

# PERSECUTION OF CHRISTIANS & BLASPHEMY LAWS IN PAKISTAN AND NIGERIA

A UN Human Rights Council side event

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## OBJECTIVE

This event is being convened to highlight the ongoing abuse of blasphemy laws in Pakistan and Nigeria. The event will highlight the case of Shahzad Masih, only a 16-year-old boy when he was arrested, who has now languished in prison for over 5 years and has been sentenced to death over a false blasphemy accusation. The event will also urge the Human Rights Council to initiate an investigative mission to Nigeria to investigate and gather evidence of violence against Christians in Nigeria.

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## REQUESTS

- Human Rights Council and the Permanent Mission of Pakistan to the UN urge Pakistani authorities to expedite the hearing for appeal, overturn the conviction, and release Shahzad Masih.
- Pakistan to end the abuse of blasphemy laws that are in contravention to the rights of freedom of religion and speech.
- Human Rights Council initiate an investigative mission to Nigeria's northern and middle belt to investigate violence against Christians by Boko Haram and Fulani militants.
- Nigeria take steps to combat the violence against Christians by militant groups and end the abuse of its blasphemy laws.

**PERSECUTION OF CHRISTIANS & BLASPHEMY LAWS IN PAKISTAN AND NIGERIA**  
**11 JULY 2023**

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Moderator

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and Justice*

Introduction to Shahzad  
Masih's Case

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**Hina & Shafaqat Masih**

*Mother & Father of Shahzad Masih*

State v. Shahzad Masih

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**Fatima Njoku**

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Persecution of Christians  
in Nigeria

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**Kola Alapinni**

*Nigerian International Human Rights Lawyer*

Abuse of blasphemy laws  
in Nigeria

.....  
**Honorable Nazila Ghanea**

*United Nations Human Rights Council Special  
Rapporteur on Freedom of Religion or Belief*

Keynote

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**Supplements**

*Blasphemy Laws and Their Abuse in Pakistan – Shahzad Masih's Case*

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*Persecution of Christians in Nigeria*

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# BLASPHEMY LAWS AND THEIR ABUSE IN PAKISTAN

## Legal Framework

While the Constitution of Pakistan protects the rights to freedom of religion and speech, the legislature enacted blasphemy laws in the 1980's to restrict speech deemed to be offensive to Islam. Several sections carrying severe punishments were added under Chapter XV of the Pakistan Penal Code (PPC).

For example, Section 295-A of the PPC punishes deliberate and malicious acts intended to outrage religious feelings of any class by insulting its religion or religious beliefs with up to ten years imprisonment. Section 295-B punishes willfully defiling, damaging, or desecrating a copy of the Quran with mandatory life imprisonment. Section 295-C punishes any use of derogatory remarks (by words either written or spoken, or by visible representation, or by any imputation, innuendo, or insinuation) against the Prophet Muhammad with the death penalty or life imprisonment. In 1991, the Federal Shariat Court held that the death penalty was the only appropriate punishment for violating Section 295-C, making it the mandatory punishment.

Section 298-A punishes use of derogatory remarks about the Prophet Muhammad's wives, family, caliphs, or companions with three years' imprisonment. In January 2023, the National Assembly unanimously passed an amendment to this section, making it punishable with life imprisonment, with a minimum of ten years imprisonment.<sup>1</sup>

## Severe Persecution Under Blasphemy Laws

Blasphemy laws in Pakistan are some of the harshest in the world, while remaining vague and often misapplied. These overly broad laws allow for minority religious groups to be easily targeted with false accusations of blasphemy to settle personal scores.

From 1987 to 2018, at least 776 Muslims, 505 Ahmadis, 229 Christians, and 30 Hindus, were charged under the various sections of blasphemy laws in Pakistan.<sup>2</sup> On average, about fifty cases of blasphemy were reported annually.<sup>3</sup> Over the last five years, however, the average number of recorded blasphemy cases per year rose to 112.<sup>4</sup> A total of 208 cases were recorded in 2020, followed by 84 in 2021, and 171 in 2022.<sup>5</sup>

Since the 1980s, over 2,000 cases have been registered under these laws, over seventy people have been murdered, and hundreds have been imprisoned, many on death row or serving

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<sup>1</sup> *Concern at Amendments to Criminal Laws*, DAWN, (Jan. 21, 2023), <https://www.dawn.com/news/1732766/concern-at-amendments-to-criminal-laws>.

