

## NIGERIA

### THE “MISS WORLD RIOTS”: Continued Impunity for Killings in Kaduna

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## I. SUMMARY

In November 2002, protests relating to the Miss World beauty contest due to be held in Nigeria spiraled out of control and around 250 people were killed as Muslim and Christian groups fought each other for three days in the northern city of Kaduna. The security forces not only failed to prevent the killings—despite the presence of special military units stationed in Kaduna since 2000 with the specific aim of averting such clashes—but contributed significantly to the violence by killing and injuring dozens of people themselves during the days of rioting. A number of people were arrested and detained in connection with the violence; most have since been released. Meanwhile, the individuals responsible for organizing or inciting the violence have still not been prosecuted. The government has failed to ensure that those responsible for the killings, including its own security forces, are brought to justice; nor has it taken any effective action to prevent a likely recurrence of such violence.

The apparent trigger for the violence in Kaduna—which became known as the “Miss World riots”—was an article published in the Lagos-based newspaper *ThisDay*, which was perceived as blasphemous by some Muslims. Within days, expressions of displeasure or offence at the article were seized upon by more militant groups, and the protests turned into violence. Muslims attacked Christians and Christians retaliated against Muslims. Both groups went on the rampage, killing, burning and looting. Many of those killed were civilians who were not participating in the violence and were targeted purely on the basis of their religious or ethnic affiliation.

In much of the media, the events in Kaduna were portrayed purely as religious riots. This was especially the case in the media in western countries, where the Kaduna riots received a high level of coverage, in large part because of attention surrounding the disrupted Miss World contest. Many foreign news reports presented the riots as directly linked to the Miss World contest, arguing that the negative consequences of holding such an event in Nigeria—a country with a large Muslim population and a known history of religious tension—could have been predicted.<sup>1</sup>

In reality, the latest outbreak of violence in Kaduna, like earlier ones, appears to have been motivated less by irreconcilable religious beliefs than by political disputes and rivalries between different ethnic and political groups. As explained in this report, this was not the first time that Christians and Muslims had clashed in Kaduna; thousands of lives had been lost in similar conflicts in previous years, particularly following discussions around the proposed extension of Sharia (Islamic law) in 2000. Typically in such conflicts in Nigeria, the political and ethnic divides tend to coincide with the religious divide. Although the question of religious identity is one of the factors underlying the tension in Kaduna, it is not the only one. However, it was seized upon by leaders who exploited religious sentiment to inflame the situation and to spur on their supporters against their opponents. Encouraged by the impunity which has protected those responsible for similar outbreaks of violence in the recent past, the individuals who carried out the killings as well as those who organized them acted in the knowledge that they were unlikely to be held accountable for their actions.

The findings in this report are based in most part on research carried out by Human Rights Watch in Kaduna in December 2002. Human Rights Watch researchers spoke to residents of many areas of Kaduna town, including those in some of the areas worst affected by the violence. We gathered testimonies from Muslims and Christians, including community leaders, and from men and women from different ethnic groups who had witnessed or directly experienced the violence. One of the most disturbing findings was a pattern of extrajudicial killings by the security forces (both the police and the military). Despite strong evidence, these killings did not attract much media attention in Nigeria at the time and were overshadowed by the intense fighting between Christian and Muslim groups. A large part of this report focuses on human rights violations by the security forces and describes several cases of extrajudicial killings. None of the members of the security forces responsible for these killings are known to have been prosecuted. Human Rights Watch strongly condemns these killings by the police and the military in Kaduna and urges the government to put an end to the impunity which is protecting the police and the

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<sup>1</sup> Eventually, the Miss World contest was moved from Nigeria to the United Kingdom, because of the violence in Kaduna.

military. The authorities should take immediate measures to bring to justice the individual members of the security forces responsible for killing or injuring civilians during the violence in Kaduna. They should also issue clear instructions to the security forces that operations to restore law and order are never a justification for extrajudicial killings, and that every effort should be made to arrest criminal suspects without resorting to lethal force.

More broadly, Human Rights Watch is urging the Nigerian government to take effective measures to defuse and prevent further inter-communal violence, in Kaduna and elsewhere. In the weeks and months leading up to elections in Nigeria in April 2003, cases of politically motivated killings and other forms of political violence increased across the country.<sup>2</sup> While most of this violence was carried out by supporters of rival political parties or political candidates, in some cases, it took place against the backdrop of existing inter-communal tensions, and competition for political positions provided a new excuse for violence between different ethnic groups.<sup>3</sup> The November 2002 events in Kaduna clearly show how longstanding inter-communal tensions can easily be manipulated with fatal consequences by politicians. Continuous efforts need to be made by political, religious and community leaders at all levels to prevent situations where seemingly minor incidents or disagreements can escalate so rapidly and lead to massive loss of life. Ending impunity for such violence will be the key to ensuring that communities can once more co-exist peacefully and resolve any differences which arise without automatically resorting to violence.

## II. BACKGROUND<sup>4</sup>

The city of Kaduna, the capital of Kaduna State, is one of the largest in northern Nigeria and is viewed by some as the symbolic capital of the north.<sup>5</sup> While the north of Nigeria is predominantly Muslim, Kaduna has a significant population of Christians, from around thirty ethnic groups based mostly in the south of the state, sometimes referred to as the South Kaduna minority tribes. According to some estimates, close to half the population of Kaduna may be made up of Christians. The majority of the population in the northern part of Kaduna State are Muslims from the Hausa/Fulani ethnic groups. Kaduna differs from other northern states in that although some areas are dominated by particular ethnic groups, these different groups have also lived side by side in the same areas for many years, especially in Kaduna town.<sup>6</sup> Kaduna has a different mix of populations from other northern states: as its capital is one of the more developed cities in the north, it has become host to people from many ethnic groups from different parts of the country, including Christians from other states.

Over several decades, Kaduna, like other states of Nigeria, has experienced outbreaks of violence and fighting between different groups. Most often, this has pitted Muslims against Christians, although the fundamental causes can be traced to political and economic rivalries, rather than religious differences. In recent years, however, religion has come to the fore as one of the aspects with which people have identified most readily and which has enabled leaders to stir up violence whenever it suited their purposes. Since 2000, in particular, the religious dimension to the tensions in Kaduna emerged more explicitly, as conflicts began to center around the extension of Sharia to criminal law, one of the most divisive issues in Nigeria in recent times.

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<sup>2</sup> See Human Rights Watch report "Testing democracy: political violence in Nigeria," April 2003.

<sup>3</sup> Ibid. This was the case for example in Jos, Plateau State, and in Warri, Delta State.

<sup>4</sup> Various reports and articles by non-governmental organizations, academics and others provide more detailed background on the history and causes of violence in Kaduna State. A concise account can be found in "Ethnic and religious crisis in Kaduna," by Hussaini Abdu and Dr Lydia Umar, in *Hope Betrayed? A report on impunity and state-sponsored violence in Nigeria*, published by the Centre for Law Enforcement Education and the World Organisation Against Torture, 2002; and in Hussaini Abdu, "Ethno-religious crisis in Kaduna: impact on women and children," in *Ethno-religious conflicts and democracy in Nigeria: challenges*, Etanibi E.O.Alemika and Festus Okoye (eds.), published by Human Rights Monitor, 2002.

<sup>5</sup> Kaduna was the capital of what was called the Protectorate of Northern Nigeria under the British colonial administration.

<sup>6</sup> See "Ethnic and religious crisis in Kaduna," by Hussaini Abdu and Dr Lydia Umar, in *Hope Betrayed? A report on impunity and state-sponsored violence in Nigeria*, published by the Centre for Law Enforcement Education and the World Organisation Against Torture, 2002.

Three of the most serious outbreaks of violence in Kaduna State occurred in 1987, 1992 and 2000. In 1987, a dispute erupted between students from different ethnic and religious groups in Kafanchan, and the violence spread to several other towns and areas. In February and May 1992, in what became known as the Zangon-Kataf crisis, there were clashes in Zangon-Kataf between the Hausa and the Kataf (a predominantly Christian ethnic group), initially sparked off by a dispute over the relocation of a market. Killings of Hausa by Kataf were followed by reprisal killings of Christians by Muslims, including in several other parts of Kaduna State.<sup>7</sup>

### **The 2000 crisis and its consequences**

A brief background on the events of 2000 is essential to understand some of the factors which gave rise to the violence in Kaduna in November 2002. In February and May 2000, in some of the most serious inter-communal violence that Nigeria has seen in recent years, at least 2,000 people, and possibly many more, were killed in fighting between Christians and Muslims in Kaduna. Some commentators have described the 2000 Kaduna riots as the single worst outbreak of violence in Nigeria since the 1967-70 civil war.

The fighting began following debate around the proposed introduction of Sharia in Kaduna State. Sharia has existed in northern Nigeria for many years, but until 1999, it had only been applied to personal and domestic law. From 1999 onwards, in a move which was popular among many Muslims but highly controversial in the broader Nigerian federation, a number of northern state governors began extending its application to criminal law and other areas that had not been previously regulated. Zamfara was the first state to do so; others soon followed, and by 2001, most of Nigeria's twelve northern states had adopted some form of Sharia in criminal law.<sup>8</sup> Although designed to apply only to Muslims living in these states (non-Muslim criminal suspects are not tried by Sharia courts), its application has been strongly opposed by Christians, who find themselves directly or indirectly affected by it in different ways; for example in some states, the sale and consumption of alcohol is prohibited, and women are prohibited from traveling with men in public transport vehicles. Aside from these practical effects of Sharia, many Christians have strongly opposed its application for reasons of politics and "principle", arguing that its spread is a way of perpetuating the historical dominance of the Muslim north — a discourse which shows that regional divisions in Nigeria remain at least as strong as religious divisions.

In view of Kaduna's large Christian population, the possibility of introducing Sharia in Kaduna State was always likely to attract more controversy, and more protest, than in other northern states. A Lagos-based human rights activist described Kaduna as having become a place of contestation for Muslims and Christians, a battleground for the "forces of secularity."<sup>9</sup>

The 2000 violence in Kaduna took place in two main waves—sometimes referred to as "Sharia 1" and "Sharia 2" — a first wave from February 21 to 25, with further killings in March, followed by a second wave from May 22 to 23. In reaction to the prospect of the introduction of Sharia into Kaduna State, the Kaduna branch of the Christian Association of Nigeria (CAN) organized a public protest on February 21. Then the situation degenerated: Muslim youths clashed with the Christian protestors, and fighting between Christians and Muslims spiraled out of control, with massive violence and destruction on both sides. An accurate, total death toll has never been ascertained, and as is typical in these situations, government and police officials were keen to play down the figures. A judicial commission of inquiry set up by the Kaduna state government reported that at least

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<sup>7</sup> For an account of the Zangon-Kataf violence, see Akin Akinteye, James M.Wuye and Muhammad N.Ashafa, "Zangon Kataf crisis: a case study," in *Community conflicts in Nigeria: management, resolution and transformation*, Onigu Otite and Isaac Olawale Albert (eds.), (Ibadan: Academic Associates Peaceworks, 1999). See also Human Rights Watch report on the trial which resulted from the Zangon-Kataf riots: "Military injustice: Major General Zamani Lekwot and others face government-sanctioned lynching," March 30, 1993.

<sup>8</sup> Nigeria is a federation made up of thirty-six states.

<sup>9</sup> Human Rights Watch interview, Lagos, December 5, 2002. Secularity is sometimes associated with Christianity among Muslims who advocate Sharia in Nigeria.

1,295 people had been killed, while an unspecified additional number were buried unidentified, and others were declared missing;<sup>10</sup> however, this number refers only to those killed in February and does not include the several hundred people reported killed in May.<sup>11</sup> All the people Human Rights Watch interviewed in connection with the 2002 riots believed that the number of people killed in the 2000 riots far exceeded the figure of 2,000 and was likely to be closer to 5,000. A Nigerian journalist who covered the November 2002 Kaduna riots described them as “child’s play compared to what happened in 2000.”<sup>12</sup> The 2000 violence in Kaduna had repercussions elsewhere in the country, particularly in the southeast, as predominantly Christian ethnic groups, such as the Igbo, took revenge for the killings of Christians in Kaduna and turned against Muslim populations in their areas.

The 2000 violence has left long-lasting scars on the people and the state of Kaduna; the memories were still fresh when violence struck again two years later, and many communities feel that their grievances have still not been addressed. In particular, many of those interviewed by Human Rights Watch in December 2002 were still bitter about the fact that there had been no justice following the massive violence in 2000; they therefore expressed little hope that the organizers or perpetrators of the 2002 violence would be prosecuted. None of the people interviewed by Human Rights Watch were able to cite any cases of leading actors in the 2000 violence who had been brought to trial. It is widely believed that at that time, government authorities decided to avoid what they perceived as a risk of further escalating the violence by charging and trying the individuals responsible. Many Muslims and Christians alike also attributed the lack of prosecutions for the 2000 violence to significant political pressure from leaders of both communities, and feared that a similar absence of action would characterize the government’s response to the 2002 violence.<sup>13</sup> As described in this report, their predictions have turned out to be true.

