued us to the police station. We stayed in Sharada police station on Tuesday evening.

On Wednesday morning, all the groups (of attackers) teamed up and came to the police station [...] The police pursued them but couldn't push them away. Some police were injured. The police didn't have orders to shoot. The police had no guns, just sticks. The police said they had not been given orders to go out. They told us this in the police station. The youths were provoking the police because they knew they couldn't do anything [...] Then the soldiers came and shot into the air. The boys ran back. It was not safe to stay in the police station so the soldiers us carried us here [to the police barracks in Bompai].

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<sup>160</sup> The eight victims, all male, included Dodo (aged 28), two men called Marcus (in their thirties) Christopher (aged 21), all from Kaduna State, Sule (aged about 20) and Ado (aged about 30), both from Adamawa State, and Damon, a 40-year-old Igbo man, who sold medicines.

I saw dead bodies burnt at Gado Kaya junction, on the road to Sharada. A girl was killed in front of us. I saw her dead body. The fighting stopped at Gidan Murtala. I saw a woman cut in pieces at Estate Junction, in Sharada, about 1 kilometer from the police station. I walked on her as I was running. A baby was also killed.

A Yoruba man, aged forty-five, was among those injured in Sharada on May 12. Like many other survivors who spoke to Human Rights Watch, two months after the events, he was visibly shaken by what he had experienced:

My four brothers and I wanted to check our house. We were on our way. I was the first, leading the others. The attackers were hiding. I heard them shout “arrest!” They trooped out with cutlasses. I called out for the police. They cut me on my back, shoulder and leg. They were shouting: “Areni!”(infidel). I didn’t understand the language. Up to 18 of them attacked us [...] It happened at Ja’en, opposite Kano Sugar, in Sharada Phase 3. Only I was caught, as I was in front. The other four escaped.

There were no police around when I was attacked. We went to Sharada police station and reported it. I went to the hospital. Then we went back to our house. The door was broken and they had carried everything away. They burned everything they couldn’t carry.

I saw many dead bodies. Men with their heads cut. I saw up to ten bodies, all in Sharada, along the road [...] I saw many wounded people. I will never forget this in my life.

A twenty-eight-year-old man from the Lunguda ethnic group, originally from Adamawa State, who had been living in Kano for fifteen years, also witnessed extensive violence in Sharada. After a Hausa neighbor warned him on May 10 that there would be a demonstration and that people might be armed, he and his family left the Sharada area. They returned the following day:

On Tuesday we went back home, at about 12.00. I saw a big group with daggers, knives and big sticks. Everywhere was dark. They were burning houses. We ran to the company and hid there.

In Sharada they cut people and burned them. They pursued people from their homes. I saw three people killed, all Christian men, from different tribes. They overtook the first person and killed him. The second person was killed close to the company. The third person was surrounded. They started throwing stones at the company where we hid. We stayed there till the next day.

There were more than 200 people in the group, carrying knives, daggers and big sticks. I didn't see any guns. They were mixed ages. The young ones were 12, 13, 15. Some were older than 40.

They jumped into the premises [of the company]. They were shouting something in Arabic which I didn't understand. When they gathered, there was someone in the middle directing them and pointing. I saw four leaders, all adults. They were pointing at people running. The others followed.

We slept in the company. The next day we left and went to Sharada police station. There were about 10,000 of us there as refugees. We gathered there at about 10/11am. We saw the gang again coming towards the police station. They didn't succeed in attacking the police station. A group of soldiers arrived and pushed them back, then they brought us here [to the police barracks].

In our house, everything was burnt. I just had the clothes I was wearing [...] I have no money for a place to live. My wife and I wanted to set up a shop. We had bought the sewing machines and other equipment. It was all burnt [...] I don't want to stay in Kano. I want to go back home to Adamawa.

Another man, who worked as a tanner and lived in Sharada, was also warned by a Muslim neighbor that there would be a fight:

At 8 a.m. on Tuesday 11 May, I went to visit my friend in Sharada. A neighbor, an Igala Muslim, told me there will be a fight today. I went straight to my house to get my belongings, but before I could reach home, I saw Muslim men in my house. I tried to escape but more men came, about twelve of them. As I was running, they hit me on the legs with a stick. Then they hit my head twice with a machete. As they tried for the third time, I defended my head with my hand. I couldn't see anything, as blood was pouring from my head. The attackers ran away.

