

Nigeria's recently concluded elections were not only marred by violence, voter suppression and other irregularities; they are also deemed to have been among the most divisive in the nation's history.

Events both prior to and following the elections are exacerbating two of Nigeria's most sensitive fault lines, with the ruling All Progressives Congress (APC) playing a significant role, initially through its decision to adopt an electoral strategy that departed from the traditional convention of a mixed faith presidential ticket in a move which the majority in the Christian community both within and outside the party [deemed](#) as 'feed[ing] into a religious exclusivism that is inconsistent with the healing balm that a major political party such as the APC – or any other party – should be deploying at this crucial stage of the country's political development, when instability and insecurity are at such unprecedented levels.'

The party deepened the religious community's feelings of unease by effectively claiming there were no northern Christian candidates sufficiently qualified for the role of vice president, mustering a collection of oddly dressed [fake church leaders](#) to endorse the Muslim-Muslim ticket on camera, who were later caught on camera changing their costumes and [receiving payment](#) for their services in a car park. Later the governor of Kaduna alienated northern Christians further by appearing to dismiss their electoral numerical value by [stating](#): 'but how many are they? How many?'

The APC's campaign strategy was also increasingly marked by the denigration of the Igbo tribe, the ethnicity of the presidential candidate of the Labour Party, Peter Obi, who is generally considered the true winner of the presidential election. This ethnicity-laced rhetoric became particularly vociferous once the Labour Party was seen to have a clear lead in the commercial capital, Lagos, which was previously assumed to have been the stronghold of the APC presidential candidate Bola Ahmed Tinubu. This denigration has continued since the elections, including from presidential spokespersons who project their own party's religious exclusivity on Mr Obi, despite the Labour Party's mixed-faith presidential ticket, and attempt to equate him with the Indigenous People of Biafra (IPOB), a separatist movement which the Nigerian authorities declared a terrorist movement even before it took up arms.

The former governor of the Central Bank of Nigeria and deposed Emir of Kano, Muhammed Sanusi, recently [observed](#) that Nigeria is currently more divided than it was during the 1967-70 civil war: 'We have a country that has been divided dangerously along ethnic and religious lines.' In a further indication of the damage done by the APC strategy, former president Olusegun Obasanjo has [described](#) the elections as a 'sickening show of shame' and stressed the need for any incoming administration to foster national reconciliation and a common vision.

## Weaponisation of ethnicity and religion

The February-March elections are likely to go down as one of the most significant moments in Nigeria's recent history. Millions went to the polls, many voting for the first time, encouraged that their votes would count given the fact that results would be electronically transmitted for the first time.

In a speech at [Chatham House](#) prior to the elections, the chair of the Independent National Electoral Commission (INEC) chairman claimed his organisation had 'left no stone unturned' in its efforts to ensure 'the 2023 general election will be free, fair, credible and inclusive ... despite several challenges', and that he 'cherish[ed] the institutional independence and integrity of the Commission.' He added that the public would be able to view results from polling-units 'as soon as they are finalized on election day.'

However, the presidential and national assembly elections on 25 February were marred by irregularities, including underage voting, [mass](#) intimidation, rigging, ballot snatching and the potent use of regionalism and religion to gain political power. Particularly concerning was the lack of transparency and questionable practices on the part of INEC which, among other things, broke its own Electoral Law by failing to upload the presidential votes to its website from the polling units.<sup>1</sup> However, the results for the National Assembly elections, which took place on the same day, were uploaded with ease.

Ignoring [calls](#) from the Labour Party and the Peoples Democratic Party (PDP) for the suspension of the collation of the results of the presidential elections, the INEC chair declared Mr Tinubu the winner at 4am on 1 March, even as results were still being uploaded. Moreover, many of the uploaded results had been altered manually, including with Tippex or in a different colour ink, and differ markedly from those captured on camera at polling stations when final results were announced, most of which showed a significant lead for the Labour Party candidate, who was relegated to third place by INEC.

In some cases, the results announced by the INEC chair differed from those uploaded. For example, after INEC uploaded the results from Obio-Akpor Local Government Area (LGA) in Rivers State, a professor of Law [tweeted](#): 'Obio-Akpor LGA results on INEC Portal. LP:70,186, APC:12,547. Meanwhile INEC announced something different. APC: 80,239, LP: 3,829.'