Apart from the trauma that individuals and families have suffered, and the ever-deepening divisions in the society, the physical effects of the violence of 2000 are still visible in the widespread destruction of houses and other buildings. When Human Rights Watch visited the state capital in December 2002, local residents pointed out destruction that had been caused in 2000, separately from the more recent destruction caused in 2002. In some cases, the same neighborhoods or buildings had been hit twice, first in 2000, then again in 2002, and many had not been rebuilt or repaired since 2000.

The 2000 violence also caused large-scale population displacement, leading to a sharp segregation of communities in some areas. By 2002, residents were describing particular areas of Kaduna town as “100 per cent Christian” or “100 per cent Muslim.” This was largely as a result of the 2000 events, and to a lesser extent the clashes of previous years. Christians and Muslims increasingly moved to areas which were dominated by people of their own faith in the hope of finding safety there; many of them did not return to their original areas of residence. Following the 2002 violence, this physical segregation of parts of the city appears to have increased — an indication of deepening polarization in what was once a genuinely mixed population. Many of the people interviewed by Human Rights Watch in December 2002 explained that they had moved homes not because they did not want to live with members of other faiths, but that it was a “survival tactic”: they expected to be safer surrounded by their own community in the event of any future resurgence of violence.

The governor of Kaduna State, Ahmed Mohammed Makarfi, has found himself in an increasingly difficult political position in the last few years, particularly since the 2000 riots and the introduction of Sharia. The manner in which Sharia is applied to criminal law varies from state to state in the north of Nigeria, and the federal government has given free reign to state governors in this respect, despite fierce controversy as to the

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<sup>10</sup> See Chapter 3 of the White Paper on the Report of the Judicial Commission of Inquiry into Kaduna State Religious Disturbances of February 2000, published by the Kaduna State Government in April 2001.

<sup>11</sup> See for example Amnesty International Annual Report 2001.

<sup>12</sup> Human Rights Watch interview, Lagos, December 4, 2002.

<sup>13</sup> Human Rights Watch interviews, Kaduna, December 2002.

constitutionality of its application to criminal law in the first place.<sup>14</sup> In Kaduna, the governor eventually introduced a “modified” or watered-down version of Sharia, a kind of compromise to make allowances for the fact that the state has such a large Christian population. For example, unlike in some northern states, restrictions relating to life-style, such as consumption or sale of alcohol, are not generally applied to Christians in Kaduna. In view of the violence that the prospect of Sharia had unleashed in 2000, it was not until 2001 that Sharia was extended to cover criminal law in Kaduna State and Sharia courts were created there.<sup>15</sup> To date, unlike some other northern states, the Sharia courts in Kaduna State are not reported to have handed down cruel, inhuman and degrading sentences such as death by stoning, floggings and amputations, even though these punishments are provided for in the penal code.<sup>16</sup>

Faced with the challenge of trying to win the support of both Christians and Muslims, Governor Makarfi, himself a Muslim, has succeeded in satisfying neither. Christians have accused him of pandering to Islamic “extremists” by introducing Sharia, a move which was seen as responsible for the massive killings in 2000 and which continues to cause controversy and division. For example, a statement issued by Christian elders two days after the November 2002 violence had subsided accused Governor Makarfi of “executing an Islamic Sharia agenda against the Christians and Southern Kaduna people who in the first instance overwhelmingly voted him into power.”<sup>17</sup> The same statement asserts: “The implementation of Islamic Sharia as signed into law in Kaduna State has turned the Christians and other non-Muslims in Kaduna State in a ‘House of War’. We therefore totally refuse to accept it as such.”<sup>18</sup> However, some Christians have supported his efforts to resist pressure to turn Kaduna into a “full” Sharia state, and some of his most ardent supporters can be found among the Christian communities. His most vocal critics have been Muslims, who have accused him of betraying them by not implementing “proper Sharia” and of being more Christian than some Christians; they have nicknamed him “Pastor Makarfi” or “John Makarfi”. In addition, as a member of the ruling People’s Democratic Party (PDP), he has been criticized by opponents of President Obasanjo and labeled a stooge of the president.<sup>19</sup>

As waves of violence have succeeded each other in Kaduna, and the authorities have failed to resolve the causes of the conflicts, some groups have intensified their campaign for the creation of a separate Southern Kaduna state. These demands have mostly been voiced by Christians who have repeatedly complained of marginalization — the assumption being that any newly-created state would be dominated by Christians, while most Muslims would continue to live in the northern part of the state. However, several Muslims told Human Rights Watch that they too were beginning to despair of the population’s ability to live together in the state’s current configuration, and that perhaps the only solution was to create separate states. However, others —

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<sup>14</sup> Section 10 of the 1999 constitution states: “The Government of the Federation or of a State shall not adopt any religion as State Religion.” The constitution contains provisions for Sharia courts in the context of Islamic personal law, but not criminal law. Since the northern states began extending Sharia to criminal law, there has been much debate and division on this issue in Nigeria. The federal government has adopted a passive attitude, with the apparent hope or expectation that the issue would eventually resolve itself. Several senior federal government officials, including President Obasanjo and Attorney General and Minister of Justice Kanu Agabi, have expressed their personal opposition to certain sentences handed down by Sharia courts, particularly sentences of death by stoning for adultery. However, they have not taken measures to prevent these sentences from being issued by challenging aspects of the legislation, waiting instead for each case to make its way through the appeals process. In the period leading up to elections in 2003, the federal government would have been especially reluctant to take a strong stand against Sharia for fear of alienating the northern vote. Several of the northern state governors have staked their personal and political reputation on the successful implementation of Sharia.

<sup>15</sup> Law To Provide for the Establishment of Sharia Courts in Kaduna State, May 2, 2001.

<sup>16</sup> Section 96, Kaduna State Shari’ah Penal Code, June 2002.

<sup>17</sup> Press Release on the Recent Religious Violence/Riots in Kaduna State by the Southern Kaduna Elders’ Consultative Forum, 25<sup>th</sup> November 2002.

<sup>18</sup> Ibid.

<sup>19</sup> In 1999, President Obasanjo came to power in large part through the support of the north. However, many northerners have since become disillusioned with his government, feeling that he has let them down. Opposition to President Obasanjo has grown across several northern states.

Christians and Muslims — pointed out that in many areas, the populations are still intermingled and believe that ethnic and religious diversity remains one of the strengths of Kaduna State.<sup>20</sup>

### III. THE NOVEMBER 2002 RIOTS

#### **Events leading up to the riots: the Miss World contest and *ThisDay* article**

The decision to hold the 2002 Miss World contest in Nigeria (an option that arose because the winner of the previous contest was a Nigerian) was always likely to be controversial and to attract disapproval from conservative sectors of society, particularly in the Muslim-dominated north of the country. Initially scheduled to take place at the end of November, it was eventually postponed to December 7, to avoid coinciding with the Muslim holy month of Ramadan. In the weeks preceding the violence in Kaduna, there had been a number of low-level protests in various parts of Nigeria, especially in the north, and negative public comments, mostly by conservative Muslims who opposed the beauty contest on moral grounds and objected to it taking place in Nigeria. Although there was much debate in the media and other fora, these protests generally passed off without violence.

On Saturday, November 16, an article was published in *ThisDay*, one of the main daily newspapers in Nigeria, which is based in Lagos, but has correspondents and regional offices in a number of other states, including Kaduna. The article, by journalist Isioma Daniel, suggested that the Prophet Mohammed would have approved of the Miss World contest. It stated: “What would Muhammed think? In all honesty, he would probably have chosen a wife from among them.”

The article provoked a storm of outrage from Muslims in different parts of the country. It was reported that Muslims across Nigeria were alerted to the article within a short time, particularly through text-messages on their mobile phones. However, Kaduna was the only place where the protest took a violent form, even though neither the newspaper nor the writer had any particular link to that state. On Wednesday, November 20, demonstrators took to the streets in Kaduna town. According to several witnesses, an initially peaceful public protest against the content of the article was hijacked by a group of people who were apparently intent on causing trouble, and the demonstration quickly turned to violence. A group of protesters composed primarily of young Muslim men, believed to include students from Kaduna Polytechnic, arrived at the Kaduna office of *ThisDay* in three buses; others used motorcycles. They attacked and burned the newspaper’s regional office on Attahiru Road Malali, ransacked the newspaper depot and distribution centre and made bonfires out of piles of newspapers. There were no casualties, as the newspaper staff were not on the premises at the time. At no point did the police intervene to stop the violence by the protesters or make any arrests, despite the fact that the office of *ThisDay* was attacked in broad daylight and in full view of many residents and passers-by.

A group of protesters also marched to the office of the Kaduna State Governor. They demanded to meet him, and some protesters were further angered by his refusal to do so. There were conflicting testimonies as to whether the protesters who went to the governor’s office were demonstrating in a peaceful or a threatening manner.

#### **Three days of killing and destruction**

The following day, on Thursday, November 21, organized groups of Muslim youths in different areas of Kaduna town took up arms and began attacking Christians. They advanced in large groups, armed with a variety of weapons, including machetes, knives, sticks, iron bars, and firearms. They sought out Christian homes, particularly in mixed Christian-Muslim neighborhoods, and specifically targeted people on the basis of their religion. Many Christians were killed and many were injured; others fled for their lives, leaving their homes and belongings behind, which were then looted by the rampaging youths. The attackers also destroyed or burned houses and other buildings, including a large number of churches, schools, hotels and other properties.

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<sup>20</sup> Human Rights Watch interviews, Kaduna, December 2002.

All the people interviewed by Human Rights Watch, whether Muslim or Christian, agreed that this first wave of violence was initiated by Muslim groups, that it was unprovoked, and that it appeared to have been planned in advance. However, within a short time, Christian groups started retaliating. Most of the attacks by Christians took place on the second day, on Friday, November 22. Their tactics mirrored those of their opponents: similarly armed with traditional weapons as well as firearms, they specifically targeted Muslims, setting up roadblocks and interrogating those who passed by to ascertain their religion, then singling out the Muslims and attacking them. They also attacked several mosques and many houses and other buildings in Muslim areas.

On the afternoon of Friday, November 22, the violence spread to the federal capital, Abuja (about 185 kilometres south of Kaduna town), where Muslim youths began smashing vehicles and lighting fires in the center of town. The police intervened fairly promptly, and nobody was killed in Abuja; however, this was seen as an alarming development as it was the first time that the capital was directly experiencing the effects of inter-communal or inter-religious violence more commonly associated with other parts of Nigeria. According to an Abuja-based human rights activist, the outbreak of violence in Kaduna had led to an internal dispute at the Abuja central mosque. Youths there reportedly asked the imam how they should respond to the situation in Kaduna; when the imam replied that they should remain calm, the youths were not satisfied. They reportedly threatened him, then went on the rampage in town.<sup>21</sup>

On Friday, November 22, *ThisDay* published an extensive and unreserved apology by its editor for any offense caused by the original article; retractions and apologies had already been published in two earlier editions, on November 18 and 19. However, these apologies, barely noticed by the rioters, made no impact on the spread of violence, which was already beyond control.

The fighting in Kaduna continued into Saturday, November 23. By this time, the violence had taken on a life of its own. Some of the rioters did not even know what had sparked off the fighting but were nevertheless systematically hunting down members of the other faith and destroying their property; others seemed more interested in looting than in killing. People reported seeing many bodies lying in the streets as they fled in panic, but often did not know whether the victims were Muslim or Christian or who had killed whom. A young man who had fled from the Nasarawa area (a mixed Muslim/Christian area) described the pervasive violence, chaos and confusion, in which people from all different ethnic groups and religions found themselves trapped:

“It started on Thursday, at about 1 p.m. People tried to calm us down. Muslim youths were putting fire to people’s houses [...] On Thursday, they grabbed a person and cut him on the head with a knife. He was an Idoma man [an ethnic group from central Nigeria] aged about thirty-five. More than ten of them surrounded him. He died immediately. On Friday, a Christian man called Suleiman, in his forties, was shot in the head with a gun, in Dokaji Street.

When we ran away, they put fire to our house. My house was destroyed. My shop was also burnt to ashes. I ran to my brother’s place. I saw some dead bodies on the way. They had been burnt. I saw five bodies in Dokaji, Market Road, Fulani Street. They were cut with knives. Three were burnt. I don’t know their identity or whether they were Christians or Muslims. A Hausa businessman, a mature man who has children, was shot with a gun. I don’t know who killed him. I saw his body. He was shot in the head, in his house.<sup>22</sup>

In several localities, Christian and Muslim community and religious leaders made desperate attempts to rein in the youths and contain the violence. For example, a Christian leader in Nasarawa gathered Christians and Muslims in his area on the first day of the violence: “Tires were burning around Flourmill. I went there. I called

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<sup>21</sup> Human Rights Watch interview, Abuja, December 6, 2002.

<sup>22</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 11, 2002.