He managed to run to the premises of a factory, where the director took him and some of his employees to the police station, from where he and others who had been injured were taken to Sharada hospital.

Then on Wednesday, at 11 a.m., around fifteen Hausa men came to the hospital with petrol, wanting to set the place alight. They were saying: “we will burn!” The doctor, who was a southern Muslim, called the police and at noon, eight mobile police and soldiers came.

He and other patients were evacuated by the security forces. He was taken to hospital in Bompai where he spent eight days before being discharged.

Human Rights Watch researchers spoke to several other residents of Sharada who had been seriously injured. One, a twenty-three-year-old man from Kaduna State, was attacked on the afternoon of May 11, near the Coca Cola factory, as he was running through the area to escape the violence. He tried to get into the Coca Cola premises for safety but the security guards refused to let him in.

Five *yandaba* came and starting cutting me with cutlass. My hand was bleeding. I lost my finger. I fell down and they thought I was dead. All the while there was an armed policeman who didn't do anything while I was being attacked. When I fell down, he opened the gate for me. I was taken to the clinic inside Coca Cola [...] then to the national orthopaedic hospital, Kano. At the hospital they wanted to remove my remaining fingers because they are so badly damaged, but I didn't want them to. I still can't move my hand.

Many other residents of Sharada witnessed killings at close hand. A woman who lived in Sharada Phase 3 first chased away two Hausa youths who were unarmed but who warned her “today will be the last day for you.” Around thirty minutes later, a Muslim neighbor, sensing trouble, advised her to move out of the area. She took her three grandchildren to her daughter's house, then returned to collect her own belongings. “When I came back to collect my property from the house, I saw a group of around thirty Hausa men, armed with cutlass, sticks, iron bars and axes. They were pursuing a man I knew called Emmanuel, a Christian from Benue State. They killed Emmanuel with cutlass and knives, then poured petrol over him and set him alight.”

Another woman, who lived in Sharada Phase 1, was injured on May 11 and narrowly managed to escape several different groups of attackers. She was confronted with the first group when she went home to look for her children:

Just as I was leaving my house, a group of around 30 Hausa men, armed with sticks, surrounded the house. They beat me on the head and back and I fell down, bleeding from the nose and mouth. A Muslim man, who was not a Hausa, came over and talked to the attackers and persuaded them to go away.

I managed to get up and went to a Hausa neighbor's compound to hide. The neighbors wouldn't let me in so I sat and hid in the corridor between the houses. Outside the compound I saw a different set of Hausa men, again around 30 in number and armed with cutlass and knives. They were pursuing another woman. The woman was shouting: "I am a Muslim!" The attackers cut this woman on her hands and the tops of her legs. She was bleeding very seriously.

When the attackers saw me hiding in the corridor, I ran to another neighbor's house, also Hausa Muslims. As I entered the gate to the house, I saw the attackers pursuing another man, whom I did not recognize. They caught the man, cut and killed him with a long curved cutlass and then put his body on a pile of property they had looted from my house, and set it on fire.

I stayed with my Hausa neighbors for four days, hiding under their bed. Twice (at 2 p.m. on Tuesday 11<sup>th</sup> and 1 a.m. on Wednesday 12<sup>th</sup>) attackers entered the house to look for me. While I was hiding, I wrote a letter to my husband's workplace to tell him I was alive. His work place must have passed it on to the barracks because mobile police eventually came to get me on Friday 14<sup>th</sup>.

A twenty-eight-year-old man who worked at a plastics factory was attacked in Sharada and survived by pretending he was dead:

About twenty people attacked me. They asked me: "are you Hausa?" Then they started to beat me. They had sticks, cutlasses and knives. I didn't see them at first. Then they came out from behind the house. They asked: "are you Muslim or Christian?" They said they would kill me. I fell to the ground. Then they saw no sign of breath [...] I used my hand to defend my head. My hand is cut with a cutlass, I can't bend my fingers. They dropped me. I didn't move.

Another factory worker, aged forty-five, lost his wife and four of his children, aged between two and nine, to the attackers:

On May 11, people gathered around my house. There were around 100 of them, with knives, cutlasses and sticks. It was at around 11.30a.m [...] They killed four of my children, they killed my wife [...] I saw them jumping over the fence. They shouted in Hausa “arna!” “You’re not a Muslim. We will kill you!” They hit me on the head with a cutlass [...] When I woke up, I saw dead people [...] All my family are lost. Later, they burned my house. Now, it is ashes.

