

SECULAR SHARIA?

Criminal Sharia Law and its Impact on Nigeria's Christian Communities

Nathan Johnson, Jean Pauline Jones, & Jay Church

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International Christian Concern
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Silver Spring, MD 20907

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EXECUTIVE SUMMARY

The notion that Nigeria is a well-intentioned but under-resourced country struggling to contain sectarian violence is woefully incomplete. The Nigerian government may be under-resourced, but it is not blameless in the matter of sectarian violence. Indeed, though government forces have fought to quell sectarian violence in some instances, in other cases, it has at least exacerbated the problem if not created it in the first place.

This report will consider ways that Nigerian state governments contribute to discrimination and violence against Christians. In particular, twelve northern states have adopted Sharia criminal law, leading to problems for Christians in the region and impacting their ability to participate as equal members of society.

In addition to being unconstitutional, the use of Sharia to adjudicate criminal matters has done significant real-world harm. This report considers eight specific instances where a departure from secularism has harmed Christians in northern Nigeria.

Finally, ICC makes three policy recommendations to the U.S. government—first, the establishment of an official stance against non-secularism in northern Nigeria; second, a reworking of aid delivery, which the government distributes in a way that disadvantages Christians; and third, the appointment of a Special Envoy to address issues in the region.

CONTEXT

Historical Background

The British established Nigeria's current borders in the early 1900s, but the country has a long history that informs many of Nigeria's struggles. With over 250 different ethnic groups and more than 450 distinct languages, Nigeria is among the world's largest nations and one of the most diverse—a fact that has led to much internal strife since the country gained its independence in 1960.

Before the colonial era, several large and powerful empires operated in West Africa. These included the Sokoto Caliphate of northwestern Nigeria, the Bornu Empire of the Lake Chad region, Yorubaland in southwestern Nigeria, and others. Many of the empires that held power in the north started following Islam before the 15th century. The most notable and influential of these Islamic empires was Usman dan Fodio's Sokoto Caliphate, a Fulani empire, in the early 19th century. Dan Fodio established a strong central government that held power until the British colonized the area a century later. He helped establish schools, spread Islam throughout the region, and replaced the old hereditary succession system with a new system that chose successors based on Islamic excellence and knowledge. This bolstered Islam as the main religion of northern Nigeria and solidified the power of the Muslim elite.¹

Even after the British conquered Nigeria, they continued to use the established government of Sokoto Caliphate to control the Northern Protectorate of Nigeria. This arrangement took political power away from the Sultan of Sokoto but kept it with the Muslim elite, who had built a successful economic system in the region.

This history shaped much of the country's identity and ideology, especially in northern Nigeria. Colonization and the subsequent creation of the Nigerian feder-

al government profoundly affected the nation. It has struggled with its national identity ever since. After independence from the British in 1960, Nigeria has experienced numerous military coups and dictatorships. It did not become an established democracy until 1999, when its constitution was signed into law.

The three major tribes—the Hausa, the Yoruba, and the Igbo—hold significant power in many parts of the country, especially in their traditional majority areas. As a result, minority communities in these areas often have to fight for equal access to rights and services in settings where security and the economy are still severely underdeveloped and the majority community resents their very presence.

Concerningly, less than five years after Nigeria's establishment as a democracy, many northern states began adopting Sharia criminal law. This goes directly against the constitution of Nigeria, which states that the government, federal and state, "shall not adopt any religion as State Religion"² and that "every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or in private) to manifest and propagate his religion or belief in worship, teaching, practice and observance."³

As practiced in Nigeria, Sharia criminal law violates these provisions by directly enforcing the teachings of a specific religion on citizens, even when these citizens are not Muslim and do not consent to have their cases tried in Sharia courts. Twelve northern states have adopted Sharia criminal law, beginning in 2000 with Zamfara State.

Though sections 275-279 of the federal constitution of Nigeria provides for the establishment of state-level

1 Chafe, Kabiru Sulaiman (1994). "Challenges to the Hegemony of the Sokoto Caliphate: A Preliminary Examination." *Paideuma*. 40: 99–109.
2 Article 10: Constitution of the Federal Republic of Nigeria 1999
3 Article 38: Constitution of the Federal Republic of Nigeria 1999

Sharia courts, it specifically gives them jurisdiction over personal law and in cases where all parties are Muslim. Therefore, the use of these courts to adjudicate criminal Sharia law in addition to personal Sharia law is unconstitutional as it violates the Constitution's federal religious freedom provisions.

Sharia in Nigeria

Observers must understand the evolution of Sharia in Nigeria in the broader context of Nigeria's ongoing religious tensions and its establishment as a constitutionally secular state. Sharia as applied today violates the principles of secularism and endangers non-Muslim religious communities in the northern and Middle Belt regions.

Unlike many legal systems, Sharia is not composed of one clearly established set of rules. Instead, it refers to a loosely defined system designed to regulate Muslim living. Though there are several schools of thought on how Sharia should be defined, it at least regulates matters of personal status and civil law. Notably, in the Nigerian context, some understandings also view Sharia as a basis for criminal law.

The diversity in interpretations of Sharia makes a comprehensive study beyond the scope of this report, the purpose of which is to study the impact of religious laws in northern Nigeria rather than take a stance for or against Sharia as a whole. Sharia's exact contours are a matter for Islamic scholars—of concern here is how the application of Sharia in northern Nigeria has come to harm non-Muslim religious communities.

