

Universal Periodic Review (UPR) NGO Alternative Report 45th session
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Nigeria

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Islamic Human Rights Commission (IHRC) is a not-for-profit campaign, research and advocacy organisation founded and based in the United Kingdom. It was set up in 1997 and works for redress of human rights violations and a better understanding of rights and norms across confessional, ethnic, national, political and other boundaries.

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NGO Submission to the United Nations Universal Periodic Review of Nigeria, current cycle

About IHRC

IHRC is a not-for-profit human rights organisation based in London, UK. It has held consultative status with UN since 2007. It was founded in 1997. Since its founding it has been active in advocating for victims of rights abuses, campaigning on policy and structural issues, and researching the violations of human rights.

Relevant recommendations from the third UPR cycle, Human Rights Council Compilation on Nigeria

148.10 Consider ratifying the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and its Optional Protocol and domesticating already ratified conventions (Niger);

148.31 Step up efforts to domesticate ratified conventions, including the Rome Statute of the International Criminal Court (Botswana);

148.32 Incorporate the provisions of the Rome Statute of the International Criminal Court into its domestic legal system (Slovakia);

148.61 Join the Code of Conduct regarding Security Council action against genocide, crimes against humanity and war crimes, as elaborated by the Accountability, Coherence and Transparency Group (Liechtenstein);

148.103 Ensure all operations by the military and security forces comply with international law and Nigeria's human rights obligations (Australia);

148.105 Raise awareness of human rights, especially within the government forces involved in counter-insurgency operations, to avoid excessive use of force, extrajudicial killings and ill-treatment (Cyprus);

148.108 Strengthen the fight against impunity, notably guaranteeing respect for rights in the fight against terrorism and law enforcement (France);

148.121 Take appropriate action to guarantee respect for human rights in the fight against terrorism, insurgency and other internal security operations, and to ensure that all perpetrators of violations are brought to justice (Bulgaria);

148.145 Provide and implement measures to protect against violations of human rights committed by security forces in order to better protect the population (Belgium);

148.146 Implement safeguards against human rights violations by the security forces and ensure that the perpetrators of violence, both State and non-State actors, are brought to justice (Ireland);

148.165 Conduct prompt, thorough and independent investigations into allegations of violations of human rights and international humanitarian law committed by some government forces during counter-insurgency operations, and bring perpetrators to justice (Slovakia);

148.168 Intensify efforts to eradicate impunity by strengthening accountability and the rule of law, particularly through monitoring, investigating and reporting on human rights abuses, and to ensure that all alleged perpetrators, in particular those affiliated with the official security forces, are brought to justice (Netherlands);

148.173 Investigate all reported cases of human rights violations by security forces, bring to justice suspected perpetrators, and ensure transparency, including by making public the report of the Presidential Panel to Review Compliance of the Armed Forces (Canada);

148.174 Continue the efforts to more effectively prevent human rights violations during the operations of its security forces and to bring all those suspected of criminal responsibility to justice (Republic of Korea);

148.175 Put in place effective mechanisms to investigate human rights violations committed by security forces, identify those responsible and bring them to justice (Switzerland);

148.176 Commit to releasing the findings from the Presidential Investigative Panel and the army-led Special Board of Inquiry and to holding perpetrators to account (Australia);

148.177 Make public the findings of the Presidential Investigative Panel, which investigated allegations of human rights violations by the military, to facilitate open analysis and scrutiny (United States of America);

148.178 Publish the reports about abuses committed by security forces and implement the recommendations, including the prosecution of those responsible for violence against civilians (Germany);

148.179 Make progress on investigating the military's compliance with human rights obligations (New Zealand);

148.182 Obey court orders for the release of Ibrahim and Zeenat El Zakzaky and hold accountable the perpetrators of the killing of 347 Islamic Movement in Nigeria members (United Kingdom of Great Britain and Northern Ireland);

148.183 Protect the rights to freedom of association, expression and peaceful assembly for all Nigerians, regardless of ethnicity, religion, sexual orientation or gender identity (Australia);

148.184 Protect and promote freedom of expression, association and peaceful assembly in order to create a safe and favourable environment for human rights defenders, journalists and civil society (Italy);

148.185 Ensure that the fundamental rights to freedom of association and peaceful assembly are respected and protected for all Nigerians without distinction of any kind and in accordance with the Constitution (Canada);

148.187 Protect and guarantee religious freedom and the rights of people of faith in Nigeria (Chile);

148.188 Continue efforts to enhance dialogue among religious and ethnic groups and promote the enjoyment of the rights of freedom of religion or belief of minority groups in all regions of Nigeria (Holy See);