## **1.2 Killings in Panshekara and other areas**

The area of Panshekara was also badly affected by the violence. A forty-five-year old man from Delta State who had been living in Panshekara for twenty-four years fled from the area after his colleagues told him riots had started on May 11. He returned to his house the following day, on May 12, at 10 p.m. to find his seventy-year-old brother lying on the ground, dead. He had been cut with machetes or knives and his body had been set on fire. His house and belongings had all been burnt.<sup>161</sup>

Another resident of Panshekara, a twenty-seven-year-old man from Cross River State who worked at a textile company and ran a provision store, saw several of his relatives and acquaintances killed:

My younger brother (aged twenty-one) and I went outside the house to see what was happening. We saw about 50 people, all Hausa, armed with cutlass and local guns. They asked me where I was from and I told them Cross River. They asked me if I am ready to go back there. I said I am ready to go back, but my brother said no, he is not ready to go back. They hit my brother on the head with a cutlass. He was cut and fell down. I ran inside a Muslim neighbor’s house but they pursued me out. I called my brother and held him. He woke up and I carried him away.

On the main road, at Panshekara Bus Stop we saw a crowd of twenty or more people with cutlass, knives and sticks. I could not recognize any of them but they were all Muslim. By this time, I could not carry my brother anymore so I left him and ran to the Police Academy Barracks to get the MOPOL (mobile police) to help.

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<sup>161</sup> Human Rights Watch interview, Bompai police barracks, Kano, July 4, 2004.

When I came back with eight MOPOL, I saw the body of my brother burning. Then I fell down and fainted. MOPOL rushed me to the clinic inside the Police Academy Barracks where I was treated.

Three or four hours later, at around 7 or 8 p.m., I woke up and went back to my house. There I found three of my relatives from my mother's side. They are all Christians from Kogi State [...] All three had cuts across their bodies. One had gunshot wounds and was unconscious; the other two were dead. I didn't want to touch them and ran away back to the Police Academy.

There I called my elder brother who is a policeman, and told him they killed our younger brother. We went together back to Panshekara to look for other relatives. At three corner junction we saw the body of a Yoruba doctor we knew. They had put him on top of his vehicle and burnt him. I could recognize him because the flames were still only at his legs; they had not reached his face. At Bus Stop Panshekara, we saw another man dead, in the gutter.

[...] I went with my friend together to Panshekara market to check my provision store. Just opposite the store was the dead body of Francis, who was a customer at my store. He was aged forty-two, an Angwa by tribe, from Nasarawa State. His body was badly cut.

At around 11 p.m., we made our way back to the Police Academy but before we could get there, about five meters from the entrance, I saw the dead bodies of three of my brothers (aged ten, thirteen, and sixteen) [...] Later, I saw my mother and she told me she witnessed the attackers killing my brothers with cutlass, knife and sticks at 10p.m. that evening.

Another man described how he was almost killed by his neighbor in Panshekara:

On Tuesday 11 May, I was in my house with my family and friends. At around 1 p.m., I saw people outside running and shouting and then I saw a nearby house burning. I locked the door. My neighbor, a Hausa Muslim man, tried to pour fuel inside my house. His father was shouting to bring more fuel. Then ten men, with their faces painted blue or black, tried to break the metal [grill] door to my house. They eventually broke the slide doors of my sitting room and threw more

fuel in my house and set it on fire. My neighbor's father was shouting "Allah will bless you!"

At around 1.30 p.m., as the house started burning, we ran into the toilet to escape the smoke. We were eight people: my wife, my one-year-old daughter, a friend's two year-old child, and four adult friends. We hid in the toilet for twenty minutes but the smoke was too much and the fire increasing. We managed to escape through the kitchen door, round the side of the house and into the back yard, where we hid until 7.30 p.m.

During this time a *yandaba* came. I knew he was a *yandaba* because he was wearing their red uniform. He was speaking in Hausa to my neighbor's father. I could hear them from where we were hiding and see them through the cracks in the garden wall. The *yandaba* asked my neighbor's father why the other house (the neighboring building) was not burning and why this one (he pointed to my own) was. The father replied that I was an unbeliever and that I was inside with my family. The *yandaba* then fired his gun in the air.

