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HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME**

**UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL**

Mandates of the Special Rapporteur on freedom of religion or belief; the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

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Excellency,

We have the honour to address you in our capacities as Special Rapporteur on freedom of religion or belief; Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism pursuant to General Assembly resolution 60/251 and to Human Rights Council resolution 14/11, 16/33, 17/5, and 15/15.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning **religion and ethnicity based violence by Boko Haram in northern Nigeria** carried out over the past few months.

According to the information received:

On 25 December 2011, Boko Haram set off bombs in three churches killing at least 40 people. The major fatalities occurred at the end of mass being killed at St Theresa's Catholic Church in Madalla, Niger State, where bombers in a vehicle hurled explosives at the congregation. Allegedly 35 people died and some suffering various degrees of injury in the Madalla bombing. The other two blasts were reported at the Mountain of Fire and Miracles Church in Jos and at a church at the town of Gadaka. On 26 December 2011, Christian shops in the north-eastern part of Nigeria were allegedly burned down by the Boko Haram.

On 28 December 2011, around six children were injured when a homemade bomb was thrown by unknown assailants into an Islamic school in Sapele in Delta state. In response, on 1 January 2012, Boko Haram imposed on the Christians and southerners a three-day deadline to leave the north. On the evening of 4 January 2012, hours after the deadline for the Christians to leave expired, Boko Haram launched attacks in three northern states. In the Yobe State capital Damaturu, gunmen attacked a Christian compound in Gashu'a Road, killing two people and wounding several others. In Jigawa State, gunmen attacked a meeting at a Deeper Life church in the Gombe State capital, killing six people, including the pastor's wife, and injuring several others.

On 6 January 2012, Boko Haram gunned down 12 members of the Igbo ethnic group, from southeastern Nigeria, during a community meeting in Mubi, Adamawa State, and attacked a church in Yola, the state capital, killing 12 Christian worshippers.

Boko Haram also launched house-to-house night attacks to circumvent the state of emergency imposed by the State on 31 December 2011 and had already scouted out the homes of Christians in Damaturu and Potiskum, and places where Christians may gather. On 10 January 2012, eight men and a woman, all Christians, were killed by suspected Boko Haram gunmen in Potiskum. On 11 January 2012, reportedly in Potiskum, Boko Haram gunmen shot at a commuter van full of Igbo passengers leaving the north, killing four of the passengers as they were migrating southwards to rejoin their families.

Boko Haram's leader, Abubakar Shekau, in a video released on 11 January 2012, claimed that the group carried out the attacks on Christians in retaliation for the killing of Muslims by Christians in central Nigeria, including Kaduna and Plateau states.

At least 185 people (including the police) were killed in Kano by another series of bombings by Boko Haram on 20 January 2012. On Sunday 26 February 2012, Boko Haram had claimed responsibility for a suicide bomber attack at the Jos headquarters of the Church of Christ in Nigeria denomination (COCIN) during the morning worship service, reportedly killing three people and injuring 37.

According to the information gathered, there have been complaints of insufficient security presence in Potiskum and a lack of visible security as many policemen did not wear uniforms since these mark them out as targets. Reportedly, a key suspect of the Christmas Day bombing on a Catholic church arrested on 14 January 2012 escaped from the police custody the following day. There were also reports of several other Boko Haram suspects that escaped custody.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

While we appreciate that there have been some attempts to arrest the responsible perpetrators, we are concerned by Boko Haram's continuous deplorable acts of violence incited by religious hatred and discrimination on ethnic origin (allegedly on the basis of retaliation) and total disregard for human life. We are further concerned that Boko Haram allegedly declared having links with some international terrorist networks.

We would also like to recall that the State is under the obligation of international law to prevent, investigate, prosecute or punish these acts in order to protect the life and security of the population.

Furthermore we would like to stress that the State's duty under article 6 of the International Covenant on Civil and Political Rights (ICCPR), acceded to by your Excellency's Government on 29 July 1993 extends beyond the obligation to refrain from the intentional and unlawful taking of life by State officials, and also embodies the duty on the State to take appropriate steps to safeguard the lives of individuals. This includes the primary duty to guarantee the right to life by putting in place effective criminal law provisions to deter the commission of offences against the person, supported by law enforcement machinery for the prevention, suppression and sanctioning of breaches of such provisions. However, in appropriate circumstances, a positive obligation arises on the part of the authorities to take preventive operational measures to protect an individual whose life is at risk from the criminal acts of another individual, including through acts of terrorism. Such circumstances include situations where the authorities knew or ought to have known, at the time of the existence of a real and immediate risk to the life of an identified individual or individuals from the criminal acts of a third party and that they failed to take measures within the scope of their powers which, judged reasonably, might have been expected to avoid that risk.