Muslims and Christians. The Christians told me Muslims were killing Christians at Kabala and they had to retaliate. I asked them: 'Have you seen it?' They said no. I said: 'We made an agreement not to fight in Kaduna.' Then they left, both the Christians and the Muslims."<sup>23</sup> In some instances, communities succeeded in setting up joint patrols of Christian and Muslim civilians, which managed to limit or prevent killings by keeping people out of certain neighborhoods; however, overall, the impact of their efforts was limited.

Around 250 people were killed in Kaduna between November 21 and 23,<sup>24</sup> most of them men and boys, and between 20,000 and 30,000 people were displaced.<sup>25</sup> The attacks were carried out by groups of teenagers and young men, operating in groups of around ten to more than fifty people, and in some cases around one hundred. Most of these groups did not appear to have identifiable leaders, although their actions were, in some cases, well-coordinated. Some of the attackers were known to their victims, as they were neighbors or residents from nearby communities; in other cases, the victims did not recognize their attackers and believed they had been mobilized to come in from outlying areas. Some attackers wore paint or charcoal on their faces to conceal their identity. Some of the worst fighting was concentrated in mixed Muslim-Christian areas, such as Nasarawa, and at the borders between predominantly Muslim and predominantly Christian areas, which turned into frontlines.

The use of small arms was widespread. While many of the youths used machetes, clubs, sticks, bottles and whatever other weapons they could find, many also used firearms. Staff of several hospitals interviewed by Human Rights Watch, by local human rights activists or by journalists reported that a significant proportion of the patients they treated had gunshot wounds.<sup>26</sup> Some of these injuries had been inflicted by Christian or Muslim youths, others by members of the security forces, while some of the victims had been caught in the cross-fire.

The state government imposed a curfew soon after the fighting began, but this seemed to have little impact, beyond giving the security forces licence to shoot people caught outside after hours (see below). The police were finally deployed on the evening of Thursday, November 21, although according to some sources, they were only fully deployed on the following day. As the police were unable to contain the violence, the military were eventually also deployed on November 22. Joint police and military patrols were set up, but did not immediately succeed in quelling the violence; killings and rioting continued, sometimes before their eyes, sometimes behind their backs. In addition to those killed in the fighting between Christians and Muslims, scores of people were shot dead by the security forces. It was only on Sunday, November 24 that calm gradually returned to Kaduna.

### **Attacks by Muslims<sup>27</sup>**

Most of the attacks by Muslim groups took place on the first day of the violence, on Thursday, November 21. The attacks seemed well-planned and targeted several different areas. They specifically sought out Christian households, with the intention of killing Christians or destroying and looting their homes and belongings. Churches and other buildings were also destroyed. Many residents reported that when the Muslim youths attacked, they were shouting "Allahu Akbar" (God is great) and asking local residents to show them the houses of *arna* (infidels).

In Abattoir Close, a largely Muslim area within the predominantly Christian area of Kabala West, many Muslim residents managed to save their Christian neighbors by hiding them, or pretending that the houses

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<sup>23</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 12, 2002.

<sup>24</sup> None of the individuals or organizations contacted by Human Rights Watch in Kaduna were able to provide a break-down or estimated proportion of Christians and Muslims among the victims.

<sup>25</sup> According to the Nigerian Red Cross, there were initially around 22,000 internally displaced people in the sites set up to assist them (Human Rights Watch interview, Kaduna, December 9, 2002). However, this figure does not include those who fled to other locations and who did not register at the centers for the internally displaced.

<sup>26</sup> Human Rights Watch interviews in Kaduna, December 2002, and other sources interviewed by telephone between December 2002 and March 2003.

<sup>27</sup> This section is not an exhaustive account of attacks by Muslims in Kaduna. The examples and testimonies included here are intended as illustrations of the patterns of violence.

inhabited by Christians belonged to them. It was largely thanks to their efforts that no one was killed in Abattoir Close. However, in other cases, Muslim residents pointed out Christian houses to the attackers. About three quarters of the Christian houses in this area were looted, as well as two churches, which were also burnt. A twenty-two-year-old Christian student and his sister living in Abattoir Close described how Muslim youths began targeting Christian houses there:

On Thursday 21 November, at about 8.30 a.m. or 9 a.m., we were sitting in the room without knowing anything. My elder sister came in shouting that the Hausa were demonstrating outside about the article on Prophet Mohammed in *ThisDay*. The protest started against *ThisDay* then became a religious crisis.

Here it started at Kabala Junction. The Muslims said that they would beat us if we didn't put leaves on our cars to show our support for them [a symbol used to denote solidarity].

This is a Muslim area. There are only a few Christian houses. The Muslims surrounded the area. They said: "Where are the Christians? Where are the Christians?" We heard them from inside the house. Some of our Muslim neighbors hid us in their houses. I heard the Muslims say they wanted to burn our house because it belonged to a Christian. Some Muslim neighbors pretended that the house belonged to their father, in order to protect us.

About fifty Muslims surrounded the area, first one group, then another group. They looted and they burned two churches on Thursday: CST (Cherubim and Seraphim Temple) and the United Church of Christ. We saw them putting fire to the United Church of Christ: they poured petrol then lit it. They had machetes, local guns, and *gariyu* (curved knives) [...].

The youths were up to twenty-six years old, all boys. Some were as young as twelve, carrying knives. When they were looting, their leaders would ask them: "Did you kill before you carry it?" Some said yes.

The attackers came from other areas. We didn't recognize them. They were not from our neighborhood. They had their faces covered with black charcoal except their eyes. There were all in civilian clothes, mostly kaftan. They were shouting: "Allahu Akbar!" They were saying anyone who insults the Prophet Mohammed must die. They said any Hausa who is hiding a Christian should bring them out to be killed, but the Hausa refused.

We heard the attackers say they would come back after the fasting had ended. The Hausa who protected us also asked us to leave before the end of the fasting.<sup>28</sup>

A businesswoman from the same area, who lost everything when her shop was looted, gave a similar account of how the attack began in Abattoir Close on the morning of November 21:

At about 8 a.m., we heard people running. It was total chaos. I saw a group with guns and knives, chasing people [...] They were aged between sixteen and twenty-six. They had guns, knives, cutlasses, butchers' knives. They were saying: "We're going to kill these Christians! We're going to do away with these useless people!" They wore tattered clothes and had painted faces. I couldn't recognize them. They wanted to set my house on fire. People were pointing out Christian houses to them [...] My neighbor stopped them from burning my house. He said it was his.<sup>29</sup>

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<sup>28</sup> Human Rights Watch interviews, Kabala West, Kaduna, December 8, 2002.

<sup>29</sup> Ibid.

Another resident from the same area, a twenty-five-year-old student, witnessed further violence as he fled from Abattoir Close:

At about 2 p.m. or 3 p.m., when the situation was calmer, we came out. I left with my mother and brothers [...] On Nasarawa bridge, we saw a gathering of Hausa. There were more than fifty of them. Some had long double-barrel guns and locally-made *gariyu*. They also had short knives and cutlasses. They put up a roadblock and were stopping cars and breaking windscreens. We stopped. They pursued us so we reversed. We created a distance between us. One man was with them on the bridge, acting like a leader [...] If you're unlucky and they blockade you, they ask if you're a Christian. If you're a Muslim, they let you pass. If you're a Christian, they kill you.

I saw some injured men, some dead. There was the dead body of a Christian at Abattoir/Kabala junction. He was killed with knives. He was pursued from Amigo junction going towards Abattoir.

We saw a car and a vespa [motor scooter] burning. Two people had been killed, burnt in the car. We saw their bodies in the vehicle. The victims must have been Christians as the area was under the control of Muslims.<sup>30</sup>

Human Rights Watch also visited Nariya, a predominantly Christian village on the edge of Kaduna town. Nariya had already been attacked during the 2000 crisis and a number of people had been killed; at that time, the population consisted of both Muslims and Christians, the latter mostly from the Gwari ethnic group. Since then, many Muslims had moved out, but a few remained—mostly Yoruba, rather than Hausa.<sup>31</sup>

At least three residents of Nariya were killed — two by Muslim youths and one by soldiers; at least fifteen houses, two churches and several other buildings were destroyed. The local primary school, which normally teaches about 250 children, was completely destroyed. Residents saw several large groups of Muslim youths arriving in the morning, at about 8 a.m., armed with guns, machetes and sticks; some were teenagers. They were not from Nariya; residents believed they came from the neighborhood of Rigasa. One resident said that some of the youths were holding a red flag, that they were shouting: “We must finish Nariya!” and saying they would celebrate the end of Ramadan in Nariya.

One of the victims was Sylvester Agada, a married man in his forties, who was killed in the afternoon of November 21. A resident of Nariya who helped bury him said that the attackers had shot him, then used a machete to amputate one of his hands, one of his legs and his genitals and cut out his eyes; they then burned his body.<sup>32</sup>

Another victim was Boni Lakut, a father of six, aged about sixty years old, who worked as a cleaner with the state radio. He was killed not in Nariya, but at Kabala West junction on his way home from work, on November 21. Eyewitnesses told his family that Muslim youths stopped Boni Lakut as he was riding home on his bicycle, dragged him and beat him with machetes, then hit him hard on the head. He fell down. They then put a tire on him and set it on fire. Witnesses said he was calling for help. The attackers put his bicycle on top of him and he was burnt alive with his bicycle. His relatives, who saw his body from a distance with the bicycle on top, wanted

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<sup>30</sup> Ibid.

<sup>31</sup> The majority of Muslims in Kaduna State are from the Hausa/Fulani ethnic groups. It is not known whether Muslims of other ethnic groups also participated in the attacks in Kaduna. Information gathered by Human Rights Watch indicates that the Yoruba, in particular, played a positive role in saving Christians from attacks by Muslims. The Yoruba ethnic group is composed of both Muslims and Christians. As indicated elsewhere in this report, some Hausa also protected their Christian neighbors.

<sup>32</sup> Human Rights Watch interview, Nariya, Kaduna, December 9, 2002.

to remove his body straightaway, but claimed that government officials prevented them from doing so and insisted on removing it themselves to bury it with others in a mass grave.<sup>33</sup>

According to a local human rights organization, two Muslim students — a university graduate and a polytechnic student — were killed by Muslims on Zango Road, in the Muslim area of Tudun Wada, on November 22. A mob surrounded them, presuming they were Christians because they were wearing jeans and T-shirts, rather than traditional Muslim dress. Despite the students' protestations that they were Muslim, they hit them on their heads with *gariyu*, then slaughtered them. The attackers only realized they were Muslims after they were dead, when they found their identity cards as they searched their pockets for money.<sup>34</sup>

### **Attacks by Christians<sup>35</sup>**

The reprisal attacks by Christians against Muslims, which took place mostly on Friday, November 22, were as brutal and systematic as the initial attacks by Muslims, resulting in widespread killings and destruction. A witness gave the example of an incident in which Muslim youths set up a roadblock and shot fifteen people; within an hour, Christian youths had reorganized and “did the same thing on the other side, only even harder.”<sup>36</sup>

A student from a Christian area known as Television Village described how two Muslim men were killed in front of him:

In my presence, on the express road, two people were killed. There was a group of more than twenty Christians who had set up a roadblock. They killed two Muslims. They also burned two cars down. The Christians were young boys in their twenties. They were stopping Muslims at the roadblock. They beat them with their bare hands and sticks and burned them with petrol. The two victims were an elderly man (about fifty years old) and a man in his thirties. One was in a car, the other in a commercial bus. The Christians were shouting words of retaliation and revenge. They were saying: “Let’s kill them!”, “We will not agree!” and “We will kill!” They were local boys from Television. Some of them had charcoal on their faces. When they saw any vehicle coming, they would mount a roadblock. They stopped any car and checked if people were Christians. They made them recite parts of the Bible (John, chapter 3, verse 16). It was the same thing in the last crisis. I saw them asking the elderly man. He couldn’t recite it. They saw the beads in the car and realized he was a Muslim. After leaving the body burning, they left. It was at about 11 a.m. or 12 a.m. The military came at about 1 p.m. and drove everybody away.<sup>37</sup>

A forty-year-old Muslim man was injured by Christians near Kurmi Mashi, on November 21, the first day of rioting:

A mob of youths, about twenty, with sticks, were blocking the streets in Kurmi Mashi, burning tires. I went back home to see what was going on. Christians had surrounded my house; three other houses were already burnt. I removed my wife and children. [...] I went to a nearby mosque. I heard something and then felt that a bullet had passed through my leg. On my way to the mosque, on the road, I had seen a lot of Christian people surrounding the mosque, trying to burn it. I tried to sneak around behind the mosque when I heard the shot and felt it in my leg. Among the people looting, around ten of

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<sup>33</sup> Human Rights Watch interview, Nariya, Kaduna, December 9, 2002.

<sup>34</sup> Human Rights Watch interview, Kaduna, December 10, 2002.

<sup>35</sup> This section is not an exhaustive account of attacks by Christians in Kaduna. The examples and testimonies included here are intended as illustrations of the patterns of violence.