At around 5.30-6 p.m., I witnessed the attackers kill a man I knew who runs a provisions store in the area. On the path on the other side of my garden wall, they killed him with an axe, cutlass and machetes [...] At 7.30 p.m. it was call for prayer and the attackers left.<sup>162</sup>

The attackers killed a number of people inside their own houses. A woman described how a group of attackers entered the house of a relative where three people were hiding: "There was nowhere for them to escape. The boys [attackers] came into the house. He [the relative] begged them to please leave him alone. They started beating him [...] They killed him inside the room, then dragged him outside [...] They found his wife's brother hiding under the bed. They killed him with machetes. They poured petrol over both the bodies and burned them completely to ashes."<sup>163</sup>

Another man, who lived in Panshekara but worked in Sharada, fled from his office on the morning of May 11 after seeing houses burning and crowds of people running:

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<sup>162</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>163</sup> Human Rights Watch interview, Bompai police barracks, Kano, July 4, 2004.

I returned to my house in Panshekara. Twenty-four of us hid in a small room [...] in my house until 1.30 pm, when we had to flee. I was the second last to leave. As we were running, in my presence the *yandaba* caught my wife on the street and hit her on the head with a stick. I was carrying my one-year-old daughter as the *yandaba* were pursuing me. They caught me, at the back of Market Square, very near my house, and cut me over the head with machetes and an axe. I was left for dead. My daughter was cut on her back with a knife. Luckily she is OK now.<sup>164</sup>

The rioters also attacked the university and killed two people there: retired chief stores officer Mr. Adoyi, a Christian in his early sixties, who was burnt in his house, and a mechanic called Raphael, who had come to do some work on the site. More than twenty houses belonging to Christians were burnt at the university campus. However, most of the violence took place outside the gates of the campus, along BUK Road.<sup>165</sup>

## **2. The brutal response of the police and the military**

It was not until May 12 that police and military reinforcements were finally deployed to restore order to Kano, despite the fact that the violence had been taking place in full public view, in the center of this large densely populated town. Senior police authorities stated publicly that police officers had been given orders to shoot on sight. Kano State Commissioner of Police Ganiyu Dawodu was quoted as saying: “I had to give the shoot on sight order as the killing and mayhem was getting out of hand.”<sup>166</sup>

Police and soldiers carried out a number of extrajudicial killings during their attempts to restore order in Kano. The victims, almost all of whom were Muslim men, included people who were not involved in the violence, according to testimonies gathered by Human Rights Watch. The actions of the police and soldiers in these cases appeared to be unprovoked. A witness of an extrajudicial killing by soldiers told Human Rights Watch: “It was gruesome. This shouldn’t have come from people who are supposed to protect lives. How can you shoot defenseless citizens? [...] Is this way things will be run here? That question is still in my head.”<sup>167</sup>

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<sup>164</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>165</sup> Human Rights Watch interviews, Kano, July 4, 2004.

<sup>166</sup> “Nigerian Muslims take revenge in bloody riot,” Reuters, May 12, 2004. See also “Death toll in Nigerian riot rises to 30: police,” Agence France-Presse, May 12, 2004, and “Shoot-on-sight order in Kano as death toll hits 30,” *Vanguard*, May 13, 2004.

<sup>167</sup> Human Rights Watch interview, Kano, July 5, 2004.

The conduct of the police and military in Kano is typical of the security forces' approach towards restoring law and order in situations of inter-communal conflict across the country. The role they played in Yelwa was, in this sense, an exception to the rule. Their response to almost every other outbreak of inter-communal violence in Nigeria has been characterized by violence and brutality. Strikingly similar cases were recorded in Jos following the violence in 2001, in Kaduna following the violence in 2002, and in other areas.<sup>168</sup> The police and the army are both federal agencies, yet the federal government has expressed no concern for this pattern of extrajudicial killings, either in Kano or in any of these other situations, and has failed to ensure that the perpetrators are brought to justice.