Sharia is derived from four sources: the Quran, the Hadith, logical extrapolation from Muslim scripture, and the general agreement of competent Islamic scholars on a matter.⁴ Though there are broad principles of Sharia upon which Muslims agree, the different branches of Islam diverge on their interpretation of the Quran

and the Hadith and, therefore, on their understanding of Sharia law. The form of Sharia found in Nigeria conforms to the Maliki form of Sunni Islam—the dominant form of Islam in the region.⁵

It is important to note that Sharia was practiced in Nigeria for many years before being applied to criminal matters. Focusing on personal issues like marriage, social etiquette, and diet, Sharia courts primarily served to regulate the affairs of Muslims and had relatively little impact on non-Muslim communities. However, this changed dramatically when, in 2000, Zamfara State expanded the jurisdiction of Sharia courts in the state to include criminal matters. Other states soon followed suit. Today, Sharia courts in twelve states adjudicate criminal cases.

The expansion of Sharia to criminal cases made it much more likely that Sharia would impact non-Muslims—they are inherently more likely to commit blasphemy, for example, and their alcohol consumption is at odds with criminal Sharia law.

Even more concerning, Sharia criminal law mandates various harsh punishments that stand in contravention of human rights law, including floggings and the amputation of limbs. Under Sharia, certain criminal offenses known as hudud carry severe, fixed punishments, explicitly laid out in the Quran and the Hadith. These hudud mandate penalties such as floggings for alcohol consumption, the amputation of limbs for thieves, and death for apostates.⁶

While Sharia courts in Nigeria seem hesitant to enforce the full extent of Sharia's apostasy laws, they have handed down severe punishments for blasphemy, including in 2020 when it convicted one young man to death by hanging and a teenage boy to ten years in prison. Both convictions—issued on the same day by the same judge in the Kano Upper Sharia Court—were stayed by

⁴ <https://yaqeeninstitute.org/read/paper/stoning-and-hand-cutting-understanding-the-hudud-and-the-shariah-in-islam>

⁵ <https://humanrightscorrection.house.gov/sites/humanrightscorrection.house.gov/files/documents/2020%20USCIRF%20Nigeria%20Country%20Update.pdf>

⁶ <https://cdn.penalreform.org/wp-content/uploads/2015/07/Sharia-law-and-the-death-penalty.pdf>

an appeals panel in January 2021 because neither defendant had legal representation in the Sharia court.⁷ However, the Sharia criminal law that allowed for their convictions is still in place today.

Section 204 of Nigeria's criminal code creates a blasphemy law applicable to the whole country. Human rights groups have long criticized blasphemy laws around the world, noting that they create restrictive religious freedom conditions in countries where they exist. However, Section 204 at least stops short of protecting one religion only. This is not true of the Sharia criminal codes used in the twelve northern states, which expressly prohibit insulting Islam and place other religions at risk of spurious accusations of blasphemy.

Given its inherently religious nature, Sharia is problematic when applied to non-Muslims—particularly when they are charged under criminal Sharia law. Testimony from non-Muslims is considered unreliable within Sharia courts, while testimony from a woman is worth one-half that of a man. This renders the fair adjudication of cases involving non-Muslims nearly impossible, particularly in cases involving women.

Sharia law affects all of society—even those who do not hold Islam as their faith. This is easily illustrated by the use of Sharia to prohibit selling or drinking alcohol. In states where Sharia courts hold sway, it is illegal to sell or consume alcohol. This prohibition is applied to all citizens in these states regardless of religious background or beliefs. Anyone caught drinking or selling alcohol can be arrested and tried by the local authorities under Sharia law.

The Secular State

A secular state is officially neutral in matters of religion and supports neither religion nor irreligion. Secular states treat all citizens equally regardless of religion and avoid preferential treatment of citizens from a particu-

lar religious background over those from other religious backgrounds or no religion at all. Importantly, secular states do not endorse or establish a state religion. However, it is important to note that the absence of an official state religion does not necessarily mean that a state is truly secular.

Secular states keep religion and the government from exercising undue influence over each other. This is key to religious freedom. Establishing a secular government does not mean that religion has no role in a nation. Rather, it is protected from government intervention and does not infringe inappropriately upon matters of governance.

Countries with the least religious freedom typically have either a complete disregard for any faith—communist countries such as North Korea or Eritrea, for example—or have a firmly established state religion—Iran and Pakistan, for example. The appropriate separation of church and state allows all religious groups to openly practice their faith without fear of losing their rights as citizens.

According to Rob Boston, Senior Adviser at Americans United for Separation of Church, a secular state is neutral—not hostile—to matters of religion. “A secular state allows its people to explore religious questions as guided by individual conscience but does not take sides itself,” he writes. “In an ideal secular state, your decision to worship one, five, twenty or no gods is irrelevant to your standing as a citizen. Because the government doesn’t take a position when it comes to religion, all beliefs are protected. In this way, secularism is the platform upon which religious freedom rests.”⁸

When a religion takes over the government, as it has in much of Nigeria’s north, it creates a social and judicial hierarchy along religious lines and makes religious minorities suffer due to their lack of conformity.

⁷ <https://www.amnesty.org/en/documents/afr44/3568/2021/en/>; <https://www.cnn.com/2021/01/31/africa/blasphemy-nigeria-boy-interview-intl/index.html>
⁸ <https://www.au.org/blogs/wall-of-separation/its-time-to-celebrate-secular-government>

Nigeria as a Non-Secular State

Sharia and the Constitution

On paper, Nigeria is a secular federation where power is shared between the national government and the individual governments of its 36 states. Within this political structure, state governments have the authority to shape their system of law as long as the system they come up with adheres to the ideals of the Nigerian constitution.