<sup>36</sup> Human Rights Watch telephone interview, March 21, 2003.

<sup>37</sup> Human Rights Watch interview, Television Village, Kaduna, December 8, 2002.

them, there was one person shooting. I saw him shooting, probably with a dane gun [locally-made gun].<sup>38</sup>

A man living in the Christian area of Ungwan Boro explained that following rumours of attacks by Muslims the previous day, Christians decided to retaliate on November 22. Christian youths from the Sabo and Ungwan Boro areas joined forces and threatened to match the Muslim attacks. The man saw the bodies of three Muslim men who had been burnt, near a market, and two mosques that had been burnt, one by the road, the other in the market place. He said a group of around 500 Christian youths from the Sabo area prepared to attack an area near Maraba Ridu, where many Muslims lived, but were stopped by the military. Four Muslims were killed and several others injured by armed Christian youths in the predominantly Christian area of Ungwan Yero.<sup>39</sup>

#### **IV. EXTRAJUDICIAL KILLINGS AND OTHER ABUSES BY THE SECURITY FORCES**

Human Rights Watch uncovered detailed information on extrajudicial killings of civilians by both the police and the military during the three days of rioting in Kaduna. Instead of restoring law and order, in several instances members of the security forces turned against the very people they were supposed to protect. In some cases, the victims were boys or young men who were shot because they were caught breaking the curfew; in other cases, people were killed or injured when the police or military fired to deter rioting; other people were hit by stray bullets. In a number of instances, the police or military, taking advantage of the general chaos, targeted particular individuals with the specific intention of killing them. Overall, however, it was difficult to ascertain the exact reasons why members of the security forces shot particular individuals or groups of individuals. Despite several efforts, Human Rights Watch was not able to confirm the level at which orders were given for the police and the military to use lethal force. However, these cases form part of a well-documented pattern of extrajudicial killings by the security forces in the context of attempts to restore law and order in Nigeria.<sup>40</sup>

Some of the people interviewed in Kaduna by Human Rights Watch referred to the presence of “fake soldiers” during the days of rioting; when asked how they could distinguish fake soldiers from real soldiers, they said that the fake soldiers did not have full military uniform, and wore canvas shoes or sandals instead of boots. Some of them claimed to have recognized these individuals as civilians. Some also said that the fake soldiers were not behaving like real soldiers, and that a number of them were subsequently arrested by real soldiers, or by the police. Human Rights Watch was not able to confirm the presence of fake soldiers, although it is likely that some civilians did obtain military uniforms and wore these to disguise themselves during the riots. As a result of this confusion, this report does not include many of the cases where people were killed by alleged fake soldiers. The cases described below, with one exception (where a perpetrator was identified as a traditional leader), are those where witnesses confirmed that the perpetrators were indeed members of the Nigerian army, the police force, or of a civil defence group.

#### **Violations of international obligations**

The conduct of the Nigerian security forces in these and other incidents in Kaduna constitutes a clear violation of Nigeria’s international obligations, including under the International Covenant on Civil and Political Rights (ICCPR), to which Nigeria is a state party. The ICCPR states: “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”<sup>41</sup> The African

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<sup>38</sup> Human Rights Watch interview, Tudun Wada, Kaduna, December 10, 2002.

<sup>39</sup> Testimony to a Nigerian human rights activist, Abuja, December 7, 2002.

<sup>40</sup> See for example Human Rights Watch reports “Testing democracy: political violence in Nigeria,” April 2003, and “Jos: a city torn apart,” December 2001. Extrajudicial killings by the police were also reported during the 2000 Kaduna riots.

<sup>41</sup> International Covenant on Civil and Political Rights (ICCPR), G.A. res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force Mar. 23, 1976, article 6. Nigeria ratified the covenant in 1993.

Charter on Human and Peoples' Rights also states: "Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."<sup>42</sup>

The U.N. Human Rights Committee, which monitors compliance with the ICCPR, states in its first General Comment on the right to life:

The protection against arbitrary deprivation of life ... is of paramount importance. The Committee considers that States parties should take measures not only to prevent and punish deprivation of life by criminal acts, but also to prevent arbitrary killing by their own security forces. The deprivation of life by the authorities of the State is a matter of the utmost gravity. Therefore, the law must strictly control and limit the circumstances in which a person may be deprived of his life by such authorities.<sup>43</sup>

In addition, the U.N. Code of Conduct for Law Enforcement Officials states: "In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons" and "Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty."<sup>44</sup> The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials 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 object 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." The Basic Principles also 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."<sup>45</sup>

The U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions also lay out the measures to be taken by governments with regard to extrajudicial executions, including the responsibility to investigate such human rights violations thoroughly, promptly and impartially, and ensure that those responsible for extrajudicial executions are brought to justice.<sup>46</sup>

None of these principles appear to have been observed in the cases described below, either in terms of the conduct of the security forces in Kaduna, or in terms of the government's responsibility to investigate and prevent extrajudicial killings.

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<sup>42</sup> African Charter on Human and Peoples' Rights, adopted June 27, 1981, OAU Doc. CAB/LEG/67/3 rev. 5 (1982), entered into force Oct. 21, 1986., article 4.

<sup>43</sup> Human Rights Committee, General Comment 6, Article 6 (Sixteenth session, 1982), Compilation of General Comments and General Recommendations Adopted by Human Rights Treaty Bodies, U.N. Doc. HRI/GEN/1/Rev.1 at 6 (1994), paragraph 3.

<sup>44</sup> Code of Conduct for Law Enforcement Officials, U.N. Doc. A/34/46 (1979), adopted by U.N. General Assembly resolution 34/169 on December 17, 1979, articles 2 & 3.

<sup>45</sup> Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, 1990, principles 4 & 5.

<sup>46</sup> Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions, recommended by Economic and Social Council Resolution 1989/65 of May 24, 1989. Paragraph 1 of this resolution recommends that these principles be taken into account and respected by governments within the framework of their national legislation and practices. While these principles do not have the same legal significance as treaties, they constitute the most authoritative and comprehensive guidelines for governments on the investigation and prevention of extrajudicial executions.

In addition to carrying out extrajudicial killings, the security forces also clearly failed to protect the citizens of Kaduna from violence carried out by other groups. The basic duty of protection is outlined in Article 1 of the Code of Conduct for Law Enforcement Officials: “Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.”<sup>47</sup>

The victims of the violence in Kaduna have the right to an effective remedy, which is enshrined in various international human rights instruments.<sup>48</sup> The Universal Declaration of Human Rights, widely accepted as customary international law, provides that everyone has “the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted” by the constitution or by law.<sup>49</sup> The ICCPR requires in Article 2 that states “ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity.” Persons shall have their right to a remedy determined by “competent judicial, administrative or legislative authorities,” or other competent state authority. The state must “ensure that the competent authorities shall enforce such remedies when granted.”<sup>50</sup> The U.N. Human Rights Committee states in its draft General Comment on Article 2 that without reparations to individuals whose rights have been violated, a state’s “obligation to provide an effective remedy, which is central to the efficacy of Article 2, ...is not discharged. ... [T]he Covenant generally requires appropriate monetary compensation.”<sup>51</sup>

### **Killings in Kabala Costain and Kabala Doki**

In one of the most blatant instances of deliberate executions documented by Human Rights Watch, eight men were rounded up and shot dead on November 22, in Kabala Costain, by a team of police and military, led by a member of the local civil defence group<sup>52</sup>; they also killed two other men, who were already injured.

Eyewitnesses and local residents in Kabala Costain told Human Rights Watch that tension began in the morning, when three men in their early twenties with gunshot wounds were brought to the area for emergency medical treatment. Residents were told that two of them had been shot by the security forces: one of them, believed to be Idris Abubakar Mai Tea, had reportedly been shot on the thigh by a soldier or policeman in Kabala Doki (see below). The second one, Abdullahi, was fatally wounded after reportedly being shot in the chest by soldiers near Kabala Guest Inn, as he was on his way to see his parents in Kabala Doki. The third, Abdullahi

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<sup>47</sup> Code of Conduct for Law Enforcement Officials, article 1.

<sup>48</sup> See, e.g. the Universal Declaration of Human Rights, article 8; ICCPR, article 2; and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, article 14 (containing an express provision for an “enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible.”). Other non-binding international instruments also provide guidance on reparations. Principle 29 (2) of the U.N. Guiding Principles on International Displacement provides that internally displaced persons should be provided with compensation or other just reparation for property lost during the course of displacement. Further guidance on compensation can be found in the “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Violations of International Human Rights and Humanitarian Law,” drafted by M. Cherif Bassiouni, the U.N. special rapporteur on the right to restitution, compensation, and rehabilitation for victims of gross violations of human rights and fundamental freedoms. It is available online at <http://www.unhchr.ch/Huridocda/Huridoca.nsf/TestFrame/42bd1bd544910ae3802568a20060e21f?Opendocument> (retrieved June 19, 2003).

<sup>49</sup> Universal Declaration of Human Rights, G.A. res. 217A (III), U.N. Doc A/810 at 71 (1948), article 8.

<sup>50</sup> ICCPR, article 2.

<sup>51</sup> U.N. Human Rights Committee, Draft General Comment on Article 2, The Nature of the General Legal Obligation Imposed on States Parties to the Covenant Unedited Version, U.N. Doc. CCPR/C/74/CRP.4/Rev.3 (2003), paragraph 15.

<sup>52</sup> Civil defence groups are paramilitary organizations that sometimes assist the police in maintaining law and order, for example at public events or in situations of emergency. They are composed mostly of civilians but may include retired military or police officers. They do not usually carry firearms.

Lawal, had been shot in the stomach by unidentified individuals while he was standing in front of his house in Kabala Costain.<sup>53</sup>

Soon afterwards, the same morning, a group of soldiers, paramilitary mobile police and a member of the local civil defence group called Kenneth arrived in Kabala Costain, to the place where the three injured men had been brought. A local resident described what happened next:

At about 10 a.m., soldiers came from Kabala Doki, with the police. There were three soldiers, seven MOPOL [mobile police] and one civil defence. The MOPOL had normal uniforms and guns. Kenneth had a civil defence uniform; we recognized him. The three soldiers were in camouflage, with boots and caps. They were drunk; I could smell the alcohol. One was a sergeant. [...] They came here and said they were looking for a man in blue shirt and red trousers. We opened the door but everyone who was inside ran away.

[...] One of the friends of the injured boys had sent for Umar, the doctor, to come and treat them. Dr Umar had been here for thirty minutes before the military and police arrived. When he told them he was treating casualties, they entered the compound and said: "Let's see the casualties." They took the three injured boys, plus Dr Umar and Musa, who had brought the injured man Abdullahi. [...] Then the MOPOL said they would shoot the three injured men. I heard one of the soldiers say: "Oga [boss], let's go and kill them". The oga, who was a MOPOL, said: "Just take them outside." I didn't hear them say anything else. The police dragged all three of them outside. They left Abdullahi outside, the one who was badly injured in the chest. (He later died in hospital after three days.) They took Abdullahi Lawal outside and shot him once in the shoulder, near the chest. He died in the gutter.

They came back to search our rooms, looking for other boys. [...] Then they went to a provisions shop. They picked two boys there and took them. They went to a second shop, a barber's shop. They beat two boys there but didn't take them [...]

Later, before prayers, a boy told me that those they had picked had been killed. People in nearby houses heard them saying: "We're going to shoot you" and they shot them. Kenneth, the civil defence, is known here. He was heard saying they should be taken to that place, near the river; it was a place where people had been killed in 2000. People went to find the corpses there and buried them.<sup>54</sup>

Other residents confirmed that the team of soldiers and policemen, led by Kenneth, went from house to house and shop to shop, searching for people. They appeared to be looking for particular individuals. In one case, they forced their way into a house, asking for a young man by name. The man's father, who was present, explained what happened:

Kenneth came and called one of my sons. My son said he wouldn't go, because I had told him not to. I have no idea why they called him. [...] Kenneth was with eight policemen, including the superintendent of the highway patrol and seven mobile police, and three soldiers. They were armed. The MOPOL were wearing jackets over their uniforms, covering their names. The soldiers were wearing normal military uniforms. When my son refused to go with them, they all followed him inside the house. They left one policeman outside guarding other men they had arrested; they had arrested seven people and tied them to each other with their shirts.

Inside, all my seven children locked themselves in a room: the oldest is thirty-five [...] the youngest is twelve years old. The superintendent said that if they didn't come out, he would break the door. I asked

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<sup>53</sup> Human Rights Watch interviews, Kabala Costain, Kaduna, December 11, 2002.