The conduct of the police and military in the cases documented below was in clear violation of Nigeria's international obligations, including the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights (both ratified by Nigeria) which guarantee the right to life. Their conduct also violates the U.N. Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Article 3 of the Code of Conduct states: "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty." General provisions 4 and 5 of the Basic Principles state: "Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms [...] Whenever the lawful use of force and firearms is unavoidable, law enforcement officials shall: (a) exercise restraint in such use and act in proportion to the seriousness of the offence and the legitimate objective to be achieved; (b) minimize damage and injury, and respect and preserve human life; (c) Ensure that assistance and medical aid are rendered to any injured or affected persons at the earliest possible moment; (d) ensure that relatives or close friends of the injured or affected person are notified at the earliest possible moment." General provisions 7 and 8 state: "Governments shall ensure that arbitrary or abusive use of force and firearms by law enforcement officials is punished as a criminal offence under their law. Exceptional circumstances such as internal political instability or any other public emergency may not be invoked to justify any departure from these basic principles."

On the basis of information received from a variety of sources, including eye-witnesses, Human Rights Watch believed that dozens of people were killed by police or soldiers in Kano. Some of the cases documented by Human Rights Watch are described below.

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<sup>168</sup> See Human Rights Watch reports "Jos: a city torn apart," December 2001, and "The 'Miss World riots': continued impunity for killings in Kaduna," July 2003.

The areas in which people were killed by the police or the military included Doreyi, Sharada, Panshekara, Kabuga, and Hausawa Zoo Road.

Many of the people injured during the riots had gunshot wounds. Their injuries were different from those inflicted by the gangs of attackers. Observers concluded that they were almost certainly inflicted by the police or the military, as witnesses consistently affirmed that the rioters had used local weapons and machetes, knives, and axes, but not firearms.

On May 11, a taxi brought four people with gunshot wounds to the general hospital casualty unit in Kano. The people who brought them to the hospital said they had been shot by the police. Two of them had been shot in stomach. The other two had been shot in the legs and had to be carried into the hospital. Two had been shot in Panshekara. It is not known where the other two were shot.<sup>169</sup> In two separate incidents, the bodies of two people who had reportedly been shot by the police were brought to Government House, one on May 11, the other on May 12. The circumstances in which they were shot are not known.<sup>170</sup>

Several independent sources reported that around thirty people were brought to hospital with gunshot injuries on May 12; all of them were believed to have been shot by the police. They reportedly included a twelve-year-old boy who was shot in the stomach. However, hospital staff were under strict instructions not to divulge information about the patients they were treating and barred local journalists from entering the hospital.<sup>171</sup>

A number of sources in Kano described the killing of Lawal Rufai Rogo by soldiers on May 13. Lawal Rogo, aged forty-two, was deputy director in the ministry of commerce in the Kano state government and was well-known in his community. He and a number of friends and relatives had gathered to mourn the death of a young man who had been killed during the riots two days before. At around 5.30p.m, two soldiers came near the house where they had gathered to escort a Christian neighbor who was fetching her belongings. Lawal Rogo had a conversation with the two soldiers; he told them that the Christian woman should not fear because he himself had prevented Muslim youths from attacking Christians during the riots. He also told them that the sight of soldiers could provoke local youths and escalate tension. The soldiers said they were not causing trouble and the conversation ended. A witness explained what then happened:

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<sup>169</sup> Human Rights Watch interview, Kano, July 4, 2004.

<sup>170</sup> Ibid.

<sup>171</sup> Human Rights Watch telephone conversations, May 14, 2004, and interviews in Kano, July 4 and 5, 2004.

Ten minutes later, three army jeeps came with about 30 soldiers. We saw they were in killer mood. We knew there would be trouble. We decided to go quietly into the house. Three minutes later, five soldiers ran towards the house with their guns cocked. The rest stayed outside. We had locked the gate but they broke it. Three of them entered the house, shooting sporadically all over. There were bullets everywhere. Women and children were there as we were having the funeral. At first they shot randomly. But Lawal Rogo may have been the target because of a misunderstanding about his earlier conversation with the soldiers. He was wearing purple clothes so he was a clear target. When they were shooting, Lawal was in a room. He came out and went towards the well but tripped and fell down accidentally. A female officer sprayed him with bullets. As soon as they killed him, they left. Somebody heard them say: “they got him.” They fired about four bullets. The first bullets did not hit him. The officer waited until the blood was gushing out, then left [...] Lawal was lying down on his front. He was shot in the chest, thigh and foot. Another man was also injured. He was shot on the leg and was taken to hospital.<sup>172</sup>

Witnesses reported that this particular group of soldiers, including the female officer, was notorious in the area and that they also entered other houses in the area, shooting. They said the red pick-up van in which they were traveling was easily recognizable. They were all carrying AK 47s. There were reports that the same group killed a number of other people in the Doreyi area.