INEC subsequently requested a week's delay to the gubernatorial and state elections, ostensibly so it could sort out the uploading issues. However, not only did problems with uploading persist, the delayed elections of 18 March saw another significant increase in violence and voter suppression, including on ethnic grounds. In Lagos State in particular, thugs were deployed to snatch ballots and assault opposition voters, targeting those who were, or were assumed to be, of Igbo extraction even in their homes.

<sup>1</sup> Paragraph 38 of the INEC manual made pursuant to Section 149 of the Electoral Act 2022 and the 1999 constitution as amended.

A proliferation of inflammatory ethnicity-laced rhetoric emanating from [APC members](#) falsely asserting, amongst other things, that Igbos had declared Lagos a ‘no man’s land’ and sought to take it from the Yoruba tribe, further heightened tensions. Even the Labour Party gubernatorial candidate, whose wife is Igbo, was declared an Igbo, despite hailing from a family among the indigenous inhabitants of the area.

Worse still, both before and after the elections, markets and shops in areas of Lagos assumed to be predominantly Igbo were set on fire. Prior to the election, a 65-year-old security guard died and traders lost everything they owned when shops in the [Akere Auto Parts Market](#) in the Olodi Apapa area were set on fire on 2 March. Following the election, one person died when a fire broke out on 28 March at [Balogun Market](#), affecting three buildings and over 900 shops.

Nigeria’s opposition parties are challenging the results in court, including by questioning the eligibility of the president-elect and vice president-elect to run for office, given the former’s undeclared drug trafficking conviction in the US and questionable [educational certificates](#), and the latter’s alleged breach of electoral guidelines. A further objection is that the declared winner did not receive the 25% of the vote in the Federal Capital Territory (FCT, i.e., Abuja) <sup>2</sup>stipulated by the constitution as a prerequisite.<sup>3</sup>

More recently, evidence of what is alleged to be an expired passport belonging to Mr Tinubu has emerged which, if genuine, would mean he is, or was, a [dual Nigeria-Gambia citizen](#), contrary to his sworn contention in an [INEC affidavit](#). The Nigerian constitution states that a person cannot be president if they have voluntarily acquired the citizenship of another country.<sup>4</sup> However, this information cannot be added to the case before the Supreme Court, as election petitions are *sui generis* and no amendments can be made after 21 days unless they involve the correction of clerical errors.

The Council of Elders of Ohanaeze Ndigbo Worldwide has [condemned](#) the attacks on and alleged killing of Igbos, including the destruction of their assets, and said it will be petitioning the Nigerian president over ethnic profiling in Lagos before, during and after the gubernatorial elections.

As ethnic division continues to be stirred up in the south, attempts are also underway to weaponise religion in north. In particular, efforts continue to portray the Labour Party leader as a religious bigot for visiting churches during the elections - as other contenders also did - and through the release of an audio conversation purportedly between Peter Obi and a key church leader that has been spliced to make

it appear he referred to the elections as a ‘religious war.’ In an alarming illustration of ethnicity taking precedence, his detractors even include Yoruba voices outside of the ruling party, including well-known activists and one of the presidential candidates.

## Resumption of attacks

Attacks on non-Muslim farming communities in central states such as Plateau and Kaduna have been ongoing since 2010 and 2011 respectively, but increased exponentially in 2016, with the advent of the Buhari administration. Religion and ethnicity are either instrumentalised as a rallying point or are the *raison d’être* of these armed non-state actors, who are primarily of Fulani ethnicity, and who often seek to enforce an extremist interpretation of their creed.

In a region where ethnicity generally correlates with religion, ethnic minorities are invariably also religious ones. Consequently, the attacks assume an ethno-religious coloration and increasingly constitute forcible displacement, as the ancestral lands of indigenous communities are frequently occupied after communities flee to safer environments.

Inadequate governmental intervention to stem the violence in central Nigeria and a concomitant proliferation of small arms have facilitated a general rise in lawlessness, which terrorist factions in the northeast have exploited by forming alliances with organised gangs in the centre, often referred to as ‘armed bandits,’ stationed in forested areas of Kaduna State, and also in the north-western states of Katsina, Niger, Sokoto and Zamfara States. There many thousands of Hausa Muslim villagers have also been killed, brutalized, raped, and abducted by perpetrators who are largely of Fulani ethnicity, including some from neighbouring countries.<sup>5</sup> [Over 20,000 of these ‘bandits’](#) reportedly operate in Zamfara State alone. The metastasised violence has also spread into southern states.

A government gazette published in January 2022 designated these non-state actors previously were vaguely referred to as ‘armed bandits,’ as ‘terrorists,’ extending this designation to ‘other similar groups’ operating ‘in any part of Nigeria, especially in the North-West and North-Central Regions.’