<sup>54</sup> Human Rights Watch interview, Kabala Costain, Kaduna, December 11, 2002.

my sons to come out. The superintendent asked them to raise their hands. Kenneth pointed to one of my wife's brothers, Musa Abubakar, and said: "This is the one". We asked what he had done, but they didn't say. The superintendent caught Musa by his collar, held him and dragged him. He kicked me and pulled Musa out. He instructed one of the policemen that if any of my children put down his hands, they should shoot. They joined Musa's and Hamisu Umar's shirts together. Dr Umar was one of the seven outside. Kenneth said: "Take all of them to the riverside". They took them to the riverside. I looked out to see. A soldier pointed his gun at me so I went back inside.<sup>55</sup>

Soon afterwards, it was confirmed that all eight were shot dead near a rubbish dump at the riverside. The eight victims were Hamisu Umar (the medical doctor, in his forties), Musa Abubakar (a painter, about thirty-seven), Garba Halladu, Abdullahi Yusuf, Ya'u Ibrahim, Hamza Ibrahim (four traders), Abubakar Umar (a goat trader), and Danyaya Usman (a radio mechanic). Two of them, Abdullahi Yusuf and Danyaya Usman, did not die immediately; Danyaya Usman, who was shot in the neck, was able to narrate the story before he died in hospital.

An eyewitness described the executions which he watched from a house close to the scene:

At the rubbish dump, they ordered all eight to lie down. Two of them, Hamisu Umar and Musa Abubakar, resisted and refused to lie down. Their shirts came untied (the other six were still tied together). They struggled with the police and even held a policeman. A police officer holding a metal iron [bar] started hitting Hamisa and Musa. They became weak and fell down. Already four policemen were pointing their guns at them and they opened fire, shooting randomly at all of them. Musa's body was jerking; he didn't die immediately [...] The four policemen were on the top of the rubbish heap; the men they shot were at the bottom. Kenneth was giving the orders. He was saying: "Shoot them!" After shooting, the police and the others ran away.<sup>56</sup>

Dr Hamisu Umar's wife, who had been married to him for two years, was at home when her husband was killed:

[My husband] had been called to help remove a bullet from someone who had been shot, so he went out. We heard people shouting. A woman said to me: "Where is your husband? I heard they shot him", but she couldn't confirm it. We went to check. They shot them by the riverside, close to here in Kabala Costain. We saw them, my husband and seven other men. We saw his body. He was already dead. He had bullet wounds on his head and chest. The bodies were around the river, all next to each other. I have no idea how or why he was shot.<sup>57</sup>

A ninth man, twenty-eight-year-old Idris Abubakar Mai Tea, who had been injured earlier in Kabala Doki, was also shot dead by the team led by Kenneth; the exact circumstances of his death are not confirmed.<sup>58</sup>

It was not clear on what basis Kenneth and the team of police and military had targeted particular individuals. The victims appear to have had little in common, apart from the fact that they were Muslim men. Some local residents speculated that it may have been an act of revenge for killings which had taken place during

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<sup>55</sup> Human Rights Watch interview, Kabala Costain, Kaduna, December 11, 2002.

<sup>56</sup> Ibid.

<sup>57</sup> Human Rights Watch interview, Kabala Costain, Kaduna, December 11, 2002.

<sup>58</sup> Human Rights Watch interviews in Kabala Costain, Kaduna, December 11, 2002, and letter from the victim's relatives to the Kaduna State Commissioner of Police, dated November 23, 2002. The letter states that the victim was attacked a first time on November 22 in Kabala Doki by a team of mobile police led by Kenneth, who broke into his compound, shot him in the thigh and ran away; the letter then alleges that the same team led by Kenneth followed him to Kabala Costain and killed him along with the other victims by the riverside.

the 2000 violence in Kaduna. Kenneth, who is from the Igbo ethnic group, had apparently threatened earlier that he would “show those Hausa”, after two Igbo men were killed in 2000.

Local residents immediately reported the matter to the local authorities and to the police station at Kabala Doki, and witnesses gave statements. As Kenneth was well-known in the area, on November 23 a group of about ten residents took the initiative to take him to the police station. The Divisional Police Officer (DPO) handed Kenneth over to the office of the Commissioner of Police. However, the Commissioner did not detain him and he was allowed to walk free. When residents complained again to the police station and expressed concern about the tension caused by Kenneth’s release, their complaints were dismissed by the investigating police officer, who told one of them: “What is your problem with Kenneth? He’s released on bail.”<sup>59</sup> The complainants were later told that the case had been transferred from the divisional police station to the Kaduna state headquarters.

Local residents sent written complaints to the Commissioner of Police in Kaduna State and to federal level police and government officials in Abuja. In December, the police in Abuja appeared to be investigating the case and it was reported that the Kaduna police received orders to arrest Kenneth and the policemen involved in the killings. However, subsequently, one of the complainants was informed by sources in the police and the state government that the state governor had instructed the police not to pursue the case for fear that these or similar prosecutions would harm his prospects in the forthcoming elections.<sup>60</sup> Local sources later reported that Kenneth was arrested and released on several occasions, but was never prosecuted. None of the other soldiers or policemen involved in these killings were charged either.<sup>61</sup> The police superintendent who had been in the group which killed the eight men was seen in the area some days after the event.

On November 21 and 22, members of the security forces killed a number of other people in the nearby area of Kabala Doki, where there had been heavy fighting between Christians and Muslims. Some of those involved in these killings were normal civilian police, some were from the mounted troops<sup>62</sup>, and others were mobile police. Others were described as being in military uniform. Witnesses recognized and named several of the individual police officers involved in these incidents.

On November 21, at least eleven Muslim men, aged between sixteen and thirty, were killed by a group of policemen, including some mobile police; according to the testimonies of local residents, the policemen were led by DPO Superintendent Benjamin O. Omeji. They entered several houses and made everyone come out, kneel on the ground and put their hands on their heads. In one house, about twenty people were made to come out, one of whom was holding a small baby. Witnesses reported that one of the policemen was about to open fire when a Muslim soldier arrived and realized that all the people they had rounded up were Muslims. The soldier reportedly threatened to shoot the policeman if he shot at the people. Nevertheless, the police shot three people; two of them died, and a third was injured.<sup>63</sup>

The same DPO is alleged to have been involved in several other cases of shootings and injuries. A local resident told Human Rights Watch that the DPO himself shot a man dead on November 21. The man had gone to the police station to complain about policemen who had broken into his shop to loot it and had shot him in the arm. The man’s relatives, who followed him to the police station, reported that the DPO shot him from the veranda of the police station, then dumped his body in a gutter near a market, opposite the police station.<sup>64</sup>

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<sup>59</sup> Human Rights Watch interview, Kabala Costain, Kaduna, December 11, 2002.

<sup>60</sup> Correspondence between Human Rights Watch and sources in Kaduna, January 2003.

<sup>61</sup> Correspondence between Human Rights Watch and sources in Kaduna, May 2003.

<sup>62</sup> The mounted troops is a section of the Nigeria Police Force used for crowd control during public events. It is distinct from the paramilitary mobile police.

<sup>63</sup> Human Rights Watch interview, Abuja, December 16, 2002, and subsequent correspondence with sources in Kaduna.

<sup>64</sup> Ibid.

These incidents were reported to the police, and the DPO and several other policemen were arrested on November 23 or 24. However, several witnesses were threatened by police officials when they gave their statements at the police station. At least two of them said that a police inspector was displeased that they had been encouraging other witnesses to report abuses to the police, and threatened to kill them. One witness also said that he was threatened by a police sergeant at the police headquarters. According to information received subsequently, the DPO was not actually detained, but asked to report to the state police command; he was not charged and was later posted out of the area. The other policemen who were arrested were detained for a few days, then released and posted elsewhere. When complainants asked the police officer in charge of the investigation for information about the progress of the case, they were told that it was still under investigation. The DPO who took over from Superintendent Benjamin O. Omeji had earlier called a meeting of the police community relations committee and members of the police division to gather information about the actions of the police in the area under his predecessor; however, Human Rights Watch is not aware of any concrete action taken as a result of the information presented during that meeting.<sup>65</sup>

On the morning of November 21, police from the mounted troops reportedly killed four commercial motorcyclists, near the Custom Command in Kabala Doki. They stopped them on their motorcycles at a junction opposite the mounted troops' barracks, shot them, and set their bodies and their motorcycles on fire. Residents found their burnt bodies but were not able to identify the victims.<sup>66</sup>

Later the same day, a young man in his early twenties ran through a police roadblock, near the place where the four bodies were found. A policeman, who was not in full police uniform, shot him in the back of the head, from a distance. The man did not die immediately. An eyewitness said that the police followed him and shot him again at point-blank range. He fell on the ground and died.<sup>67</sup>

On November 22, a group of mobile policemen forced their way into a compound in Kabala Doki and took away a fifteen-year-old mechanic, Lawal Rabo, and his brother, twenty-year-old bus conductor, Buhari Rabo. The policemen stripped them, then shot them dead. Lawal Rabo was shot in the head, while Buhari Rabo was shot on several different parts of his body. Their bodies were found in the river.<sup>68</sup>

According to complaints made to the police, a group of around thirty policemen, including some mobile policemen, forced their way into the house of an Islamic schoolteacher in Kabala Doki, on the evening of November 21, shot dead an Islamic student and injured several others, one of whom was only ten years old. Witnesses identified one of the policemen as the clerk from Kabala Doki police station. A number of students were sleeping in three shops in the compound, where the teacher housed them. According to a complaint submitted to the Commissioner of Police, the policemen shot at the door of the first shop and broke it open, then shot dead one of the students, Babangida, aged eighteen. They beat several other students. They then forced their way into the second shop and shot a fifteen-year-old student, Abubakar Sule Alaramma, injuring him on the thigh. They then entered the third shop and beat several students there; one of them suffered a fractured arm. In the main house, they found Mallam Sule Alaramma, the Islamic school teacher, and clubbed him on the head.<sup>69</sup>

On November 22, seven mobile policemen shot dead a fifty-five-year-old man, Audu Dan Kauye, while he was fetching water to extinguish a fire in a neighboring house which had been set alight in the rioting. A twenty-year-old neighbor, Rabe Mudi, heard the gunshots and went to hide in his father's house. The mobile police

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<sup>65</sup> Correspondence between Human Rights Watch and sources in Kabala Costain, May 2003.

<sup>66</sup> Human Rights Watch interview, Abuja, December 16 and subsequent correspondence with sources in Kabala Costain, January 2003.

<sup>67</sup> Ibid.

<sup>68</sup> Human Rights Watch interview, Abuja, December 16, 2002, and letter to the Kaduna State Police Commissioner from a neighbor of the victims, dated November 22, 2002.

<sup>69</sup> Letter to the Kaduna State Commissioner of Police, not dated, translated from Hausa.

followed him in and shot and injured him too. They then arrested his father who was trying to help his injured son:

Rabe's father was arrested by the police with the wheelbarrow he was conveying his shot boy to Kabala bus stop, dropped the boy and took the wheelbarrow and the boy's father to the station. At Kabala police station, the policemen there tore the man's clothes, beat him with cane and cut his body all over with knife and locked him the cell. They went back to burn the boy but were stopped by one of their police colleagues.<sup>70</sup>

A neighbor who witnessed this incident claimed to have identified one of the attackers as Sama'ila Sarkin Kaje, a traditional leader of one of the Southern Kaduna ethnic groups. The witness said Sama'ila was wearing a military uniform at the time of the attack and claimed that he had shot Rabe himself.<sup>71</sup>

Witnesses also claimed to have identified Sama'ila in a number of other incidents which occurred on November 22. That morning, two men in military uniform forced their way into a house in Kabala Doki and fired into the house. They arrested Muhammad Sabi'u Yusuf, aged eighteen, who was visiting his uncle there. According to members of his family, the attackers dragged him out of the house and beat him up. Then they tied his hands behind his back and took him to the police station. There they handed him over to the DPO who, according to relatives, gave instructions to the police to shoot him. He was reportedly shot in the head, arm and chest inside the police station, and his body was dumped in the ditch outside the police station, from where his parents retrieved his corpse. Witnesses claimed that Sama'ila was one of the two men in military uniform who beat the victim and took him to the police station where he was killed.<sup>72</sup>

In another reported incident, Sama'ila was identified by witnesses as one of a group of men in military uniform who forced their way into a house on Mai Kwankwatsa Road, in Kabala Doki and shot two young men:

On Friday at approximately 9 a.m., Sama'ila Sarkin Kaje, in military uniform, arrived in the company of others wearing similar military outfit and broke the main gate to [the] compound. [...] The people were sitting in the compound, and all ran into their rooms [...]; they pursued them into the middle room, where a pregnant woman [...] screamed the Islamic creed [there's no God but Allah and Muhammad is his Prophet]. Sarkin Kaje (Sama'ila) slapped the woman very hard and entered the room and dragged Aliyu Ya'u out, a twenty-two-year old, as well as Babangida Mai Nama, a twenty-five-year old. They were both forced down, and were shot through the heart. Aliyu Ya'u died instantly after calling the name of his mother once [...] Thereafter, Sama'ila Sarkin Kaje told the rest of his group to go and finish [...] After they left, the occupants of the house came out and carried Babangida Mai Nama to Hospital 44, because he was not yet dead. 24 hours later, on Saturday 23 November 2002, he died.<sup>73</sup>

### **Killings by the security forces in other areas**

Several people were killed by soldiers in the Nasarawa area, on November 23 and 24. Among the victims was Yakubu Baggah, a Christian father of three, in his thirties, who worked in a textile factory. He was shot outside his house on the morning of November 23, while youths were rioting and burning houses in the area. His wife was in the house at the time:

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<sup>70</sup> Letter to the Kaduna State Commissioner of Police by relatives of Audu Dan Kauye, dated November 23, 2002.