After the killing of Lawal Rogo, representatives of the government and the State Security Service (SSS, the intelligence services) began an investigation and interviewed some of the victim’s relatives. His relatives also wrote about the case to the commissioner of police and the government. By July 2004, neither the police nor the army had interviewed the family and it was not known whether they were carrying out their own investigations. Human Rights Watch has not been able to obtain any further update on this case.

There were several cases of killings by the police and soldiers in the Hausawa Zoo Road area. In one of the most serious cases, twenty-two-year-old Mohammed Abdurrahman, a student at Gandun Albasa secondary school, was beaten to death by the police; his family only found out he had died several days later. On May 11, at around 11 a.m., Mohammed Abdurrahman had gone to visit friends in a tailor’s shop when several

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<sup>172</sup> Human Rights Watch interview, Kano, July 5, 2004.

policemen arrived and arrested him. According to witnesses, police had tear-gassed the area earlier, causing many people to run away, but because Mohammed Abdurrahman had not run away, the police arrested him. Witnesses said the police punched him, hit him with their gun butts and kicked him, then dragged him into a bus in which there were seven or eight policemen, and took him away.<sup>173</sup>

His relatives tried to find out where he was detained. For three days, they made repeated inquiries with the police but were unable to find him. One of his relatives eventually discovered that he was dead, not through information provided by the police but through his own persistent inquiries at the hospital and the mortuary. The day before he found out that Mohammed was dead, he had raised the case with a police officer in the motor traffic division. The policeman told him he didn't care, that the police had advised against the demonstration in support of the victims from Yelwa, so they had "asked for it."<sup>174</sup> One of Mohammed's brothers went to the police station after learning about the death of Mohammed to request the identity of the policemen who had taken him to the mortuary. They refused to tell him and said the family should just forget about it.<sup>175</sup>

On May 11, Isa Tanko, a thirty-five-year old hawker who sold perfume, was shot dead by soldiers in the Hausawa Zoo Road area. His relatives described what happened:

On Tuesday, we were sitting [in our house]. We saw people running into their houses. Isa stood up and wanted to see what was happening. We followed him. We saw him trying to run back. Midway, beside the Abba clinic, he stopped to see what was happening. The soldiers had arrived. Suddenly, a soldier cocked his gun and shot. He was hit in the arm and stomach.

The soldiers were on the main road, patrolling Zoo Road, then moved into this area. When people saw them, they panicked and started running. There were about 12 soldiers. They may have suspected there was a crisis here but there wasn't. At about 12 noon, the soldiers came. At first, they didn't do anything, so people came out again. The soldiers thought they had arms but nobody had. The soldiers said nothing and just shot. They didn't shoot into the air. They shot directly at people. Only one soldier shot, randomly [...]

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<sup>173</sup> Human Rights Watch interview, Kano, July 6, 2004.

<sup>174</sup> Ibid.

<sup>175</sup> Ibid.

There were over 20 people in the crowd including women, but only Isa was hit. The bullet hit him on the arm. It broke his arm and pierced his stomach. It was just one bullet. He didn't die on the spot. We brought him here and took him to the Aminu Kano teaching hospital. They said we had to pay 3,000 naira [approximately U.S. \$23]. We came back and people gathered 7,000 naira. We took the money to the hospital. They removed the bullet and stitched his arm and stomach. There was an improvement, but after two days, he died in hospital, on Thursday.<sup>176</sup>

Another man in Hausawa Zoo Road told how his twenty-six-year-old nephew, Shehu Garba, a student who also worked in a barber's shop, was shot dead by a soldier on May 12, at about 1.15 p.m.:

He was going to see his friend. He went to pray and was shot while saying his prayers. They aimed at him and shot him. There were many soldiers there but one soldier shot him. He got a bullet in the chest and died instantly. He was praying within the mosque, which is next door to his barbing saloon. Some people said the soldier aimed at him, others said they shot randomly.