Following a clear and noticeable drop during the electoral period, communities in central Nigeria and elsewhere have experienced a surge in attacks and kidnappings for ransom by these armed non-state actors. A respected commentator [observed](#) that ‘Nigerians now know the politicians & bandits are in a joint enterprise or how else does anyone explain the suspension of much of the killing & rapin[g] during

2 Section 137

3 When there are more than two presidential candidates, Section 134 (2) of the Nigerian constitution requires a candidate to (a) have the highest number of votes cast at the election; and (b) have not less than 25% of votes cast in two-third of all the States in the Federation and the FCT before they can be deemed to have been duly elected.

4 Section 137 (1) (a)

5 ‘This intrareligious and broadly ethnic conflict dates back to 2012. Its genesis is obscured in a history of cattle rustling, mining interests and vigilantes, with Hausa communities generally suffering at the hands of all three, and it now resembles ‘an attempt at clearing villages in parts of the area of people.’ CSW, ‘Submission to the 126th Human Rights Committee’ <https://www.csw.org.uk/2019/06/18/report/4368/article.htm>

#NigeriaDecides2023? We now know why the violence is so chronic.'

With the resumption of kidnappings for ransom, villagers are now in a distressing and difficult situation. Many no longer till their larger farms for fear of being attacked, and do not have ready access to alternative sources of income. Moreover, given that Nigeria is yet to recover from a badly executed currency change in the runup to elections which occasioned scarcity of new notes and additional hardship, particularly for the less well off, sourcing the necessary funds to save the lives of loved ones becomes an increasingly traumatic experience.

In an alarming development, a 15 April report in *The Times* newspaper [cited](#) research by Lagos-based analytical group SBM Intelligence which revealed that 'Beijing could be indirectly funding' terrorist activities in northwest Nigeria through bribes and illegal transactions as Chinese nationals who work informally as miners in Zamfara, and pay local workers a pittance, serve as runners for armed groups there and in other north-western states.

#### **Benue State, Central Nigeria**

Benue State has experienced a particularly appalling surge in violence.

On [2 April](#), Palm Sunday, militiamen invaded the Christians Pentecostal Church located at Akenawe, Twarev in Ukemberagya/Twarev Council Ward of Logo LGA, where they killed a young boy and abducted the pastor of the church's leader, Pastor Gwadue Kwaghtyo, and three other worshippers. At least two people were injured, including the local traditional ruler.

On [3 April](#) 47 people were reportedly killed in different villages in Apa LGA, including the Ikobi community, where a traditional ruler was among the victims

On [5 April](#) 38 people were killed and nine injuries were reported in attacks on the communities of Aila in Egba ward of Agatu LGA and Umogidi in Ugbokpo ward of Apa LGA, which also displaced 194 people. Three people had been killed in the same village a day earlier.

On 7 April, as people prepared for Good Friday, armed men who reportedly spoke in Fulfude, the Fulani dialect, attacked a primary school in Ngban, Nyiev Ward in Guma LGA, where displaced people were sheltering. Initial estimates were that 38 people, mostly women and children, had been killed, and 51 injured. A [later report](#) put the number of dead at 88. Pregnant women were also among the casualties. In addition, 35 people were injured and 204 were displaced once again to Ortesy IDP Camp in Nyiev Ward.

On [10 April](#) the outgoing governor of Benue State, Samuel Ortom, lamented that 134 people had been killed in the state within a five-day period across Apa, Guma and Otukpo LGAs in attacks which he described as 'heinous and cowardly'. He [added](#) that 18 out of Benue's 23 local governments were 'under siege by these terrorists Fulani herdsman...

Killings have been going on every day. They feed on people's farms, and they said they have taken over [and] that they will repeal the anti-grazing law.' The governor also [urged](#) President Buhari to go beyond expressing condolences, beef up security, and direct security agencies to arrest the perpetrators.

The state secretary of the Miyetti Allah Cattle Breeders Association of Nigeria (MACBAN) has condemned the attacks 'in totality', stating they were perpetrated by 'bad elements.'

#### **Kaduna State, Central Nigeria**

On 10 March terrorists [invaded](#) the Karimbu-Kahugu community in Lere LGA, in the predominantly Christian area of southern Kaduna State. The terrorists went directly to the Baptist pastor, Dadi Babas, where they fired shots into the ceiling, killing his son who was hiding there, and abducted his wife and three other people.