While Nigeria has claimed to be a secular country for years, the actions of the twelve northern states that have adopted Sharia criminal law and their support from the federal government have proven otherwise. Laws instituted by these state governments have established Islam as the favored religion in the country's north. For much of the population, which is majority Sunni Muslim, this presents no problem. However, for Christians, Shia Muslims, and adherents of traditional religions, the influence of Islamic law in society creates significant problems for everyday life.

As mentioned above, states with Sharia criminal law enforce a much stricter version of the federal blasphemy law. The federal law prohibits any act that publicly insults any religion and stipulates a prison sentence of up to two years: "Any person who does an act which any class of persons considers as a public insult on their religion, with the intention that they should consider the act such an insult, and any person who does an unlawful act with the knowledge that any class of persons will consider it such an insult, is guilty of a misdemeanor and is liable to imprisonment for two years."⁹

Though still problematic, this law at least applies equally to all religions, rather than protecting just one. In contrast, Sharia courts enforce an understanding of blasphemy that only protects Islam. Sharia courts are exclusively concerned with acts considered insulting to Muslims, the punishment for which can be as severe

as execution. Blasphemy accusations frequently trigger mob violence, but these mobs are not held accountable for their crimes.

According to a 2004 Human Rights Watch report, governors defending the constitutionality of criminal Sharia law claimed that Sharia is compatible with the concept of a secular state because it only applies to Muslims.¹⁰ The negative impact of Sharia on non-Muslim Nigerians is, then, a critical issue in the debate over the constitutionality of Sharia and will be explored in the remainder of this report.

Criminal Courts

Much of Sharia criminal law stands in opposition to freedom of religion and conscience. Laws such as those against blasphemy, alcohol, and marriage cross over religious lines and enforce Islamic teaching on groups who are supposed to be immune to these laws since non-Muslims should not have to go in front of Sharia courts. Sharia courts are only supposed to have power over Muslims—if a non-Muslim states that they do not want to be tried in a Sharia court, they should be immediately turned over to a secular court.

As seen below, Sharia law also gives radical and extremist groups the courage to act out against those that do not follow Sharia.

Case Study: Christianah Oluwatoyin Oluwasesin

On March 21, 2007, in Gandu, Gombe State, Nigeria, Christianah Oluwatoyin Oluwasesin, a schoolteacher and married mother of two, was brutally lynched by her students after being falsely accused of desecrating the Quran.

At Gandu Government Day Secondary School, the government teacher was in high spirits that morning as she traveled to her classroom to hand out final examinations. Since students had previously been

⁹ Laws of the Federation of Nigeria, Chapter 77 Criminal Code Act, Section 204.
¹⁰ <https://www.hrw.org/report/2004/09/21/political-sharia/human-rights-and-islamic-law-northern-nigeria>

caught cheating, she collected student belongings, per school policy, and placed them in front of the class. Unbeknownst to her, one of the students in the all-girls classroom had a Quran in her bag, causing an uproar as students began to shout "Allahu Akbar."

Aluke Musa Yila, a fellow teacher, ran to the classroom upon hearing the commotion: "Soon after the bags collected by Oluwasesin were dropped in front of the class, one of the girls in the class began to cry. She told her colleagues that she had a copy of the Quran in her bag, that Oluwasesin touched the bag, and that by doing so she had desecrated the Quran since she was a Christian."

Multiple teachers ran to the classroom to assist Oluwasesin and escorted her to the principal's office for safety. She was hidden in the office bathroom, which was then locked to keep students out. Soon, though, the entire school was enraged and outside Muslim extremists had joined the unruly mob.

"They destroyed school property and were demanding that Oluwasesin must be given to them to be stoned to death," Yila said. "When we could not give in by releasing Oluwasesin to them, they started stoning us."

Soon, Muslim extremists broke into the principal's office and dragged Oluwasesin out, insisting that they kill her.

Oluwasesin's husband recounted the events that followed with tears: "The students and outsiders, who joined, tied her up, beat and tortured her. One of the students later took a knife and slit her throat. They cut her into pieces and set what was left on fire. They burnt her car also and almost killed my son, Emmanuel. He was only ten months old then. A nice woman hid him in her long gown and saved his life."

Authorities released every person suspected in Oluwasesin's murder without charge.¹¹

Case Study: Sani Kabili

In October 2007, Sani Kabili, a 55-year old Christian and father of six, was sentenced to three years in prison by a Sharia court in Kano State. Three men accused him of committing blasphemy against Mohammad. Though not a Muslim himself, he was tried and convicted by a Sharia court without the right to appeal. The trial of a non-Muslim in a Sharia court is illegal.

Authorities released Kabili on February 16, 2009, after he had served 300 days of his sentence. His lawyer was able to show that the original case completely lacked evidence and pointed out several issues in the initial trial, including that Kabili was a non-Muslim tried in an Islamic court. Kabili received no compensation for his extended stay in prison even though it was deemed wrongful.

It does not appear that the men who wrongfully accused Kabilido received any punishment.

As more of these cases happen, extremists and those with grudges realize that they can use Sharia courts to attack those they do not like. Attackers know that Sharia courts and government officials operating in the Sharia system will not prosecute them for their crimes.

Women's Issues

Child-grooming is becoming more prevalent in Nigeria due to the government's refusal to protect Christian girls. Though the legal age of consent has traditionally taken second place to what is perceived as the parents' right to marry their daughters when they please, Nigeria is beginning to feel the global pushback against child marriage.