[...] I don't know why they shot him. We [the family] were informed and collected the corpse. Some people took it to Government House to notify the governor. We met the governor and told him what had happened. He said we should bury the corpse and be patient. He expressed concern but didn't say he would investigate.<sup>177</sup>

Another resident of Hausawa Zoo Road described the conduct of soldiers in the area as "horrible. They behaved as if we were animals. They shot at boys playing football. One was shot in the back, on Wednesday [May 12]. We were sitting and we heard the guns. We took the boy to the hospital at about 5 p.m. He was fourteen years old. He survived."<sup>178</sup>

Abdulaziz Abdussalam, a twenty-year-old student at Kano State Polytechnic school of technology, was shot dead on May 11, at about 11 p.m., in Rijyar Zaki. The identity of the perpetrators has not been confirmed, but some witnesses believe they were soldiers. Abdulaziz Abdussalam was walking past a parked car when someone inside the car shot

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<sup>176</sup> Human Rights Watch interviews, Kano, July 5, 2004.

<sup>177</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>178</sup> Human Rights Watch interview, Kano, July 5, 2004.

him twice. The bullets hit him in the neck and chest. He died a few minutes later. Witnesses said there was one man and two women in the car but did not see who fired the shots. The car then sped off towards the barracks.<sup>179</sup>

A number of people were seriously injured by police and soldiers in Doreyi on May 12. A twenty-two-year-old student described how he was shot in both legs:

I was returning from school at around 12 noon. The driver refused to bring us here as he saw soldiers. He dropped us at the BUK gate and we had to walk from there. Another bus came up behind and also refused to drive here. Soldiers came and started shooting at the other bus. I tried to run away. They shot someone in the other bus. He was shot in the chest and died about four hours later. They asked me to help carry him to the teaching hospital. We put him in the bus. The soldiers started shooting again. I was hit. All of us carrying the body dropped our things and ran away as the soldiers started shooting [...]

It was a combination of military and normal police. The military were armed but the police were not. There were two policemen and eight soldiers. I don't know why they shot us [...] I was shot near the mosque. I just heard the shooting. After shooting, the soldiers brought us to their vehicle. They kicked my leg. They threatened to kill us. They said: "Since you didn't allow us to sleep, you won't sleep either."<sup>180</sup>

Three other men, all in their twenties, were injured in the same incident. A fourth, in his early thirties, was badly beaten. The soldiers took him to the military commander in Panshekara, where they beat him with gun-butts and whips, kicked him and insulted him. He tried to run away and fell into a gutter. He was then taken to the police and released later the same day.<sup>181</sup>

When Human Rights Watch raised the issue of extrajudicial killings in a meeting with the Kano State Commissioner of Police, the Commissioner replied that he did not believe such reports. He said "a policeman is not a madman" and stories should be taken with a pinch of salt. He admitted that the police had shot at rioters, especially on May 12, but said he did not know the number or if any of them had died. He gave the example of a situation where the attackers were standing outside a house which had been set on fire,

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<sup>179</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>180</sup> Human Rights Watch interview, Kano, July 5, 2004.

<sup>181</sup> Ibid.

so the police had “had to shoot at people”. He said: “there may have been dead bodies on the ground but I don’t know who killed them.”<sup>182</sup>

### **3. Arrests and prosecutions**

A number of people were arrested in connection with the violence in Kano on May 11 and 12. Most were arrested very soon after the events but a significant proportion were released within a short period for lack of evidence. According to the police, by early July 2004, 228 people had been arrested in connection with the riots. 45 of them had been charged, 61 were under investigation, and 102 had been released.<sup>183</sup>

Human Rights Watch is not aware of the arrest of any police or military officers in connection with extrajudicial killings during this period. The Kano State Governor told Human Rights Watch that the government had received a number of complaints about extrajudicial killings which had been referred to the brigade commander. He said most of them concerned the military, and they had not received formal complaints about killings by the police. He said he understood investigations were still ongoing and would be dealt with under military procedures.<sup>184</sup> In April 2005, the police public relations officer in Kano was unable to give a local activist any information on action taken by the police in response to reports of extrajudicial killings.<sup>185</sup> The absence of prosecutions of police and military responsible for extrajudicial killings in Kano mirrors the absence of such prosecutions in other conflicts in Nigeria where members of the security forces have also been able to get away with such abuses with complete impunity.