On the evening of 23 March, militia men attacked the home of Rev Musa Mairimi of the ECWA (Evangelical Church Winning All) Church Buda 2 in Kasuwa Magani, Kajuru LGA, southern Kaduna, killing him and abducting his wife.

The militia also [released](#) over 100 people whom they had abducted from Jaba, Kachia, Kagarko, Kajuru and Kauru LGAs and held in their forest camp for six months. According to the Chair of the Christian Association of Nigeria (CAN) in Kaduna State, Rev John Joseph Hayab, these terrorists are still holding three clergy who were abducted prior to the presidential elections, and for whom they are demanding a ransom of N5 million, having initially requested N50 Million: 'That's the kind of situation that we have found ourselves in Kaduna State. Who will you cry to and who will you run to? After all, since the carnage of kidnapping started in Kaduna, no concrete arrests have been made.'

On [3 April](#) at least 10 students were abducted from the Government Day Secondary School Awon in Kachia LGA, southern Kaduna.

On [12 April](#) it was reported that nine people, including four vigilantes, had been killed in the Sabon Layi community in the Birnin Gwari LGA by assailants who descended on the area in large numbers before kidnapping over 20 people, looting shops and rustling livestock.

Zangon Kataf LGA in the Atyap Chiefdom of southern Kaduna has been under sustained attack since the end of the election period.

The first of these attacks took place at Ungwan Wakili in Zongon Kataf on the evening of [11 March](#) and claimed the lives of around 17 people, mostly women and children. It allegedly followed 'a series of complaints of cow poisoning and destruction of farm produce by both herders and locals in the area' and an earlier altercation between security operatives and herders on motorcycles.

Distinctively, this particular attack elicited a [strong condemnation](#) from the United Nations (UN), which

expressed alarm at ‘the barbaric and senseless killings of young children including a young boy who was abducted and murdered in the most brutal manner’, adding that the ‘spate of violence comes soon after another series of violent incidents where numerous of people including children were killed in Kwande Local Government Area of Benue state.’

The statement continued: ‘these atrocities must not continue unchecked. The UN stands with the government and people of Nigeria in their efforts to bring an end to this senseless violence, bring to justice perpetrators and ensure that all citizens are protected and able to live in peace and security.’

Even the presidency was prompted to issue a statement [lamenting](#) the ‘concerted attack on innocent citizens in the state and the security’ and stating that ‘law enforcement agencies must take serious action to put an end to this.’ Nevertheless, attacks have continued.

At least four people died in a raid on the Dutsen Bako community in Zangon Kataf LGA of in the early hours of [5 April](#).

On [12 April](#) nine people were killed, four were injured and five homes were damaged during an attack on Tanjei village in Zangon Kataf. Among the casualties was a sleeping eight-year-old girl who was left behind by her fleeing family and died from a gunshot to the stomach, and a pregnant woman who was a month away from her due date.

At least [33 people](#) died and an unknown number of houses were burnt down in an attack in Runji village in Zangon Kataf LGA on the evening of [15 April](#). This time some of the attackers also lost their lives as soldiers and local vigilantes engaged them. Thirty-three of the victims were buried in a mass grave on 16 April.

The National President of the Atyap Community Development Association, Sam Timbuwak, who had [lamented](#) the late response by the security forces in the earlier incident, informed a Nigerian Media House that the casualty figure would have been higher if the soldiers had intervened.

### **Katsina State, Northwest Nigeria**

On the evening of 19 March ECWA church leader Rev Markus Shawai was abducted from Dogon Dawa village, along with a 45-year-old Muslim villager. Both were returned on 30 March. It is unclear whether or not a ransom was paid.

### **Kogi State, Central Nigeria**

On [2 April](#) Jacob Wodi Hulobu, the resident pastor of Living Faith Church in Aloko- Oganenigwu in Dekina LGA was killed by militia who had invaded the town. The attack took place during the church’s early morning service,. The pastor had initially escaped to a safer place along with some members of his congregation, but was shot dead when he went back

to check the state of the church after assuming the attack was over.

### **Niger State, Central Nigeria**

On [7 March](#) unidentified assailants stormed the suburbs of the Rafi and Wushishi LGAs, killing at least six people, including a pregnant woman, and abducting up to 50 others.