Relevant recommendations from the Report of the Office of the United Nations High Commissioner for Human Rights

20. The Office of the United Nations High Commissioner for Human Rights (OHCHR) recommended that Nigeria adopt or review counter-terrorism laws and policies to ensure compliance with international standards, including international human rights law and international humanitarian law, notably the principles of legality and proportionality

21. OHCHR had received preliminary reports of violations of human rights and international humanitarian law allegedly committed by some government forces during counter-insurgency operations, including extrajudicial killings, enforced disappearances, arbitrary arrests and detention, and ill-treatment. OHCHR recommended that Nigeria conduct prompt, thorough and independent investigations into those allegations, and ensure accountability for all violations of international human rights law and international humanitarian law, regardless of the position or rank of the perpetrator.

22. Referring to the relevant recommendations from the previous review, the United Nations country team stated that, while several investigations had been launched, they had not led to any prosecutions. Allegations of extrajudicial executions enforced disappearances and excessive use of force by security agencies continued to be made. The country team considered those recommendations to have been partially implemented.

Relevant recommendations and conclusions from Stakeholders' submissions on Nigeria

22. JS10 stated that security agencies, particularly the police and the military, had been implicated in widespread human rights violations including excessive use of force, extrajudicial killings, torture, arbitrary arrests and detention, enforced disappearances and extortion

23. IHRC stated that during the period of 12 to 14 December 2015, the armed forces attached unarmed civilians resulting in the death of at least 1000 people.

24. SRW stated that in November 2015, the army had attacked Shia processions in Kaduna state killing over 400 men, women and children.

27. Referring to a relevant supported recommendation from the previous review, AI stated that the authorities were yet to amend Force Order 237 which provided for a much wider scope for the use of lethal force than is permissible under international law and standards and was often used to justify shooting by police officers.

33. Referring to relevant supported recommendations from the previous review, AI stated that despite efforts by the government, through the army-led Special Board of Inquiry and the Presidential Investigative Panel, to review compliance by the armed forces with human rights, the authorities were yet to hold any member of the armed forces accountable for gross human rights violations.

IHRC findings and recommendations

The crackdown against the Islamic Movement of Nigeria (IMN) started at the beginning of the 1990s and continues today. On 12 December 2015, IMN blocked the Chief of Army Staff's convoy in Zaria, Kaduna State. This resulted in soldiers firing with live ammunition, killing at least seven IMN members in the procession and injuring several others. The military claimed that IMN attacked them, but there appears to be no evidence supporting this allegation. Later that night, soldiers shot intermittently at the headquarters and Ibrahim Al-Zakzaky's compound, setting some buildings on fire and killing and wounding hundreds of IMN supporters. On the night of 14 December 2015, Kaduna state officials buried hundreds of bodies secretly in a mass grave in the Mando area of Zaria. It is alleged that at least 1000 followers of the Shi'a group were killed by the Nigerian Army. IHRC has compiled first-hand evidence of mutilations, arson and violence. Subsequently, the group's leader, Mr El-Zakzaky, and his wife were attacked, besieged and arrested. They remained in detention until July 2021 despite a court order for their unconditional release in 2017.

In January 2016, the Kaduna State established a Judicial Commission of Inquiry to investigate the Zaria incident, which found that the Nigerian Army committed serious human rights violations against IMN members, including disproportionate use of force and failure to keep record of recovered casualties. However, no further action was taken at the State or Federal level to investigate and prosecute those criminally responsible, despite the Commission's recommendations. The former Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnès Callamard requested further information on this from the Federal Ministry of Justice, but to no avail.

The continued detention of Mr El-Zakzaky and reports of deterioration of his health prompted demonstrations by IMN members, despite the unlawful killing of scores of people during such protests by security forces. On 29 October 2018, soldiers from the 7th Battalion, part of the Presidential Guard Brigade, shot at peaceful IMN members as they marched in Abuja, killing and injuring scores. The review of videos taken

of the incident shows that the protesters were not armed or posing any threat: the soldiers can be seen shooting at the crowd indiscriminately and from close range and continuing to shoot as the protesters retreat. They used battlefield weapons, including an armoured vehicle with high calibre guns.