Still, Nigeria's Muslim population is resistant to the

¹¹ <https://www.csw.org.uk/2007/06/05/press/637/article.htm>

coming change. Today, 16% of Muslim girls are married before they turn fifteen.¹² That number is as high as 48% in the predominantly Muslim north of the country.¹³ In 2013, Nigeria's Senate rejected a recommendation that would standardize the national legal age of consent to eighteen years in all cases by abolishing exemptions for Muslim and traditional communities.¹⁴ The senators argued that the law would discriminate against Muslim girls, who are considered "of age" when married. For child brides, that decision rests with their parents.

The issue of child marriage in Nigeria is also an issue of religious freedom since in cases where a Christian girl is kidnapped, indoctrinated, and forcefully married by her Muslim captors other Muslims often justify the incident on religious grounds. Underage marriage is a problem across Nigeria, but it is particularly problematic for Christians in the north, where state governments often refuse to protect Christian families from abuse. As a result, Christians in Nigeria's north have lost the right to security for their children.

Case Study: Abara¹⁵ Family

The Abara family of Kaduna State has experienced firsthand the problems Sharia courts can cause for Christian families. They have repeatedly been abused by the local Muslim majority community and have received excruciatingly little help from the Kaduna state government. They were also subjected to hearings in front of a Sharia court despite not being Muslim.

The first incident occurred in 2016 when Blessing Abara was kidnapped from her home by several Muslim men and quickly moved into hiding. Blessing's older brother, Mark, heard of the abduction and promptly began working with the local police to find her and secure her safe return. Though he

located her quickly, Mark and his family were not allowed to bring her back immediately. In fact, he had to work with several police officers before the abductors would release her. At that point, more than twenty days had passed since her abduction. Even though her abductors were known to police, none were ever charged for their crimes.¹⁶

This case, however, was only the beginning of the Abara family's struggles. Less than two years after the kidnapping of his sister, Mark's daughter Sandra was abducted as well. When she was kidnapped, Sandra, who was 15 years old, was taken by a group of Muslim men led by a man named Abubakar. During an interview with ICC, a Christian legal group¹⁷ that works with girls who have been abducted said that the kidnappers intended to "forcefully convert her to Islam, abuse, molest and treat her as a sex slave and then marry her off to another Muslim against her wish."¹⁸ This legal group worked directly with Mark on Sandra's case.

The abductors initially took Sandra to the home of Abubakar, who held her for two weeks. Mark tried to get his young daughter back. First, he went to Abubakar's house and demanded that Sandra be returned to him. Abubakar stated that he did not know who or where she was. When Mark was unable to secure her release on his own, he contacted the Divisional Police Station but received no help from the police there. According to Mark, this was because "[he was] a Christian."

After failing to receive support from the local authorities, he went to the local Police Command. Police brought Abubakar in for questioning after Mark submitted his complaint. Abubakar stated that he had no idea where Sandra was and had nothing to

12 <https://atlas.girlsnotbrides.org/map/nigeria/>
13 https://www.girlsnotbrides.org/documents/633/Strategy-to-end-child-marriage_for-printing_08-03-2017.pdf
14 <https://www.girlsnotbrides.org/articles/controversy-in-nigeria-over-minimum-age-of-marriage/>
15 Real name withheld for security reasons.
16 In-person interviews with the victim's family and lawyer.
17 Name available upon request.
18 In-person interviews with the victim's family and lawyer.

do with her disappearance. It was only after the police threatened to beat Abubakar that he admitted to holding her. Local police helped Mark secure her release fifteen days after she was captured, but on the "condition that he allow his daughter to practice Islam," the legal group told ICC.

After Sandra returned home, she began suffering from the aftereffects of the abduction. She started causing problems for the Abara family, who decided to send her to a rehab facility to help her recover from the stress. The day that they took Sandra to the rehab facility, a local Muslim cleric and his followers went to the home of Ruth and his family. According to the legal group, "a prominent member of a local Muslim group mobilized more than thirty Islamic militants and stormed the Abara residence shouting with a public address system to return Sandra or face the consequences. They continued until around 2 am."¹⁹

Mark told ICC that he hid from the mob before eventually fleeing his home. Mark had received multiple threats to his life because he had interfered in the abductions of his sister and daughter, so when the mob came to his house that night, Mark believed that they would kill him. As a result, he stayed away from his home for several days before returning.

On February 1, 2018, two weeks after the mob appeared, Sandra returned home from the rehabilitation facility where she was staying. According to Mark, the night that Sandra returned home, his brother—a Muslim—took Sandra out of his home while everyone was sleeping and returned her to the home of Abubakar. Over the next several months, her abductors forced Sandra to accept Islam, renamed her Zainab, married her to an older man, and impregnated her. She was just fifteen years old

during this whole ordeal.²⁰ Sandra's parents sought the help of both local and regional police before finally going to the state police for assistance.

Sandra finally regained her freedom in June 2018. Still, when she did, Mark and his family were made to appear before a Sharia court to answer for charges brought by the older man who married Sandra during her captivity. He and his supporters claimed that Sandra was his wife and that he had legal rights over her. However, this claim is wrong for several reasons.

First, Christians cannot be held accountable under Sharia courts. Thus, the Sharia court should not have summoned Mark and his family in the first place. Second, Sandra was a minor, and whether or not she wanted to marry this man—she says she did not—her parents have the final say in her marriage according to federal law. Mark never agreed to his daughter's marriage, so it was legally invalid. Third, the Child's Rights Act (CRA-2003) declares that any sexual act with persons under eighteen is rape.²¹ This means that the man who impregnated Sandra should be charged for rape.

No one involved in the abduction, forced conversion, forced marriage, and rape of this young girl has ever been held accountable for their actions, either by the Sharia courts or the state or federal governments. Several of those involved were arrested but were released the same day. Cases like Sandra's increase the confidence of criminals and extremists who want to attack religious minorities, as they know that they will face no consequences.