On [14 March](#) a health practitioner named Joshua Bitrus Galadima was shot dead in Kawagana and over 60 people were abducted when some 300 militia men stormed Adara Town as residents gathered to commemorate the late [Rev Fr Isaac Achi](#). The militia also raided the Abolom Adunu, Beni and Kwagana Nanati communities in Paikoro LGA, destroying homes and looting shops in an operation that continued [uninterrupted for five hours](#): ‘Hundreds were abducted in the process; scores were injured; couples abducted with recklessness. One of the nursing mothers (name withheld) had her infant thrown off her back and the mother kidnapped. Many others went through terrible, untold experiences.’ Several abductees managed to escape once the group reached the forests.

The terrorists are now demanding N100 million in ransom, and reportedly [executed](#) five abductees when their initial deadline for payment was not met, giving the communities one week from the date of the executions to pay the ransom for the remaining 56 villagers. They released three women to inform the communities of the executions and deadline after raping them repeatedly, while their husbands remained hostages.

A local activist lamented the fact that every attack had so far has gone unchallenged, while a villager from the Adunu community warned that unless the security forces act quickly to address the increasing violence, communities such as Adunu, Ammale, Chimbi, Ishau, Kaffinkoro, Kwagana and Kwakuti in Paikoro council would be overrun.

Since 2021 the Islamic State West Africa Province (ISWAP) and Boko Haram factions have overrun successive Niger State communities.

### **Taraba State, Central Nigeria**

On 7 April the Taraba Chapter of the Reformed Church of Christ in Nigeria (RCCN) issued a communique<sup>6</sup> highlighting that ‘60% of the Church in Taraba State [is] under siege by Fulani militias,’ with 30 lives lost so far.

### **Edo State, Southern Nigeria**

The Islamic State West African Province (ISWAP) has [claimed responsibility](#) for an attack on a Nigerian army checkpoint on 6 April in which three police officers were killed and one injured in an ambush Agor along the Igarra-Auchi Road in Akoko-Edo LGA. One of the terrorists was also killed, while another who sustained gunshot wounds was interrogated and revealed the group was based in neighbouring Kogi

6 Received via WhatsApp message from CSW source in Taraba State.

State, where in the past ISWAP has carried out a series of attacks targeting security forces and civilians.

### **Oyo State, Southern Nigeria**

Over 20 Fulani herdsmen wielding knives and machetes reportedly [invaded](#) the Community Grammar Secondary School in Alaropo Nla in Oriire LGA with their cows. They attacked and injured students and teachers, several of whom were cut with swords and machetes, while others suffered broken legs and hands.

### **Sokoto State, Northwest Nigeria**

Eight people, including three children, were abducted following armed raids on communities in Sabon Birni LGA on [7 March](#). Five were kidnapped from Takatsaba village at around 12am, and three were taken from Garki village at around 9am as they travelled to another village.

On [2 April](#) it was reported that seven people were killed and 26 others abducted in five days of attacks on seven communities in Mashegu LGA which have also occasioned significant displacement.

### **Zamfara State, Northwest Nigeria**

Two female students at the Federal University in the Zamfara State capital, Gusau, were abducted by terrorists who attacked off-campus hostels used by students in the Sabon Gida area of the capital at around 1.42am on [2 April](#). The students regained their freedom after spending 12 days in captivity. It is unclear whether a ransom was paid.

Following their release, the Zamfara State Students Association called 'on the security agencies to ensure the arrest and prosecution of the perpetrators and sponsors of this inhuman and criminal act no matter how long it takes, and make sure that this incident never happens to any of our students.'

On [7 April](#) 85 residents of Wanzamai village in Tsafe LGA were kidnapped. The majority are women and children. Twenty more people were reportedly abducted from neighbouring villages also. Their captors initially demanded N60 million in ransom, which was later reduced to N30 million.

## **Plight of the Islamic Movement of Nigeria (IMN)**

Since December 2015 the leaders and members of the IMN, a Shi'a organisation, have experienced violence at the hands of state actors which remains unaddressed.

From 12-14 December 2015, attacks by the army in Zaria, Kaduna State resulted in the destruction of several IMN properties, including the Husainiyyah Baqiyyatullah Centre, the IMN founder leader Sheikh Ibrahim el Zakzaky's mother's grave and the Sheikh's own home. The attacks left at least 700 adherents dead, including women and children. Many were also detained incommunicado without charge. The attacks occurred a little over a year after 34 IMN members

had been killed in two attacks, one of them also on the Husainiyyah Baqiyyatullah Centre.

The army admitted before a Kaduna State Judicial Commission of Inquiry to the mass burial of 347 Shi'a following the violence, and in September 2016 the Commission recommended the prosecution of soldiers involved. State prosecutors ignored the recommendation and instead charged 177 IMN members with the murder of the only military officer who died during the violence.