<sup>71</sup> Ibid.

<sup>72</sup> Letter to the Kaduna State Commissioner of Police by relatives of Muhammad Sabi'u Yusuf, November 24, 2002, translated from Hausa. Human Rights Watch has not been able to verify whether Sama'ila was indeed involved in these incidents or whether the other individuals involved in these incidents were real soldiers or policemen. Sama'ila was one of five leaders arrested by the police in January 2003 in connection with the events of November 2002. They were all released without charge.

<sup>73</sup> Letter to the Kaduna State Commissioner of Police by relatives of the victims, November 24, 2002, translated from Hausa.

We were renting our house in a compound; there were about eight families there. The men, including my husband, went out. All I saw later was my husband's body. He had about five gunshot wounds, in the neck, chest and hands. This was just about ten minutes after he left. He was the only one in our compound who was killed; another received a bullet in his leg [...] The man who brought my husband's corpse said one man had shot him five times and then ran away.<sup>74</sup>

A Christian community leader witnessed Yakubu Baggah's death, as well other killings by soldiers on both days:

I saw a soldier shoot a man dead in front of me, on Saturday morning. The soldier had two stripes on his uniform. He was from the army. Soldiers were chasing people. A man was trying to enter his house. They shot him outside the house. He was Yakubu Baggah, a Christian, aged about thirty-two. I could see he was not holding any weapon. The soldier aimed at him directly. He shot him in the chest from the front. It was on Nasarawa road, after the market. He died on the spot. Then the soldier just walked away. When the soldiers were chasing people, they were mostly shooting in the air. He was the only one there who was shot at directly. It was clearly deliberate. [...]

On Friday, when I was going to the chief's palace, on the main street, I saw soldiers shooting in the air. We lifted our arms. They said: "go back." Then the soldiers shot the secretary of the chief, Joseph Yaro, a man in his forties. He was with us, near his house. We were together. I said: "let's go back." The secretary was trying to enter the house when he was shot. They shot him directly, in the waist. There was no warning. We took him inside the house but he died immediately. The soldiers then argued with each other, pointing to each other. We presumed they realized they had made a mistake.<sup>75</sup>

In the village of Nariya, soldiers arrived on Friday morning, the day after the attack by Muslim youths. According to local residents, about thirteen soldiers approached a group of young men who were standing together in the village; the young men were not armed, apart from one who was holding a stick. The soldiers rounded them up and asked them where their arms were. Then the soldiers opened fire. One of the victims, Ibrahim Danjuma, aged about twenty-five, was shot point-blank in the chest; the bullet went through him and he died. Another, Danladi Sabo, was injured but survived. The soldiers also arrested about twenty-five people in Nariya; they stripped some of them naked and beat them with the butts of their guns. Ten of those arrested were released following the intervention of the village chief. The remaining fifteen were still detained in mid-December. They were held for about six days in the military barracks before being transferred to Kaduna prison. Some were later discharged and others released on bail.<sup>76</sup>

On the morning of November 22, several people were shot dead when Muslim youths clashed with soldiers near a mosque in Kawo. According to members of a local human rights organization who spoke to eyewitnesses, Muslim youths had set up a roadblock on the main road, supposedly to protect the mosque from attacks. When some soldiers came along the road, the youths refused to let them pass. After firing warning shots, which the youths ignored, the soldiers opened fire, killing about five at the roadblock. Local human rights investigators reported that the soldiers then killed a further ten youths who were protecting the mosque, without firing warning shots first.<sup>77</sup>

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<sup>74</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 11, 2002.

<sup>75</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 12, 2002.

<sup>76</sup> Human Rights Watch interviews, Nariya, Kaduna, December 9, 2002, and subsequent correspondence with sources in Kaduna.

<sup>77</sup> Human Rights Watch interview, Kaduna, December 10, 2002.

A village head in Trikania told Human Rights Watch that he knew of at least twelve people who had been killed by soldiers in his area: six Christians and six Muslims. The Muslims included Ibrahim Nazifi, Kawu, and Ibrahim Mohammed. The Christians included Isa, aged thirty-five, Baban Friday, aged forty, Sunday, aged twenty-eight, and three other men aged between thirty and forty. The soldiers reportedly shot them after ordering people to disperse and drop their weapons; however, Human Rights Watch was not able to confirm the exact circumstances of these deaths. It is not known whether the victims were armed. In addition, a Yoruba man who happened to be passing by was killed by a stray bullet.<sup>78</sup>

Human Rights Watch spoke to several hospital patients who were being treated for injuries sustained as a result of shootings by soldiers. Some admitted that they had been involved in rioting, but said that the soldiers shot directly at them without trying to arrest them. For example, a twenty-one-year-old Muslim from Sabon Gari, who was shot in the stomach, said he was among those rioting and attacking Christians. He said the soldiers arrested some people on November 22, then shot others at random:

A soldier shot me right in front of the house [...] They shot me from afar. They were shooting at random. First they shot in the air but people weren't scared, so they shot directly at us. I was shot in the stomach, with one bullet. I know of five people who died from shooting: Musa Mohammed (aged twenty-five), Ibrahim Abdullahi (aged twenty-one), Ahmed Audu (aged thirty), Kabiru Isa (aged twenty) and Yakubu Isa (aged thirty). The first three were shot in front of their house. The last two were trying to resist the Christians burning their house.<sup>79</sup>

Others claimed that they had not been participating in the violence or rioting and that they were shot without any form of provocation. For example, a twenty-five-year-old Muslim from Nasarawa, who was seriously injured in his thigh, described how soldiers entered the house where he was staying:

When our house was burnt, I went to a relative's house. There were about thirty of us hiding in the compound. On Saturday, at about 11 a.m., the soldiers came in the back way. They came into the house and shot indiscriminately. Muazu Musa, my older brother, was shot in the throat. The bullet came out of his head. He died instantly. The soldiers broke into the room where I was hiding with two boys and one girl. One boy and the girl were shot; they went to hospital and were later discharged. I was shot through the back of the thigh; the bullet came out. The bullet also brushed my wrist. The soldiers came in three trucks. Each truck carries about twenty soldiers. They didn't say anything. They just started shooting. They were shooting directly at us.

On Thursday and Friday, Christians had invaded our area, which is majority Muslim. The chief told us to be calm. He invited the soldiers to protect us. These same soldiers then shot us.<sup>80</sup>

Some people claimed that the soldiers targeted and shot more Muslims than Christians; this could have been in part because Muslim youths had initiated the violence on the first day, and Muslims may then have been held responsible for most of the events that followed. Among the testimonies gathered by Human Rights Watch, there appeared to be a greater proportion of Muslims than Christians killed or injured by soldiers. However, other residents of Kaduna denied that the soldiers were targeting people according to their religion. A twenty-five-year old Muslim farmer from Kabala West described the actions of soldiers on November 21, near his house:

I went towards my house. The area was divided into Christian and Muslim areas. My own house is close to a Christian house. The Christians were advancing to burn [my] house. People were throwing stones at each other. The soldiers came. They were shooting at Christians and Muslims

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<sup>78</sup> Human Rights Watch interview, Trikania, Kaduna, December 10, 2002.

<sup>79</sup> Human Rights Watch interview, Tudun Wada, Kaduna, December 10, 2002.

<sup>80</sup> Human Rights Watch interview, Tudun Wada, Kaduna, December 10, 2002.

indiscriminately. They were shooting at people, not in the air. I was hit by a stray bullet in the hand. The soldiers said nothing. They just started shooting. When I came here [to the hospital], I found out that a Muslim neighbour had been killed, Mohammed, a young man. He was trying to come home when he was shot directly. It was not a stray bullet. Seven others were injured, including me. [...] None of those shot had any weapons.<sup>81</sup>

The victims also included children. A fourteen-year-old boy was among a group of teenagers who were shot by soldiers on the evening of November 22, as they were leaving their evening class at the Nuru Islam school in Rigasa, a predominantly Muslim area:

On Friday, I was in my Arabic night class. People from other areas which were not safe came over. The teacher told us not to move and to stay in the classroom. Then we heard gunshots. People started running. We saw soldiers moving towards us. The teacher told us to go to our homes. About five of us left the classes. We had just left the school premises and were just walking when the soldiers shot at us. They didn't say anything. The bullets hit us from the back. A bullet came into me from the back. Four other boys who were in my class died on the spot: Mohammedu (aged fifteen) and Ibrahim (aged eighteen) and two others older than me.<sup>82</sup>

A Christian community elder in the Nasarawa area, who saw many people killed and injured in the fighting, also criticized the soldiers for aggravating the situation: "The army was supposed to put things in order, but they were shooting and killing people [...] A Yoruba man from Kabba, in Kwara State, who was a Christian, was killed by soldiers as he was trying to quench a fire with water; a fire had started near his house. The army came. They thought he was pouring petrol. They didn't ask him; they just opened fire."<sup>83</sup>

In some cases, soldiers gave verbal warnings to rioters to disperse, or fired warning-shots in the air. When rioters refused or failed to disperse, the soldiers shot at them directly. There were contradictory testimonies on the circumstances of some of these incidents, on whether the people shot by the soldiers were participating in the violence or not, or on whether they were carrying weapons. However, the concern remains that in many instances, soldiers deployed lethal force in situations where neither their lives nor the lives of others appeared to be jeopardized.<sup>84</sup> For example, a Muslim man in Kabala Doki reported that his two sons, in their early twenties, were shot dead by the military and their burnt bodies were found lying on the street. According to a journalist who saw the dead bodies, the victims' father claimed that the soldiers had taken his sons out of their house; other witnesses claimed that his sons had been part of the crowd which had been looting and fighting. According to the latter version, the young men ignored orders by the soldiers to go home and continued advancing even after the soldiers shot in the air; the soldiers then fired at them and they died. Neither Human Rights Watch nor the journalist who interviewed the witnesses were able to confirm which version was correct; however, all the witnesses appeared to agree that the two men had been shot dead directly by the soldiers.<sup>85</sup>

There were also numerous cases where soldiers beat people and subjected them to other kinds of ill-treatment, either because they suspected them of participating in the riots and attacks, or, more often, because they were caught breaking the curfew, even by just a few minutes. A Christian community leader in Nasarawa told Human Rights Watch:

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<sup>81</sup> Human Rights Watch interview, Tudun Wada, Kaduna, December 10, 2002.

<sup>82</sup> Human Rights Watch interview, Tudun Wada, Kaduna, December 10, 2002.

<sup>83</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 12, 2002.

<sup>84</sup> The U.N.Code of Conduct for Law Enforcement Officials states in article 3: "In general, firearms should not be used except when a suspected offender offers armed resistance or otherwise jeopardizes the lives of others and less extreme measures are not sufficient to restrain or apprehend the suspected offender."

<sup>85</sup> Human Rights Watch interview, Lagos, December 4, 2002.

The soldiers don't distinguish between Christians and Muslims. Later on Friday, they were given instructions to deal with the rioters. They beat people with gun-butts and whips. I saw ten youths, Christians and Muslims, brought close to my house. The soldiers made them lie down and strip to their trousers or made them kneel. They caned them with whips. Those who resisted were hit with gun-butts and kicked. Some were apparently caught looting and burning, but some were just trying to remove their own belongings. They were mostly young boys, from seventeen years old, up to about thirty. They were taken away by the soldiers, I don't know where to. I heard they were taken to the barracks but when we went there, they said no one was there and they had been handed to the police.<sup>86</sup>

## V. THE RESPONSE OF THE GOVERNMENT

The response of both the federal government and the Kaduna State government to the violence in Kaduna in November 2002 has been marked by an absence of effective action and, crucially, a lack of resolve to bring those responsible for the killings to justice.

One of the critical questions which remains unanswered is why orders were not given to deploy special "strike force" units that had been set up in strategic locations in Kaduna since 2000, with the precise purpose of preventing the kind of violence which erupted again in November 2002. Following the violence in 2000, several units totalling about fifty soldiers had been stationed in various locations in Kaduna; according to one source, they had been instructed not to wait for government orders before intervening to quell any disturbances. Yet none of them were deployed when violence first erupted in November 2002. To this day, there is considerable anger and incomprehension among the residents of Kaduna on this point. Had the special strike force intervened at the first signs of violence, it is likely that the situation could have been contained and many lives could have been saved.<sup>87</sup> Instead, the situation was allowed to escalate and the few police who were deployed were either overwhelmed by the scale of the violence, or were more intent on committing acts of violence themselves than in controlling or preventing them. The military who were eventually sent to the area on November 22 may have prevented some acts of violence, but they too, like the police, were responsible for serious human rights violations themselves.