Case Study: Sarah M²²

Sarah attended a Government Secondary School (high school) in the predominantly Muslim Kon-go-Zaria community of Kaduna State. During her

19 In-person interviews with the victim's family and lawyer.
20 In-person interviews with the victim's family and lawyer.
21 <https://www.refworld.org/pdfid/5568201f4.pdf>
22 Real name withheld for security reasons.

time at the school, she lived in the school hostel. On July 20, 2018, while still only 15, Sarah was at school when a school matron, Mrs. H, called her down to the school office. When she arrived, she was told that her mother was very ill and that she would have to go home. The matron then gave her a pass to leave the school property and arranged for a motorcycle driver to pick her up.

Before she left the school, Sarah says, the matron offered her food. "I ate some dates that the matron gave me," she told ICC during a staff visit to Nigeria. She was then taken outside the school and told to get on the motorcycle Mrs. H had hired. "I did not know who the driver was but was told he would take me home to see my family," she said.²³

As she was riding, Sarah started feeling dizzy. She says that she has no recollection of what happened after that for the next several days. The next thing that she remembers is waking up in an unknown location with an older lady washing her. She spent the next several months learning Arabic and being instructed in the ways of Islam. Her captors changed her name to Fatima.

Though Sarah was abducted on July 20, the school did not inform her family that she was missing until four days later. On July 24, another matron at the school contacted Sarah's parents. They were told that their daughter had gone missing from the school and that the school staff had no idea where she was.²⁴

Shortly after being contacted, Sarah's family contacted the Kaduna State Police Commissioner to help find their daughter. When the police began their investigation, they soon discovered that the matron, Mrs. H, had lied to Sarah and arranged for

her to be taken from the school. Instead of being brought home, Sarah's captors had taken her to the home of a village chief in Zaria, Kaduna State. She was held in that location for nearly a month before being found on August 15. Sarah was released the next day to the custody of her parents.²⁵

Though the abductors and co-conspirators are known, none involved have been convicted of any crime, including the matron and the family who held Sarah. The lack of accountability for those involved in this case encourages others to conduct similar crimes against religious minority girls.

Christian Organizations & Places of Worship

One can see religious bias under Sharia in the mistreatment of and selective restrictions on Christian organizations in Nigeria. State governments in the north prohibit the construction of church buildings, often using fear tactics to halt their land purchases. According to a church leader in northern Nigeria who spoke with ICC, "If you want to build a church, they will not give you a permit, because the government will [fire] anyone who proposes/signs a document to build a church. A Muslim will not approve a document to build a church."²⁶ Such pressure enforces a structure that systematically deprives Christians of their right to hold public religious services.

In addition to persecution via governmental restrictions, jihadist militant groups in Nigeria persistently target and destroy church buildings and Christian homes. According to the International Society for Civil Liberties and Rule of Law, jihadist Fulani militant attacks destroyed at least 17,500 churches from 2009-2021.²⁷ On May 19, 2021, eight Christians were killed, and a church was burned down in an attack in the Chikun area of Kaduna State.²⁸ Three months prior, The Holy

23 In-person interviews with the victim and lawyer.

24 In-person interviews with the victim and lawyer.

25 In-person interviews with the victim and lawyer.

26 Anonymous Pastor in northern Nigeria.

27 <https://intersociety-ng.org/43-000-christians-killed-by-nigerian-jihadists-in-12-years-18500-permanently-disappeared-and-17500-churches-attacked/>

28 <https://www.persecution.org/2021/05/23/gunmen-burn-church-kill-eight-christians-kaduna-state/>

Family Catholic Church in Kikwari village, Kaduna State, was burned down in addition to two homes.²⁹ While the government often denies the religious motivation behind these attacks, the frequent burning of churches and targeting of believers' homes shows that hatred of Christianity plays a crucial role in violence throughout northern Nigeria.

Attackers target churches most frequently, but other Christian organizations operating in states with Sharia law also suffer. As a result, many Christian organizations have moved their operations from the northern states to areas, such as Plateau State, with more freedom.

Below are two case studies detailing some of the struggles Christian organizations face in northern Nigeria.

Case Study: Du Merci Orphanage

Professor Solomon Tarfa and his wife Mercy founded Du Merci orphanage in Kano State in 1996. For over two decades, the couple rescued abandoned children with the mission "to glorify God by ministering to orphans and vulnerable children by meeting their mental, physical, spiritual and social needs."³⁰

On Christmas day, 2019, a team of policemen, accompanied by the National Agency for the Prohibition of Trafficking in Persons, raided the orphanage without a search warrant. According to a Christian Solidarity Worldwide (CSW) report, police arrested Professor Tarfa without bail, closed the orphanage, and transferred twenty-seven children from Du Merci to government-run facilities in Kano and Kaduna states even though Du Merci was operating with all necessary paperwork in place.

"The way the police and NAPTIP officials invaded our home, it was like they were out to arrest a hardened criminal," Mercy Tarfa told journalists from Nigeria Everyday. "The police alone were about 30 and all

of them had guns. The children were scared."

Once situated in their new government-run facilities, the Du Merci children report that their hosts bathed them, changed their original names to Muslim Hausa names, and began taking them to daily Muslim prayers and Quranic teachings. "Emmanuel's name was changed to Ismail, Destiny to Samaila, Mercy to Amina, Martha to Khadijat, Esther to Fatima," a source close to the case told ICC.