Among those detained in the 2015 attacks were Sheikh Zakzaky and his wife Zeenah, both of whom sustained injuries in the assault on their home in which three of their sons died. The Kaduna state government charged the Zakzakys with eight counts in connection to those events, including culpable homicide, unlawful assembly and disruption of the public peace.

In October 2016, the Kaduna State Government declared the IMN an illegal society and set penalties for IMN activities, including fines and/or imprisonment for up to seven years for membership. The governors of Kano, Katsina, Plateau and Sokoto states, all members of the ruling APC, also prohibited IMN religious processions, including during Ashura<sup>7</sup> festivities.

Protests by unarmed IMN members demanding the release of the Zakzakys, who are elderly and unwell, were regularly met with lethal violence from federal and state authorities. The couple was eventually acquitted of all charges in July 2021, but deprived of their passports, and subsequent protests demanding the return of the passports to enable them to receive treatment abroad have also met with violence.

In September 2021, at least [two people](#) were killed in Abuja when security forces opened fire on IMN members who were marking Ashura. The Nigerian authorities later claimed they had been 'unruly and riotous' and denied anyone had been killed.

In August 2022, at least six members were killed and 40 were injured during the Ashura procession in Zaria, according to the IMN.

More recently, in March 2023, six young men were killed while protesting in the Bakin Ruwa area of Rigasa, Kaduna amid [claims](#) by the governor, Nasir el Rufai, that his convoy had been attacked, echoing the claim made by the former Chief of Army Staff prior to the destruction of Shi'a lives and properties in December 2015.

In a small but significant development, police recently [confirmed](#) the return of vehicles, tricycles and motorcycles that have been in their custody since 2015 to their owners in response to a 15 December 2021 writ of summons filed by 78 Shi'a plaintiffs against the police commissioner and attorney general of Kaduna.

<sup>7</sup> Ashura is the Shi'a celebration marking the anniversary of the death of the Prophet Muhammad's grandson Hussein.

## Individual cases of concern

### *Yahaya Aminu Sharif*

On 10 August 2020 an upper Sharia court in the Hausawa Filin Hockey area of the Kano State capital found musician and member of the Tijjaniyya Sufi order Yahaya Sharif-Aminu, then aged 22, guilty of blasphemy, and sentenced him to death by hanging for allegedly blaspheming in a song he had shared via WhatsApp, which became public knowledge in March 2020.

Mr Sharif-Aminu was charged and convicted under Section 382 (b) of the Kano State Sharia Penal Code Law of 2000, which stipulates the death penalty.<sup>8</sup> Prior to his arrest and conviction, protesters had burnt down Mr Sharif-Aminu's family home and he had been obliged to go into hiding.

On 21 January 2021 the appellate division of the Kano State High Court overturned the death sentence, citing procedural irregularities, and ordered a retrial on the original count of insulting the religious creed contrary to Section 382 (b) of the Kano State Sharia Penal Code Law of 2000.

Mr Sharif-Aminu's lawyers subsequently asked the Court of Appeal in Kano to rule on whether the High Court was wrong to have ordered a retrial, arguing that it ought to have discharged and acquitted their client instead. They also argued that the High Court was wrong in not declaring the Kano State Sharia Penal Code Law inconsistent with Nigeria's secular Constitution, which limits jurisdiction for death sentences to civil courts.

On 17 August, and in a worrying split decision, the Court of Appeal upheld both the legality of the Shari'a Penal Code, and the decision of the lower court to quash the original sentence due to irregularities and order a retrial. However, Justice Mbaba, one of the three judges who heard the appeal, dissented, finding that Mr Sharif-Aminu ought to have been discharged and acquitted. His lawyers are currently studying the judgement before deciding on further action.

The ruling represents a potential setback for human rights, primarily for the right to freedom of religion or belief, and particularly the freedom to espouse a religion or belief of one's choice and to manifest it. It also challenges the supremacy of the Constitution, as it effectively means that a secular court has officially recognised the competency of Shar'ia courts to impose death sentences. This point has not been lost on Kano State's Attorney General and Commissioner for Justice, Musa Lawan, who commented the Appeal Court had fully recognised Kano State's Shari'a Penal Code.

Mr Sharif-Aminu remains in prison and is petitioning Nigeria's Supreme Court. The notice of appeal filed in November 2022 states: 'that the Appellant being dissatisfied with the decision more particularly stated in paragraph 2, of the Court of Appeal, Kano Division holden at Kano, Kano State contained in the judgment dated 31/08/2022 doth hereby appeal to the Supreme Court of Nigeria upon the grounds set out in paragraph 3 and will at the hearing of the appeal seek the relief set out in paragraph 4.'