### **4. Internal displacement**

Since 1999, successive waves of inter-communal violence in Kano have caused many Christian families to leave the city, although some have since returned. One of the effects of the May 2004 riots appears to have been the more permanent departure of Christian residents who lost relatives in the attack and whose homes and livelihood were destroyed.

The May 2004 violence in Kano caused large-scale displacement of Christians. An estimated 30,000 people sought protection in a number of sites in the city, mostly in the

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<sup>182</sup> Human Rights Watch interview with Commissioner of Police Ganiyu Dawodu, Kano, July 6, 2004.

<sup>183</sup> Ibid. Human Rights Watch tried to update these figures in April 2005, but the police public relations officer told a Kano-based activist that he did not have more recent figures and could not provide up to date information on the progress of prosecutions.

<sup>184</sup> Human Rights Watch interview with Kano State Governor Ibrahim Shekarau, Kano, August 17, 2004.

<sup>185</sup> Human Rights Watch telephone conversation, April 29, 2005.

grounds of police or military barracks. The largest sites for the displaced were the Bompai police barracks and the police academy in Panshekara, which held several thousand people each. Others stayed in Bokabo barracks, Zone 1 police barracks, Mobile barracks, Janguza barracks, Our Lady Fatima Catholic church, and a number of other churches. When Human Rights Watch visited Kano in July 2004, there were still an estimated 4,000 internally displaced people in the main barracks in the city. Much of the assistance to the internally displaced was being provided by the churches. Some of the displaced complained that they were receiving little or no assistance from the government. The state governor, however, claimed that relief was being provided both by the state and the federal government. A committee coordinated by the Secretary to the State Government had been given the task of ascertaining the amount of assistance required.<sup>186</sup>

Unlike the internally displaced in Plateau State, almost all the Christians displaced by the fighting whom Human Rights Watch interviewed in Kano in July said that they did not want to remain in Kano and were planning to leave for their areas of origin—in some cases a long distance away—or other destinations as soon as they had the means to do so. Some of them had been living in Kano for more than fifteen or twenty years, and they and their families had settled there and found work, but the latest violence had persuaded them that it was no longer safe for them to remain.<sup>187</sup>

In the months that followed the violence, the police and military barracks and other sites used to house the internally displaced emptied. The displaced populations have since returned to their homes or have relocated to other areas.<sup>188</sup>

## VII. Conclusion

The conflicts in Plateau State and Kano in 2004 have illustrated the grave consequences of the Nigerian government's persistent neglect of communal tensions and of its failure to take action to prevent longstanding grievances from turning into violence. Both the federal and state governments failed to respond to three years of intermittent fighting in Plateau State, until the situation had spun out of control. Had the government acted much earlier on, notably by bringing to justice those responsible for the violence, hundreds of lives might have been saved. Specifically, the massacres in Yelwa in 2004 and the revenge killings in Kano might have been prevented. When government forces

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<sup>186</sup> Human Rights Watch interview with Kano State Governor Ibrahim Shekarau, Kano, August 17, 2004.

<sup>187</sup> Human Rights Watch interviews, Kano, July 4-5, 2004.

<sup>188</sup> Human Rights Watch telephone interview, Kano, April 26, 2005.

did finally intervene, their intervention either came far too late, as in Yelwa, or contributed further to the violence by shooting people on sight, as in Kano.

Human Rights Watch is urging Nigerian federal and state government authorities to seize the momentum of the relative peace in Plateau and Kano since these events to set in place long-lasting measures to protect human rights, particularly the right to life. These must go beyond the short-term gains which may have been achieved since the imposition of the state of emergency. The government must put in place a comprehensive and long-term program to prevent further violence in the affected areas. Justice and security should be the priorities in the government's initiatives in Plateau and Kano states, and in other parts of Nigeria affected by similar conflicts. The dialogue which has been launched between religious and communities is also critical, but is likely to lead to only superficial or short-term improvements unless justice is done for the serious crimes committed by both sides.

Human Rights Watch also urges the federal government to review the notion of "indigeneship" and to eliminate this status, in the light of the discrimination which has resulted from the distinction between "indigenes" and "non-indigenes" and in recognition of the fact that this has been the root cause of much of the violence in Plateau State and other parts of Nigeria.

## **VIII. Acknowledgements**

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