The children were not allowed to leave the premises to attend school or church and complained of being mistreated for their religious beliefs. Several incidents of violence and neglect have been reported by former Du Merci residents, including one occasion when the government facility abandoned two children suffering from chronic conditions at a private hospital. In a second incident, on December 20, 2021, 14-year-old Moses was burned in a fire in which he suffered third-degree burns to his face, hands, body, and legs. Following the accident, residents of the home accused the Du Merci children of having started the fire deliberately.³¹

CSW founder and President Mervyn Thomas said:

"The treatment of these children is a shameful indictment of both state and federal authorities. The rights of these children continue to be violated comprehensively. They have been torn from their home and from the adults they consider their parents and placed in a government orphanage where they have experienced discrimination, violence, a lack of education, and separation from their religious community... CSW condemns the continuing lack of consideration for the trauma experienced by these young children by the authorities, who profess concern for their wellbeing while pursuing their own nefarious agenda."³²

²⁹ <https://www.vanguardngr.com/2021/02/breaking-bandits-raze-catholic-church-two-homes-in-kaduna/>
³⁰ <https://dumerciorphantage.org/mission-vision/>
³¹ An anonymous source close to the ongoing case.
³² <https://www.csw.org.uk/2021/01/16/press/4946/article.htm>

Case Study: St. Stephen's Anglican Church

St. Stephen's Anglican Church is a church based in Zamfara State. Zamfara was the first state to institute Sharia criminal law at the state level. St. Stephens was built in 2010 by the church that would later use the building. According to John Danbinta, the Anglican Bishop of Gusau, "When [the congregation] built the church in 2010, they got the land from land officers and were given the land to do with what they wished."³³ Despite this, the state government demolished the church in 2016.

According to Bishop Danbinta,

"The government had a meeting, and in it they said that they were going to demolish all illegal structures. A policeman who was in the meeting and also a member of the church was under the impression that they were talking about houses that didn't have permits and that sort of thing. Suddenly the pastor of the Church was told that the church was getting demolished by the government. There was no conversation. The pastor was at the church with some of the congregants on a Tuesday, and a government bulldozer came with police escorts. They told the pastor that they would kill everyone if they didn't leave, that they would bulldoze them over. So they left."³⁴

At the time, the governor—Abdul Azi—denied involvement in the destruction of the church but refused to meet with the Bishop when he asked for clarification on why the church was destroyed. Despite this, Bishop Danbinta did not give up. He had contacts at the American embassy who he asked to help set a meeting with the governor. However, when these contacts spoke with the governor, he said he would not meet with Bishop Danbinta and claimed that he had already compensated the church for the demolition. When told this, Bishop

Danbinta flatly denied the governor's claim and said that his church had never received any compensation, much less explanation, for the destruction of their property.

When ICC asked Bishop Danbinta why he believes the church was destroyed, he answered, "The church was built on the roadside, visible to everyone. They didn't want the church there, front and center." Bishop Danbinta also stated that this was a deliberate move by the government. He said that the local Muslim community liked the church because it had helped many of them. "The church was built in 2010, and since then, it has helped a lot in the community, and the Muslims in the community liked the church. So the Muslims gathered when the church was demolished, and they weren't happy."

Since the church was demolished, the congregation has not been allowed to rebuild.

Humanitarian Aid and Security

Humanitarian aid and physical security are two of the most significant issues facing Nigeria today. Intercommunal violence and terrorism have devastated the Nigerian population in much of the country, especially in the northeast and the Middle Belt. These two regions have seen mass killings, displacements, and destruction of property, causing families to suffer and intensifying the struggles faced during the COVID-19 pandemic.

The distribution of humanitarian aid to Christians has been severely limited in northern states and is disproportionately redirected to Muslim families. There are several reasons for this, the most common of which is that aid is frequently given to local mosques and Muslim leaders to distribute to the local community. Unfortunately, these leaders and mosques then only assist those who adhere to Islam, which hurts members of the minority already struggling from cycles of devastation and poverty due to their faith.

33 Interview with Bishop Danbinta.
34 Interview with Bishop Danbinta.

Regarding physical safety, security services are used as a bargaining chip and even a weapon against minority communities who go against the established order. ICC has done a separate in-depth study into how lockdowns are used as weapons against small Christian communities by the Kaduna State government. These lockdowns, officially intended to bring peace and security, have repeatedly been used by militants to provide easy access to communities. Many Christians have been killed in locked-down communities, where security forces do not protect Christian villagers despite being present to enforce the lockdown. This pattern of lockdowns has rarely, if ever, been seen in Muslim-majority communities.

Case Study: Aid to Christians in Kaduna State

In a publication, Open Doors USA reports: “Pastor Sulu from Kaduna State shared what he saw and heard both firsthand and in talking with area Christians at the distribution site of government-provided COVID-19 food relief in Kaduna.

‘The highest [amount of food aid] most Christians got is about two packets of noodles, a small bowl of rice and one cup of oil—that’s what we’ve seen in the Christian-dominated areas,’ he says, adding that he was privy to the documents showing aid allocation. ‘The more Muslim-dominated local governments get more bags of rice, more cartons of noodles and more other things than the Christian-dominated governments,’ he says. ‘Christians really don’t have food.’”³⁵

Unequal distribution of food has been observed across Kaduna. According to the Open Doors report, “Believers from towns in northern Nigeria’s Kaduna State, including Ungwan Boro, Sabon Tasha, Barnawa and Naraye, report they received six times smaller rations from the state than Muslim families.” Due to the nature of Islamic dominance

in northern Nigeria, Christians are treated as second-class citizens. According to Pastor Sulu, “We’ve had Christians faint and collapse in the struggles of trying to get food to their families... It is not just a marginalization. This is persecution.”³⁶

Throughout the current conflict in the Middle Belt, ICC has built communal farms in areas that have suffered significant loss due to the violence. So far, ICC has worked with more than 300 families in Kaduna State who have been attacked, displaced, injured, or lost family members. During that same time, the government in Kaduna state has regularly blamed the Christian population for the violence.