It notes 'that the part of the decision of the lower court complained of is "the whole" decision,' and seeks an order 'allowing the appeal, setting aside the judgment of the Court of Appeal and entering judgment in favour of the Appellant'.

In what could prove to be a landmark challenge to Nigeria's blasphemy law, and the legality and constitutionality of the Shari'a Penal Code, Mr Sharif-Aminu is also seeking 'an order declaring S.382(b) of the Sharia Penal Code Law of Kano State 2000 being in conflict and incompatible with S.34(1) (a), S.38(1), S.39(1), and other provisions of the Constitution of the Federal Republic of Nigeria, Articles 5, 8, and 9, among others, of the African Charter on Human and People's Rights, and Articles 7, 18, and 19, among others, of the International Convention on Civil and Political Rights, as well as an order declaring other sections of the Sharia Penal Code<sup>9</sup> [...] as being similarly incompatible with the Constitution and international treaties.'

### *Mubarak Bala*

The president of the Nigerian Humanist Society, Mubarak Bala, was convicted on 5 April 2022 of 18 counts of causing a public disturbance under Sections 210 and 114 of the Kano State Penal Code, and sentenced to 24 years in prison by a High Court in Kano State. Mr Bala pleaded guilty to all 18 charges against the advice of his lawyer and reportedly asked for leniency, stating his Facebook posts were not intended to cause offence, and that he would take care not to repeat the error.

Mr Bala has been detained since 28 April 2020, when he was arrested at his home in Kaduna state following a petition to the Kano State Police Commissioner by a law firm in Kano, accusing him of insulting Islam in Facebook posts. He was transported to Kano State where he was held incommunicado for the first 162 days of his detention, was denied access to his legal team for five months, and spent 462 days in prison before being formally charged.

According to his [lawyer](#), while in prison Mr Bala was denied medical care and forced to worship 'the Islamic way.' In addition, a ruling by the Federal High Court in Abuja on 21 December 2020 ordering Mr Bala's release on bail and

8 'Whoever by any means publicly insult by using word or expression in writing or verbal by means of gesture which shows or demonstrates any form of contempt or abuse against the Holy Qur'an or any prophet shall on conviction be liable to death.'

9 Including Sections: 94 (1) (b); 97 (a-j); 99; 115 (1) (2); 116(2): 117; 118 (2): 123; 125 (e-b), 126 (e) (2): 127 (a-b); 129 (a b): 131; 134: 134(b): 135(2): 136; 137: 140 (b); 141 (b): 146 (a): 148; 163 (c): 169: 150; 154; 155; 157; 162; 163 (c); 169: 170; 174 (3); 175-178; 186; 187; 189; 191-194; 196; 197; 199; 200; 208-211; 216-221; 223-227; 237; 246 (a); 260 (a-b); 264; 268; 273; 276 (c), (i); 277 (c); 280 (b): 281-284 (c); 285-287 (b); 290; 291 (b); 292; 293 (d) (-i); 294 (a-b): 295 (a): 296 (a); a-b): 295 (a): 296 (a); 297 (a-b); 298 (b); 299 (a-b) 300-308; 309 (a-b); 310-312; 315 (1-2): 316 (1): 317; 323; 324 (a); 325;-328; 329 (a-b); 330-332; 335 (b); 336 (b); 337 (b); 338 (b): 339 (b); 340; 342 (c); 344 (c); 345 (c): 346 (c): 347 (b): 348 (b); 349 (b); 352 (a): 353; 356; 358; 360-362; 368; 369 (b); 373; 376; 377(e); 385; 387 (b); 388 (1)

compensation was disregarded. In a [statement](#) issued on 24 July a group of UN experts described his arrest and detention as amounting to the ‘persecution of non-believers in Nigeria.’

During the hearing on 5 April, the presiding judge, Justice Faruk Lawan, who reportedly warned Mr Bala that his rights ended where those of others began, handed down the 24-year sentence, ordering that the term would commence from the day he was arrested, and that the sentences for all 18 charges should run concurrently.

Dr Leo Igwe, a human rights campaigner and a board member of Humanists International, [asserted](#) that Mr Bala ‘was under pressure to admit he was guilty, and that otherwise he could die in prison. It was impressed on him by authorities in Kano that the only way his family could be safe was if he admitted that he was guilty, so even against legal advice he decided to agree and face the consequences.’