On 26 July 2019, a Federal High Court declared the IMN an unlawful group. Two months later, the IMN convened the annual Ashura Processions. The processions were held in all the state capitals of Northern Nigeria and in Abuja. In several cities, Police again resorted to force to suppress the gatherings, leading to numerous casualties. The victims were buried in a haste quickly on the following day and no post-mortem examinations were conducted. Some of the individuals injured were arrested and have since remained in detention without access to medical care. Since then, hundreds of the Islamic Movement of Nigeria have routinely been harassed, attacked and arrested during religious marches. Where they have been arrested, they have mostly been charged with offences such as criminal conspiracy, attempted culpable homicide, unlawful assembly, disturbance of the peace, unlawful and wrongful restraint and unlawful possession of firearms.

In 2015 and 2018, IHRC reported the attacks on the IMN to the International Criminal Court. On 11 December 2020, the ICC Prosecutor announced the completion of her preliminary examination of the situation in Nigeria, having concluded that there was a reasonable basis to believe that war crimes and crimes against humanity were committed. The next step in the judicial process is to request authorisation from the Pre-Trial Chamber to open an investigation into the situation in Nigeria. Since then, repeatedly the ICC has called on the Nigerian State to give its full cooperation.

Despite being exonerated of all charges laid against them and released in 2021, Sheikh Zakzaky and his wife continue to be denied the ability to travel abroad to access much needed medical treatment because the authorities refuse to return their passports without any legal justification. His health conditions have been deteriorating progressive glaucoma, cervical spondylitis, episodes of stroke, up to 55 bullet fragments with excessive lead and cadmium poisoning in his body. The urgency of the medical treatment, that cannot be delivered in Nigeria, has been confirmed by last **Kaduna State High Court's ruling** (in 2019), whereby the presiding judge Dairus Khobo, based on eight Nigerian and foreign doctors' medical reports, publicly acknowledged that Zakzaky and his wife are in danger of death. Later, the same Court discharged Zakzaky and his wife Zeenah. Zakzaky's lawyer Mr Femi Falana has formally issued the DSS and the Attorney-General of the Federation Court for refusing to release his passport without a court order.

To date, demonstrations continue to be violently repressed by the police and IMN properties demolished. After issuing a circular in May 2023 that he intended to destroy 48 premises connected to the Islamic Movement of Nigeria, on Sunday 21 May 2023, henchmen connected to the outgoing governor of Kaduna state Nasir El-Rufai, have destroyed:

- a. Fudiyya Nursery, primary and Secondary school, Tudun Wada area,

Kaduna State,

- b. Fudiyya Islamic School, Unguwan Rimi, Rigasa area, Kaduna State
- c. Fudiyya Islamic School, Dan Madami area, Kaduna State.
- d. A residential building owned by Mr. Alhaji Musa Birnin Yaro, a follower of the leader of the Islamic Movement, in Kawo area, Kaduna State
- e. An orphan's house, a building owned by Alhaji Hamidu Danlami, located at Babban Dodo in Zaria
- f. the Khausar Hospital

According to our findings, a church has also been demolished. The following day (Monday 22 May), authorities moved in to destroy another two schools and a home belonging to a man whose son is a supporter of the IMN, although the man has other sons who are Salafis and therefore theologically opposed to the movement.

The attacks came despite an application on May 19 by seven plaintiffs to the High Court of Kaduna State against the Kaduna State Government, the Kaduna State Ministry of Housing and Urban Development, the Kaduna State Urban Planning and Development Authority and the KASUPDA Kaduna General Director, for a perpetual injunction that would prevent El-Rufai from carrying out his threat (application (KDH/KAD/515/23 filed by Lawyer Dr. Yushau Uthman).

Rufai's tenure has been marked by the failure to protect communities against attacks by armed groups resulting in widespread insecurity; use of lethal force by police and military in violation of applicable international standards; lack of effective investigations; absence of meaningful prosecution, and militarisation of policing. Militarisation of policing has resulting in the adoption of a repeated pattern of countless unlawful killings throughout the country during protests and demonstrations, perpetrated often with complete impunity, and of the demolition of IMN properties delivering services for the public, such as nurseries, hospitals and schools.

IHRC calls on the Nigerian State to give its full cooperation in: a) respecting the various Kaduna State High Court's pronouncement and the rule of law; b) addressing the long running abuses of power carried out by the likes of the governor of Kaduna state; c) returning the Zakzaky's passports so they can travel abroad for medical treatment; d) releasing IMN supporters kept in unlawful detention; e) starting the process of compensating the victims of El-Rufai's crimes; f) collaborating with the International Criminal Court in investigating the crime against humanity of 2015; g) ratifying the Optional Protocol of the International Covenant on Civil and Political Rights, along with all the international law instruments protecting basic human rights.