The Christian communities of southern Kaduna have never received aid from the Kaduna State government, yet Governor El-Rufai has admitted to finding and paying Fulani militants to stop killing people in Kaduna State. According to El-Rufai, much of the violence started due to post-election violence in Kaduna in 2011. He claims that Fulani herders were traveling through Kaduna at that time and lost family and cattle to the violence, making them angry and desirous of revenge.

El-Rufai established a committee to track and compensate these people. He established this committee, saying that “there is a new governor who is Fulani like them and has no problem paying compensations for lives lost and he is begging them to stop killing.” He continued that “In most of the [Fulani] communities, once that appeal was made to them, they said they have forgiven. There are one or two that asked for monetary compensation. They said they have forgiven the death of human beings, but want compensation for cattle. We said no problem, and we paid some.”³⁷ El-Rufai’s claim that he paid herders seems quite strange as he has rarely if ever compensated or helped Christian communities

³⁵ <https://www.opendoorsusa.org/christian-persecution/stories/denied-8-places-where-starving-christians-are-refused-government-relief/>
³⁶ <https://www.opendoorsusa.org/christian-persecution/stories/denied-8-places-where-starving-christians-are-refused-government-relief/>
³⁷ <https://www.vanguardngr.com/2016/12/weve-paid-fulani-stop-killings-southern-kaduna-el-rufai/>

in Kaduna State for the deaths or destruction they have experienced at the hands of Fulani militants.

Case Study: Security Situation in Kaduna State

In addition to overseeing the inequitable distribution of aid, El-Rufai and his administration are responsible for a series of incidents in which Christian-majority local government areas (LGAs) were attacked, leading to scores of deaths.

The incidents described below each began with villagers protesting the lack of security provided by El-Rufai's administration. In response, El-Rufai ordered the villages into strict lockdown, enforcing the orders with armed guards and not allowing farmers to leave their homes even to care for their crops and animals. The lockdowns lasted for days or weeks and inevitably preceded a deadly Fulani attack during which security forces mysteriously disappeared.

The pattern of attacks following El-Rufai's lockdowns is so pronounced that some ICC contacts work to smuggle Christians out of locked-down areas as soon as lockdown orders are imposed, knowing that an attack is imminent. Kaduna State Senator David Lah expressed concern about the severity of the lockdowns, arguing that they could not have been intended for security but rather were imposed as a punitive measure for the protests.³⁸

This report includes case studies of two such attacks. The first occurred in Goska village, Jema'a LGA, in December of 2016. The second took place in two villages along the border shared by Zangon Kataf and Kaura in 2020. These are just two of many instances within a greater trend under El-Rufai's tenure as governor.

Jema'a

Throughout the latter half of 2016, the Jema'a LGA was barraged with near-constant attacks resulting in killings in October, November, and early December. The Christian Association of Nigeria estimated that 102 people were killed, 215 were injured, and 50,000 houses were burned across 25 Christian communities in the Jema'a LGA in November alone.³⁹

The attacks in the predominantly Christian villages of Godagda and Gidan Waya were particularly brutal and destructive. In a rare occurrence, El-Rufai even personally visited one of the villages to show his sympathy. However, El-Rufai was met with protests, and he released no official statement concerning the attacks. Eight Christian leaders from that LGA were charged in December for killing Fulani herders, but no Fulani arrests were made.⁴⁰

In mid-December 2016, El-Rufai imposed a 24-hour curfew on Jema'a, extending from December 19, 2016, until after the beginning of 2017. On December 24, the Fulani attacked, killing 11 in Goska, Jema'a, burning several people in their homes.⁴¹ El-Rufai ordered this curfew even though the herdsman had frequently attacked in the preceding months and had been spotted in the surrounding areas for three days before El-Rufai imposed the curfew.

It is uncertain where government security officers were during this attack. They were present to enforce the curfew but did nothing to prevent this attack.

El-Rufai received significant public backlash for his role in the deadly attack in Jema'a. Still, despite the criticism, he continued to use the curfew, including in the months immediately following. For example, on February 21, 2017, he placed the Jema'a and Kaura LGAs into lockdown. The area was experienc-

38 <https://www.vanguardngr.com/2017/01/southern-kaduna-killings-reprisal-attacks-2011-post-presidential-elections-killings-miyetti-allah/>
39 <https://www.canng.org/news-and-events/news/84-102-killed-215-injured-50-000-houses-burnt-in-kaduna-can>
40 <https://www.canng.org/news-and-events/news/84-102-killed-215-injured-50-000-houses-burnt-in-kaduna-can>
41 <https://www.vanguardngr.com/2016/12/photos-suspected-herdsmen-brought-goska-village-ruins/>

ing severe attacks despite local leaders' protests that the lockdown made them more vulnerable.⁴² A 24-hour curfew order was used again in October of 2018, following sectarian violence in Kasuwan Magani.⁴³

Zangon Kataf and Kaura

The most severe, long-lasting, and destructive curfew order occurred in 2020 in the Zangon Kataf and Kaura LGAs. In short, governor El Rufai placed the Zango Kataf and Kaura LGAs under lockdown on June 11, immediately following the discovery of the body of Moses Yusuf, a young Christian teacher. Yusuf had been murdered by herdsmen while tending to his farm.⁴⁴ The curfew order remained in effect for over two full months before finally being relaxed on August 22 to only prohibit movement from 6 pm to 6 am.⁴⁵