## Conclusion

It is unfortunate that in contrast with more reserved interim statements of other observers and states, Prime Minister Sunak rushed to congratulate the contested winner of the February 25 elections, and that the outgoing High Commissioner asserted Nigerians to be ‘proud’ of the presidential elections despite what she described as ‘the setbacks’. This seeming minimisation of malpractices and effectively lent legitimacy to a process that was manifestly flawed, lowering the bar for rule of law and democratic practice in this most strategic African country.

‘Nigeria is a symbolic crucible of Africa’s future, and a transparent election will rouse millions of other young Africans who are watching, and who long, too, for the substance and not the hollow form of democracy.’ Unsurprisingly, the speedy and unqualified recognition led many to question whether Global Britain is a ‘[force for good](#)’ with regard to advancing democracy in Africa.

As the violence, irregularities and hate speech escalated in the lead up to and after the gubernatorial elections, the US released a statement lamenting the ‘violence, intimidation and repression’ that occurred in Lagos, Kano and other states and that it would be considering ‘all available actions, including additional visa restrictions’ on those deemed ‘responsible for or complicit in undermining the democratic process.’

The United Kingdom’s (UK’s) subsequent statement also expressed concern regarding ‘the use of inflammatory ethno-religious language by some public and political figures’ and attacks on the press. It also highlighted that the Minister for Development and Africa stated on 21 February that the UK government was ‘prepared to take action against those who engage or incite electoral violence or any other anti-democratic behaviours.’ The British Deputy High Commissioner went further: ‘We have a list; we are working

through our list, [...] we are gathering the kind of information that will enable us do this, on specific individuals. At the moment the list is between five and 10 and it is growing.’

Nigeria is on the precipice of failed statehood. It is facing multiple security challenges and economic difficulties, with ongoing post-electoral political uncertainty engendered by the ruling party’s ongoing efforts to ‘capture’ the state completely adding a further layer of uncertainty. Its failure would have severe international consequences, providing the kind of vast, strategic ungoverned space favoured by terrorist franchises, and occasioning a humanitarian crises in the region, the continent and beyond.

## Recommendations

### *To the government of the United Kingdom:*

- Lead international efforts to ‘ensure that people and organizations involved in electoral malpractices or any activity affecting the security of the country are sanctioned [...]. Flawed elections are, indeed, the worse form of corruption;’<sup>10</sup>
- In particular, coordinate the imposition of sanctions on those found to have incited, or to be complicit in inciting or participating in ethnic or religious hatred or violence;
- Strengthen rule of law and democracy by calling for the inauguration of a legitimately elected government, assisting Nigeria to ‘rebuild the policing and justice system’<sup>11</sup> and to ensure judicial independence, equality before the law, and its even application;
- Urge the government of Nigeria to fully resource and mandate the security services to tackle comprehensively the plethora of violent non-state actors operating within its borders who have been designated terrorists, but also to provide immediate and effective protection for targeted communities, in accordance with the constitutional obligation stipulated in Section 14 (2) (b) of Nigeria’s 1999 constitution (as amended);<sup>12</sup>
- Encourage the Nigerian government to address every source of violence in a decisive and unbiased manner, providing sufficient protection for every vulnerable community, regardless of their religion or ethnicity;
- Urge the government of Nigeria to ensure that the Supreme Court is free to make a ruling in the case of Yahaya Sherif-Aminu in accordance with the law and without external pressures; to ensure the lifting of the ban on the IMN in three states, end the use of excessive force and respect the right of members to peacefully manifest their faith; and to urgently review Mubarak Bala’s sentence, while ensuring his rights are upheld in accordance with the UN Standard Minimum Rules for the Treatment of Prisoners;
- Encourage the government of Nigeria to recognise and promote equality of citizenship, and to consider the creation of an Equity Commission with a mandate to promote freedom of religion or belief and respect for differing religious beliefs.

10 Recommendations made by Hon. Rimamnde Shawulu Kwewum, Member of the Nigerian House of Representatives for Donga/Ussa/Takum/ Special Area in Taraba State. In this article he also calls on the international community to “be more proactive in Nigeria. The belief that the security agencies have been compromised is increasing in Nigeria. The increased weakness of the state, amplified by the fact that no arrests and prosecution of perpetrators of violence are being undertaken, would inevitably lead to more arms flowing to groups and individuals outside the control of the state.”

[Understanding Nigeria’s worsening security situation | Amazing Times NG](#)

11 Ibid.

12 ‘The security and welfare of the people shall be the primary purpose of government.’