In an interview with the newspaper *Weekly Trust*, Kaduna state governor Ahmed Mohammed Makarfi stated that since the 2000 riots, a system of weekly security meetings had been put in place, and one such meeting had even taken place on November 20, the day of the attack on the office of *ThisDay*: "Our preoccupation at the meetings has always been to assess the security situation in the state and take measures where necessary [...] On Wednesday when we learnt about the burning of the *ThisDay* regional office we immediately went into our scheduled security council meeting and the council identified the *ThisDay* incident as a danger signal. We then resolved and passed clear and specific instructions to security outfits in the state which we expected would be carried out."<sup>88</sup> The governor did not disclose why the instructions were not carried out.

When Human Rights Watch met the Police Public Relations Officer in Kaduna, he was evasive about the situation and claimed not to have precise information about the events. He said that the police had counted seventy-three dead but that the real number was probably higher as corpses of Muslim victims were removed quickly. He claimed that since the 2000 violence, the police had intensified security measures and reinforced flashpoints in the city. He told us: "In the latest crisis, we put enough policemen on the ground. We did our best. Our best is what you see today." He claimed that the police reacted immediately to the attack on the office of *ThisDay*, even though numerous eyewitnesses said that no policemen intervened at all at that time. When asked

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<sup>86</sup> Human Rights Watch interview, Nasarawa, Kaduna, December 11, 2002.

<sup>87</sup> According to a press release by the Southern Kaduna Elders' Consultative Forum, dated November 25, 2002, some strike force units were drafted to Christian-dominated areas "which were then peaceful", but not to Muslim-dominated areas where they alleged the trouble began. The elders' press release cites this selective deployment as evidence that the state government was siding with the Muslims. Human Rights Watch did not find evidence to substantiate this claim.

<sup>88</sup> "Kaduna riots: who did what? Emerging facts indict police," *Weekly Trust*, November 29-December 5, 2002.

why the special strike force had not reacted, he said: “If there is a riot, the police will be brought in. Then the military are brought in to complement them. That is what happened. The police is at the forefront. It depends on the gravity of the situation. It was manageable. We were able to contain it.”<sup>89</sup>

In the aftermath of the violence, President Olusegun Obasanjo visited Kaduna on November 28 for a meeting with the governor and religious leaders; he also visited some of the injured in hospitals, as well as sites for people displaced by the violence. President Obasanjo and Governor Makarfi condemned the violence, described it as well-organized, and promised that the perpetrators would be brought to justice.<sup>90</sup>

A committee set up by the Kaduna State government to assess the amount of damage has since reported that 109 churches, thirty-nine mosques and hundreds of other buildings were destroyed during the violence.<sup>91</sup> In April 2003, it was reported that the federal government had released “an undisclosed amount of money for the rehabilitation of churches and mosques burnt or vandalized” during the November riots and that the Kaduna State government had appealed to the federal government to increase the amount provided.<sup>92</sup> However, in May, the Kaduna State chapter of the Christian Association of Nigeria (CAN) launched an appeal for funds to rebuild churches destroyed in the violence, complaining that none of the financial compensation promised by the state government since 2000 had been received<sup>93</sup> — a statement backed up by complaints from many other organizations and individuals, both Christians and Muslims, who told Human Rights Watch that they had received nothing in way of compensation for loss of life and destruction of property in the 2000 riots, let alone the 2002 riots. The federal government had rejected a recommendation for compensation put forward by the commission of inquiry into the 2000 violence set up by the Kaduna State government.<sup>94</sup>

### Investigations and arrests

In the immediate aftermath of the violence, there were calls from nongovernmental organizations and others for the Kaduna state government to set up a panel of inquiry. In similar situations of inter-communal and other violence in Nigeria, it has become almost standard practice for the government to set up a panel or commission of inquiry; this was the case, for example, following the February 2000 riots in Kaduna, the Zangon-Kataf riots of 1992, and many other instances of violence in other states of Nigeria. However, in many cases, such initiatives have amounted to nothing more than a token exercise on the part of the government to demonstrate that it is taking the matter seriously; even when the members of such panels have carried out thorough and impartial investigations and produced detailed reports, the results of their inquiries have rarely been published. Even when they have been published, in the form of government white papers, they appear to have had little impact on the situation; few of their recommendations have been implemented and their findings have rarely led to prosecutions.<sup>95</sup> In the case of the November 2002 riots, the Kaduna State governor stated explicitly that he had no intention of setting up a panel of inquiry, but that instead, those responsible for the violence would be charged and tried promptly.

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<sup>89</sup> Human Rights Watch interview with Mustapha Abubakar, Police Public Relations Officer, Kaduna, December 12, 2002.

<sup>90</sup> Human Rights Watch interviews, Kaduna, December 2002. See also “Fish out perpetrators of violence, says Obasanjo,” *ThisDay* (Lagos), November 29, 2002.

<sup>91</sup> See “N1bn needed to compensate Miss World riot victims in Kaduna,” *Daily Trust* (Abuja), May 13, 2003.

<sup>92</sup> See “Miss World riot: government moves to rehabilitate burnt churches, mosques,” *ThisDay* (Lagos), April 7, 2003.

<sup>93</sup> See “We lost N4.5b to Kaduna violence, says CAN,” *Vanguard* (Lagos), April 3, 2003.

<sup>94</sup> See Chapter 3 of the White Paper on the Report of Judicial Commission of Inquiry into Kaduna State Religious Disturbances of February 2000, published in April 2001.

<sup>95</sup> The commission of inquiry into the 2000 Kaduna violence reported: “some members of the Public allege that Government White Papers on previous Judicial Commission of Inquiry reports are not fully implemented. While others believe that Government did not consider the reports of some of the previous Judicial Commission of Inquiry [...]”. Chapter One of the White Paper on the Report of Judicial Commission of Inquiry into Kaduna State Religious Disturbances of February 2000, published in April 2001.

About 350 people were quickly arrested in connection with the riots, within just a few days of the start of the violence. Most of those arrested were boys or young men accused of looting or rioting, but not killing or instigating the violence. There were also numerous reports of arbitrary arrests of people who were not involved in any criminal activity at all. Most of the people interviewed by Human Rights Watch in Kaduna believed that those arrested did not include the individuals responsible for organizing or planning the violence. Human Rights Watch made efforts to find out the identity of those who had planned the violence, as all the evidence available indicated that it had been well organized; however, the results of our inquiries did not enable us to pinpoint specific individuals who may have played a leading role.

Christians who were arrested appeared before the magistrates' courts, while Muslims appeared before the Sharia courts. (The two systems have operated in parallel since the extension of Sharia to criminal law and the creation of Sharia courts.) In both categories, most of the defendants were reported to have been released on bail within a few weeks; they were charged with a range of offenses including manslaughter, assault, destruction of property and disturbance of the peace. Others were released later, and the charges against them were dropped.<sup>96</sup> A local researcher reported that even the court officials and prosecutors he spoke to in Kaduna were not sure of the exact number of people charged in connection with the November 2002 riots or the status of their case files. It would appear that the matter of the arrest of suspects became politicized by both Christian and Muslim groups. Sources in Kaduna who monitored this and previous crises in Kaduna State believe that as on earlier occasions (notably following the 2000 riots), the state government, in a bid to appear neutral, gave in to pressure exerted by Christian and Muslim leaders and assented to the release of most suspects; most believe that the cases of those released on bail are unlikely to result in prosecutions.<sup>97</sup>

Some people were released on the grounds that they were under eighteen. The Police Public Relations Officer told Human Rights Watch: "We don't have minors [in detention] per se, but in a riot, you arrest whoever you see." He confirmed that some minors had been released because of their age.<sup>98</sup>

The governor promised to investigate the many reports of shootings by the security forces, but to date has not made public the progress of any such investigation. In the case of the extrajudicial killings in Kabala Costain and Kabala Doki, as described above, the police claimed to be investigating some of these cases in response to formal complaints by local residents, but to date, none of the suspects have been charged, and the few who were arrested have all been released. In addition, there were allegations that efforts on the part of the police to investigate the matter may have been thwarted by an intervention by the governor who feared that such an investigation would be politically damaging for him.

There were a few arrests of more prominent community or religious leaders, most of whom were released within a short time. One of those arrested was Nafi'u Baba Ahmed, Secretary General of the Supreme Council for Sharia in Nigeria.<sup>99</sup> He was arrested on November 30, 2002 and released without charge on December 2. Nafi'u Baba Ahmed alleged that he was arrested because of his outspoken criticisms of the governor's record and policies; he claimed that the governor regarded him as an obstacle to his bid for re-election and that his arrest was designed to intimidate him. He said that before releasing him, the police asked him to sign a document undertaking not to hold any meetings; he refused to do so.<sup>100</sup> Both the state government and the police denied that Nafi'u Baba Ahmed was arrested because of his criticisms of the governor and claimed he was arrested on

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<sup>96</sup> See, for example, "Miss World riots: court discharges 22," *ThisDay* (Lagos), January 21, 2003.

<sup>97</sup> Human Rights Watch interviews in Kaduna, December 2002, and subsequent correspondence with sources in Kaduna, June 2003.

<sup>98</sup> Human Rights Watch interview with Mustapha Abubakar, Police Public Relations Officer, Kaduna, December 12, 2002.

<sup>99</sup> The Supreme Council for Sharia is a relatively new organization, set up in 2000. It has been critical of the older, more established Islamic organizations, such as the Jama'atu Nasril Islam (JNI) and the Supreme Council of Islamic Affairs, for being too passive in relation to Sharia and too close to the government.

<sup>100</sup> Human Rights Watch interview with Nafi'u Baba Ahmed, Secretary General of the Supreme Council for Sharia in Nigeria, Kaduna, December 9, 2002.

suspicion of inciting violence prior to the November crisis.<sup>101</sup> Other sources in Kaduna alleged that just a few days before the riots broke out, Nafi'u Baba Ahmed had threatened "trouble" if the governor failed to apply Sharia properly. It has also been alleged that his arrest may have been connected to his reaction to interviews broadcast on an independent television station owned by his brother, in which Islamic scholars condemned the violence in Kaduna; one source claimed that Nafi'u Baba Ahmed threatened to attack the television station if it continued to broadcast these interviews.<sup>102</sup>

On December 24, a representative of the National Orientation Agency (which comes under the federal Ministry of Information) announced that ten "highly placed" people had been arrested for sponsoring the violence in Kaduna, but did not reveal their names or any other information about the arrests.<sup>103</sup>

On January 9, 2003, five community leaders in Kabala Doki were arrested by the police in connection with violence in that area, including Sama'ila Sarkin Kaje, who had been identified by witnesses as involved in several incidents of killings and brutality (see above). They were detained for several days and released without charge.

No one is known to have been arrested in connection with the burning and rioting at the office of *ThisDay* in Kaduna. However, the editor of the Saturday edition of *ThisDay*, Simon Kolawole, was arrested on November 22 and detained for three days in the federal capital Abuja; he was not charged. His arrest was interpreted by some as a measure to pacify angry Muslims and by others as a way of protecting him from possible reprisals.<sup>104</sup>

## VI. CAUSES OF THE VIOLENCE AND THE POLITICIZATION OF RELIGION

There was unanimity among the people interviewed by Human Rights Watch in Kaduna and elsewhere that the controversy over the Miss World contest was not the real cause of the violence in Kaduna. Muslims and Christians alike agreed that this was just a pretext or a trigger for unleashing frustrations and tensions that had been building up over many months, and even years. Many people believed that if the Miss World contest had never been planned to take place in Nigeria, and even if the article in *ThisDay* had not been written or published, some other incident would have been seized upon instead, and sooner or later, violence would have erupted. Some people believed that some groups had been waiting for an opportunity to take revenge for violence committed against their own community in 2000; certainly many of the grievances from that time have not been satisfactorily addressed by the government. Others attributed the riots to political opportunism.

There was also a common belief among the different groups of people interviewed by Human Rights Watch that the real nature of the conflict was political, rather than religious, and that its religious manifestation was mostly the result of manipulation of the population by political leaders. To support this belief, they pointed to the fact that during the protests and riots, the governor's campaign posters were torn down and, some alleged, replaced with posters of his political opponents. Some people claimed that the rioters were chanting "no second term" (for the governor). The governor's campaign headquarters and a new shopping complex built by the governor were targeted by the protesters when they began attacking buildings in the town.<sup>105</sup> The governor himself was also quick to describe the riots as political rather than religious, and accused his political opponents of using religion as an excuse to cause trouble.

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<sup>101</sup> See, for example, Special Report: "Kaduna under curfew: between insensitivity and nervousness," *Weekly Trust*, December 6-12, 2002.

<sup>102</sup> Human Rights Watch interviews, Kaduna, December 10 and 12, 2002.

<sup>103</sup> See "Kaduna riots – 10 top shots arrested," *Vanguard* (Lagos), December 24, 2002.

<sup>104</sup> Human Rights Watch interviews, Kaduna and Lagos, December 2002.