Approximately 122 people were killed between mid-June and mid-August while under El-Rufai's lockdown orders:

In Chibwob, Zango Kataf, seven were killed by the Fulani on July 10, 2020.⁴⁶ That same day, Vanguard reports, 24 villagers were killed in Sabon Kaura and Chibob villages along the border between Zango Kataf and Kaura.⁴⁷ The next day twenty more were killed by Fulani in the Chibuak and Kigudu communities.⁴⁸ Nineteen more were killed in Kukum Daji by the Fulani on July 19 while attending a wedding party.⁴⁹ On July 20, 2020, the Daily Post

reports, Fulani killed eleven more in an attack on Gora Gan village in Zangon Kataf.⁵⁰ Fulani militants killed 33 more in the Atyp villages of Apyiashyim, Atak'mawai, Kibori, and Kurmin Masara. Numerous people, predominantly women and children, were killed when the attacks began simultaneously on August 5, 2020.⁵¹

El-Rufai's lockdown orders criminalize being outdoors at any time. Though the curfew was somewhat relaxed in August, the order continued to ban outdoor activity between 6 pm and 6 am for some time after.⁵² In an area like the Zango Kataf LGA, where farming is widespread, these curfews deprive law-abiding farmers of their very livelihoods and means of survival.

Security officers were sent to the Zango Kataf LGA to enforce this oppressive curfew. Yet, despite being powerful enough to enforce a 65+ day curfew so strictly implemented as to threaten the starvation of thousands, the police repeatedly failed to protect the Zangon Kataf and Kaura LGA from Fulani attacks. According to ICC sources on the ground, the presence of Fulani herdsmen outdoors during curfew hours was well known in the area, but security forces did nothing. In contrast, at least four members of the Zangon Kataf community were arrested and held without bail for violating curfew to work their farms.⁵³

42 <https://www.thisdaylive.com/index.php/2017/02/22/southern-kaduna-attacks-death-toll-ris>
43 https://www.democracynow.org/2018/10/23/headlines/nigeria_curfew_in_kaduna_state_after_sectarian_violence_kills_55
44 <https://247ureports.com/2020/07/sokapu-wants-end-to-punishing-curfew-over-zangon-kataf/>
45 <https://www.premiumtimesng.com/regional/nwest/410188-kaduna-relaxes-curfew-in-kauru-zangon-kataf-lgs.html>
46 <https://dailypost.ng/2020/07/10/zangon-kataf-fresh-attack-7-killed-houses-others-destroyed/>
47 <https://www.vanguardngr.com/2020/07/bandits-kill-24-burn-houses-in-kaduna/>
48 <https://dailypost.ng/2020/07/11/20-killed-in-fresh-attack-in-two-communities-in-kaduna/>
49 <https://dailypost.ng/2020/07/20/southern-kaduna-fresh-attack-19-killed-32-injured/>
50 <https://dailypost.ng/2020/07/21/southern-kaduna-attack-11-killed-others-injured-in-gora-gan/>
51 <https://dailytrust.com/33-killed-in-fresh-southern-kaduna-attacks>
52 <https://www.premiumtimesng.com/regional/nwest/410188-kaduna-relaxes-curfew-in-kauru-zangon-kataf-lgs.html>
53 ICC witness interviews.

Policy Recommendations

The United States has provided over \$8 billion in aid to Nigeria in the last twenty years, mostly related to health or security. Nigeria's need for immediate assistance is undoubtedly great, but to be effective in the country, the U.S. must address the root issues underlying the insecurity in Nigeria. One of these root issues is Nigeria's failure to make good on its promise of a secular state, specifically in the northern and Middle Belt regions. If left unaddressed, the lack of secular equity in Nigeria's Sharia-run states will continue to create injustice, unrest, and insecurity.

As the U.S. considers how to address the problem of a non-secular Nigeria, it should approach the issue with three things in mind.

First, the issue of the non-secular Nigerian state is complex and requires a multifaceted response. The U.S. should confront each of the many ways Nigeria fails to fulfill the promise of a secular state. The open implementation of Sharia criminal law is, perhaps, the most egregious of these failures. Still, other failures also exist, such as the systematic discrimination against Christian organizations, women, and LGAs. The problem is pervasive in the north, and the international response should be decisive and targeted at each of the many ways that non-secularism manifests itself.

The notion that Nigeria is a well-intentioned but under-resourced country struggling to contain sectarian violence is woefully incomplete. Nigeria may be

under-resourced, but it is not blameless in the matter of sectarian violence. Indeed, though government forces have fought to quell sectarian violence in some instances, in other cases it has at least exacerbated the problem if not created it in the first place. The issue of government-fueled sectarian violence can be seen in the Kaduna State lockdowns and has been evidenced elsewhere as well.

Third, the U.S. should carefully modify the delivery of financial assistance to Nigeria to ensure that it is used for the good of every citizen, not just those aligned politically or religiously with those in power. The U.S. should consider restructuring its aid to channel resources to organizations with a vested interest in the country. The Nigerian government directs almost all U.S. aid to the northeast of Nigeria and often to local Muslim leaders. The U.S. should address this issue. A more even distribution of aid throughout Nigeria should be pursued.

Finally, given the complexities of Nigeria's problems, the U.S. should appoint a Special Envoy to the country. The Department of State should empower this individual to study and address government complicity in the violence in addition to the threat posed by armed militant groups, which is the typical extent of policy discussions on Nigeria. The appointment of a Special Envoy to Nigeria would raise the profile of the concerns in Nigeria and significantly increase the chances of coming to a nuanced, comprehensive solution.

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