We would like also to appeal to your Excellency's Government to take all necessary steps to ensure that the right to freedom of religion or belief is respected and protected, as recognized in articles 2 (1) and 26 of the ICCPR, and article 18 of the Universal Declaration of Human Rights (UDHR).

Article 2 (1) of the 1981 Declaration of the General Assembly also provides that: "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief." Art. 3: "Discrimination between human beings on the grounds of religion or belief constitutes an affront to human dignity and a

disavowal of the principles of the Charter of the United Nations, and shall be condemned as a violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights and enunciated in detail in the International Covenants on Human Rights, [...]" Art.4 (1): "All States shall take effective measures to prevent and eliminate discrimination on the grounds of religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms [...]" Art. 4 (2): "All States shall make all efforts to enact or rescind legislation where necessary to prohibit any such discrimination, and to take all appropriate measures to combat intolerance on the grounds of religion or other beliefs in this matter."

We would like to emphasize that the Commission on Human Rights resolution 2005/40 in para. 7 expressed concern at the persistence of institutionalized social intolerance and discrimination practiced in the name of religion or belief against many communities, in para. 8 urged States to step up their efforts to eliminate intolerance and discrimination based on religion or belief, notably by: "(a) Taking all necessary and appropriate action, in conformity with international standards of human rights, to combat hatred, intolerance and acts of violence, intimidation and coercion motivated by intolerance based on religion or belief, [...]" and in para. 9 recognized that the exercise of tolerance and non-discrimination by all actors in society is necessary for the full realization of the aims of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, and invites Governments, religious bodies and civil society to continue to undertake dialogue at all levels to promote greater tolerance, respect and understanding." In para. 10, The Commission on Human Rights also emphasized the importance of a continued and strengthened dialogue among and within religions or beliefs, encompassed by the dialogue among civilizations, to promote greater tolerance, respect and mutual understanding."

In addition we would like to draw the attention of your Excellency's Government to the concern that unless comprehensive measures are taken by the Government and a broad range of actors to prevent and eliminate racism, racial discrimination, and religious intolerance and hatred; and to promote tolerance and harmony, such attacks against members of specific groups of the population may significantly nurture ethnic enmity and religious hatred and potentially lead to a broader and longer-term conflict along ethnic and religious lines with unremitting grave human rights violations. We would like to refer your Excellency's Government to articles 4 and 5 (b) of the ICERD, ratified by your Excellency's Government on 16 October 1967:

- article 4 prescribes that States Parties condemn all propaganda and all organisations which are based on ideas or theories of superiority of one race or group of persons of one colour or ethnic origin, or which attempt to justify or promote racial hatred and discrimination in any form, and undertake to adopt

immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination [...].

- under article 5 (b) of the Convention States parties have the obligation to guarantee the right to security of person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution without distinction as to race, colour, or national or ethnic origin.

Moreover article 20 (2) of the ICCPR also provides that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

We further call upon the attention of your Excellency’s Government to paragraph 58 of the Durban Programme of Action which “urges States to adopt and implement [...] effective measures and policies [...] which encourage all citizens and institutions to take a stand against racism, racial discrimination, xenophobia and related intolerance, and to recognise [...] and maximize the benefits of diversity [...] in working together to build a harmonious and productive future by putting into practice and promoting values and principles such as justice, equality and non-discrimination, democracy, fairness and friendship, tolerance and respect within and between communities [...].”

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the case accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please provide the details and where available, the results or reports, of any judicial investigation, or any criminal charges and any independent commission of inquiry established in relation to this case.
4. Please indicate which (extra) measures or (counter-terrorism) policies your Excellency’s Government has adopted to ensure the security of the population and to provide remedy to the affected victims of the violence.

We would appreciate a response within sixty days. We undertake to ensure that your Excellency’s Government’s response to each of these questions is accurately reflected in the reports we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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Special Rapporteur on freedom of religion or belief

Mutuma Ruteere
Special Rapporteur on contemporary forms of racism, racial
discrimination, xenophobia and related intolerance

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