<sup>105</sup> Many people interviewed by Human Rights Watch in Kaduna regarded these details as significant. However, they do not constitute conclusive evidence that the riots were orchestrated by the governor's opponents, since they could also have been acts of opportunism or vandalism once the riots had broken out.

As elections approached in April 2003, the stakes began to rise and Governor Makarfi's political future looked increasingly uncertain. His political rivals for the position of governor—most of them Muslims too—were campaigning hard to try to unseat him. Some people in Kaduna accused some of these opponents of deliberately stoking up tensions and even orchestrating the November 2002 violence in order to destabilize the situation and weaken the governor's position. Eventually, though, Governor Makarfi won a comfortable 58.69% of the vote in the elections of April 19, 2003.<sup>106</sup>

Human Rights Watch has not been able to confirm these claims or to pinpoint the role of particular politicians in the run-up to the November 2002 events in Kaduna. However, it is clear that as elsewhere in Nigeria—especially in the north—religion has become extremely politicized and has been used as a tool to influence and mobilize the population. It is also clear that in the context of Kaduna's longstanding inter-communal tensions, it took very little to spark off another round of violence. Human Rights Watch believes that the real cause of the November 2002 riots was not the Miss World contest or the newspaper article; these were issues on which disagreements could easily have been resolved without resorting to violence, even if tempers had flared. It seems likely that political or religious leaders were seeking to make capital out of a further outbreak of violence, whatever their objectives, and that a state of semi-permanent tension had been allowed to develop, and may even have been encouraged by some political or religious leaders. Looking back over Kaduna's recent history, it is striking that these tensions between different ethnic and religious groups have increased without significant or effective measures being taken by those in power to address the underlying problems, despite recurring and massive loss of life.

The religious aspect of events in Kaduna was brought to the fore when, on November 25, in a move likely to further inflame the situation, the deputy governor of the northern state of Zamfara, Mamuda Aliyu Shinkafi, issued a fatwa (religious decree) against Isioma Daniel, the journalist whose article in *ThisDay* triggered the protests, and encouraged Muslims to kill her. Zamfara was the first state to introduce Sharia into criminal law and its state government remains one of the most ardent advocates of its application. The fatwa created a wave of panic and Isioma Daniel was forced to go into hiding for her own safety. Senior Muslim leaders and organizations, including Jama'atu Nasril Islam (JNI), the Muslim umbrella organization, and the Supreme Council for Islamic Affairs (SCIA), as well as senior federal government officials, including Minister for Information Jerry Gana, were quick to disown and condemn the fatwa and to point out that it had no legal basis or justification. The JNI stated that the Zamfara state government had no authority to issue a fatwa and that it should be ignored. Isioma Daniel apologized for causing offence through her article; *ThisDay* also published several apologies before, during and after the violence, including a full apology and explanation from the editor-in-chief and chairman of the newspaper, on November 25. These apologies did not appear to satisfy those who were calling for revenge. According to Media Rights Agenda (a non-governmental organization working on freedom of expression and press freedom), on November 28, a group calling itself Movement against attack on Prophet Mohammed wrote to seventeen individually-named journalists working for *ThisDay*, including the editor, threatening to kill them for "conspiring" with Isioma Daniel.<sup>107</sup>

There were allegations that some Muslim and Christian leaders had made provocative statements in the days immediately preceding the violence and that these statements had been partly responsible for causing the violence. People pointed in particular to statements made by the Emir of Birnin Gwari, an important traditional ruler, in which he reportedly condemned the publication of the article in *ThisDay* and called on Muslims to rise up and

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<sup>106</sup> Official results announced by the Independent National Electoral Commission (INEC). Nigerian and foreign election observers reported instances of fraud and rigging in parts of Kaduna State, as in many other states of Nigeria during the 2003 elections.

<sup>107</sup> See "Attacks on the press: 17 *ThisDay* reporters, editors receive death threats," in Media Rights Monitor, published by Media Rights Agenda, January 2003. In its December 2002 issue, Media Rights Monitor also reported that the Kano State House of Assembly had adopted a resolution on November 22 banning the sale and distribution of *ThisDay* in Kano State.

protect their faith.<sup>108</sup> In their own response to the events, Christian elders issued a press release in which they described the news conference given by the Emir of Birnin Gwari as “the major hatchet that has created the confusion/mayhem in Kaduna/envirom [...]” More significantly, the Christian elders also stated: “While we do not provoke, we shall no longer tolerate any act of provocation, killing, maiming or burning of our Churches by anybody for no wrong committed by us as we shall return ‘Fire for Fire.’ Enough is enough!”<sup>109</sup>

Other Christian leaders also warned that the desire for retaliation may become unstoppable. For example, the chairman of the Federal Capital Territory chapter of the Christian Association of Nigeria (CAN) was quoted as saying: “We are law abiding citizens and we expect the government to protect us; but if the government at various levels fail to protect us, our people will be left with no option but to defend and protect themselves by whatever means available to them. At that point, no Church leader or sermon will be able to stop them.”<sup>110</sup>

The importance of religion in understanding and analyzing the conflicts in Kaduna remains contested, and contradictory and confusing opinions are voiced, sometimes by the same individuals. According to members of Christian and Muslim communities, some of their leaders who told Human Rights Watch that they did not believe religion was the root cause of the violence in Kaduna were the first to resort to attacking their “opponents” with explicit reference to their religious faith, and to advocate “self-defense” on the basis of religious survival.<sup>111</sup> Even though religious differences may not have been at the origin of the disputes, politics and religion in Kaduna, as elsewhere in the north of Nigeria, are now likely to remain inseparable until the issue of Sharia, its constitutional implications, and the grievances of Christian and Muslim communities are addressed fully and explicitly by the federal government. In an anecdotal example of how politicized religion has become, a senatorial candidate from Kaduna told Human Rights Watch that when campaigning in early 2003 to seek public support, he was only ever questioned about religion, not other issues.<sup>112</sup> It is worth noting that although Kaduna has suffered from inter-communal tensions for several decades, the religious aspect only emerged sharply in the last few years. However, the fact that it now occupies centre stage in the language of politics in Kaduna State means that it will be difficult to set it to one side when attempting to resolve the tensions; it is a factor that will be need to be addressed explicitly, and religious and political leaders alike will have to be centrally involved in initiatives to resolve the conflicts.

## VII. CONFLICT RESOLUTION INITIATIVES

Since the 2000 crisis in Kaduna, various initiatives had been launched to try to resolve inter-communal conflicts and defuse tensions. In the months preceding the November 2002 riots, some of these initiatives appeared to be gaining ground in forging agreement among communities to stop fighting. On August 22, 2002, the Kaduna Peace Declaration was signed by eleven Christian and eleven Muslim religious leaders from Kaduna State. In it, the leaders pledged to “work with all sections of the community for a lasting and just peace”; condemned all forms of violence and sought to “create an atmosphere where present and future generations will co-exist with mutual respect and trust in one another”; and announced the establishment of a “permanent joint committee to implement the recommendations of this declaration and encourage dialogue between the two faiths.”<sup>113</sup> The agreements contained in the declaration failed to translate into reality as three months later, violence had erupted again.

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<sup>108</sup> Human Rights Watch has not been able to obtain the actual text of his statement.

<sup>109</sup> Press Release on the Recent Religious Violence / Riots in Kaduna State by the Southern Kaduna Elders Consultative Forum, 25<sup>th</sup> November 2002.

<sup>110</sup> See “We won’t tolerate more killings – CAN,” *The Punch* (Lagos), November 28, 2002.

<sup>111</sup> Human Rights Watch interviews, Kaduna, November 2002, and other sources.

<sup>112</sup> Human Rights Watch interview, Abuja, February 18, 2003.

<sup>113</sup> The Kaduna Peace Declaration of Religious Leaders, August 22, 2002. The declaration was also signed by Governor Makarfi.

Since November 2002, conflict resolution organizations, as well as religious leaders and local community members seeking to encourage peaceful dialogue, are once again faced with a difficult and contradictory situation: on one level, many Muslims and Christians wish to live together, as they have done for many decades, and members of both communities have been making significant efforts to repair the damage in their relations; on another level, tensions and segregation among the population appear to be increasing.

Human Rights Watch does not claim to offer expert solutions in the field of conflict resolution. However, we were struck by the efforts of some leaders and other members of local communities to prevent the violence in November 2002, including once the rioting had begun. In a few cases, these efforts may have prevented the violence from spreading even further, although in most cases, they were overwhelmed by the situation; in extreme cases, their efforts were negated by other leaders (both Christian and Muslim) who stated publicly that the only way to react to attacks was to respond in kind. In the aftermath of the riots, some religious leaders and members of Muslim and Christian communities revived their reconciliation and mediation efforts with renewed urgency. Human Rights Watch strongly encourages government authorities, especially at the local and state level, as well as foreign governments and international organizations active in the area of conflict resolution, to continue supporting these efforts with the longer-term goal of preventing further outbreaks of violence.

## **VIII. RECOMMENDATIONS**

### **To the Nigerian federal government and Kaduna state government**

- Identify and bring to justice those responsible for organizing or encouraging the violence in Kaduna in November 2002, as well as those who carried out the killings. The authorities should not allow political considerations to influence decisions about prosecutions and should recognize that prolonged delays in delivering justice for the violence are likely to result in a further build-up of tension, which could lead to further clashes.
- Launch thorough, prompt and impartial investigations into the conduct of the security forces during the events of November 2002, in particular into allegations of widespread human rights violations by the police and the military, and make public the results of these investigations. Ensure that these investigations conform with the U.N. Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions.
- In particular, ensure that individual members of the police and military reported to have committed extrajudicial killings are immediately suspended from active duty, and, if found responsible, are charged and tried promptly, in trials meeting international due process standards. The families of the victims should be kept informed of the progress of investigations and judicial action against those responsible.
- Provide compensation to the families of those killed or injured by members of the security forces.
- Issue clear instructions to the police and the military that operations to restore law and order in a situation of rioting should never be a justification for unlawful attacks on persons, such as to settle scores. The security forces should make every effort to arrest individuals suspected of criminal activity without resorting to lethal force. Members of the security forces should abide by 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 at all times. Senior military and police officials should ensure that all their members are trained in these standards and should monitor their practical application.
- Review planning and coordination arrangements among the different security agencies to ensure that in the event of any future outbreak of inter-communal violence, the security forces can be deployed

promptly, in a coordinated manner, to protect the lives of all citizens, in accordance with their obligations under international human rights law.

- Intensify and encourage conflict resolution initiatives and other measures aimed at preventing further inter-communal violence, including by supporting grassroots initiatives to foster dialogue and cooperation between Muslim and Christian communities and to raise awareness among the local communities of the need to respect fundamental rights, including the right to life, and religious and ethnic differences. Government officials should work closely with Muslim and Christian community leaders, particularly at state and local levels, both in the short-term and the long-term, to find ways of securing lasting peace in Kaduna.
- Seek solutions to the tensions in Kaduna not only in the context of the latest violence, but taking into account the recurring violence in previous years and the findings of investigations and studies into the 2000 clashes. Special efforts should be made to listen to the concerns, grievances and suggestions of the various communities affected by the conflicts.
- Provide compensation to individuals whose houses or livelihoods were destroyed during the rioting. Ensure that those still displaced by the violence have the necessary practical support and security to return to their homes or to resettle in new homes if insecurity persists.
- Make public the reports of judicial commissions of inquiry into previous outbreaks of violence in Kaduna State and implement their recommendations and those contained in the corresponding white papers, as appropriate. The government's failure to implement the recommendations of commissions of inquiry has devalued the work of these commissions and undermined their importance as a mechanism for leading to justice.

#### **To foreign governments and intergovernmental organizations**

- Urge the Nigerian government to investigate reports of extrajudicial killings and other human rights violations committed by the security forces in Kaduna in November 2002 and to ensure that those responsible are brought to justice.
- Remind the Nigerian government of its international obligations to prevent extrajudicial executions and urge government, police and military authorities to ensure that the conduct of the security forces conforms at all times with internationally recognized principles for law enforcement.
- Foreign governments providing assistance to the Nigerian police or military should ensure that human rights standards, including the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, are not only taught in training programs, but their practical application regularly monitored. Cases of abuse or disregard of these standards should be promptly raised with the relevant authorities, who should be urged to take appropriate disciplinary or judicial action against the individuals responsible.
- Urge Nigerian government and security force officials to ensure that members of the security forces deployed to quell violence in any future incidents of unrest refrain from excessive use of force or carrying out extrajudicial executions and other human rights violations.
- Support appropriate national and local conflict prevention and resolution initiatives aimed at defusing inter-communal tensions in Kaduna and elsewhere, as well as human rights awareness initiatives in the affected communities, and urge both federal and state government institutions to do likewise.

## **IX. ACKNOWLEDGEMENTS**

This report is dedicated to Samson Bako, human rights activist from Kaduna, who assisted us in understanding the situation in Kaduna and worked closely with us on parts of this research in December 2002. He died of a sudden illness on December 25, 2002. He is greatly missed.

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