<sup>2</sup> *What Are Pakistan's Blasphemy Laws?*, BBC NEWS (May 8, 2019), <https://www.bbc.com/news/world-asia-48204815>.

<sup>3</sup> *See Blasphemy Cases in Pakistan: 1947 – 2021*, CENTER FOR RESEARCH AND SECURITY STUDIES, <https://crss.pk/blasphemy-cases-in-pakistan-1947-2021/> (last visited June 8, 2023).

<sup>4</sup> *See* CENTRE FOR SOCIAL JUSTICE, HUMAN RIGHTS OBSERVER, 12, (2023), *available at* [https://csjpak.org/pdf/Human\\_Rights\\_Observer\\_2023.pdf](https://csjpak.org/pdf/Human_Rights_Observer_2023.pdf).

<sup>5</sup> *Id.* at 11.

life sentences. Additionally, homes and even entire villages of Christians have been vandalized and burned down.

### **Plea for Shahzad Masih—arrested when 16 years old; sentenced to death**

Shahzad Masih was sixteen years old when he was arrested in July 2017 after his Muslim co-worker accused him of committing blasphemy. Shahzad's case is particularly outrageous, because even the accusations made by the prosecution's version of the facts do not constitute blasphemy. In light of all evidence and the law, Shahzad's conviction is unjust.

In July 2017, Shahzad was working at a local hospital as a janitor, when one of his Muslim co-workers, Ishtiaq Ahmad Jalali, approached him and started a conversation about religion. Jalali was a prominent member of an Islamic group called Tehreek-e-Tahafuz-e-Islam (TTIP) whose name literally means "movement to protect Islam." Jalali told Shahzad about the Muslim Prophets and asked about the Christian Prophets. Shahzad responded that he did not know much about religion but would ask his father.

When Jalali told Shahzad about the Prophet Muhammad, Shahzad mentioned that one of his father's friends, Ali, makes derogatory remarks whenever he hears anyone's name that has Muhammad in it. Jalali became upset after hearing this, called Shahzad—as well as his father and father's friend—names, and left. Later that evening, Shahzad was summoned to a mobile phone shop located near the hospital. Dozens of TTIP men were waiting there. The men were angry with Shahzad after hearing about his conversation with Jalali. The men questioned Shahzad and asked him to tell them what he had said to Jalali at the hospital earlier that day. Scared for his life, Shahzad told them what he had told Jalali, that his father's friend uses derogatory words when he hears names that have Muhammad in it.

Rather than accusing the friend of Shahzad's father, Shahzad was accused of blasphemy. The men took Shahzad to an Islamic religious school nearby and handed him over to police. The police subsequently filed a blasphemy case against Shahzad. Even though no evidence of blasphemy in Shahzad's conversation was produced during the police investigation, the prosecution still brought formal charges against Shahzad. And, although Shahzad was a minor, he was wrongfully tried as an adult.

During trial, all the witnesses stated that "Jalali began the religious conversation" and that Shahzad only stated that "his father has a friend named Ali, who uses derogatory remarks in the respect of [the] Holy Prophet." Most importantly, the Superintendent of Police (SP) who investigated the case testified in court that, "during my investigation, I did not declare Shahzad Masih guilty." The SP further testified that Jalali belongs to a religious sectarian group (TTIP) and that he is the one who started the religious conversation. Because Shahzad was a minor at the time of the alleged incident, the SP noted that he was immature, underage, and had no knowledge of his or other religions. The SP also stated that an eyewitness did not think that Shahzad made any derogatory remarks against the Prophet Muhammed.

The prosecution's entire case rested on evidence that did not constitute blasphemy, even under Pakistan's broadly written law. However, even after hearing all the evidence and after

prolonging the trial for five years, the trial court sentenced Shahzad to death by hanging. His appeal is pending before the Lahore High Court.

As is clear from the facts, which were stated at trial by the prosecution's witnesses, Shahzad did not commit any crime. A person should not be subject to the death penalty for merely discussing someone else's crime. Pakistani trial courts are known to decide blasphemy cases under pressure from angry mobs. This is exactly what happened in Shahzad's case. Not only was an innocent young boy wrongfully tried as an adult, he was convicted for something that does not even constitute a crime, yet he still sits on death row.

## **Request**

As is noted by UN officials and UN reports, blasphemy laws are in contravention to the rights to the freedom of religion and speech provided under the International Covenant on Civil and Political Rights and Universal Declaration of Human Rights. We request that Pakistan must take measures to stop the abuse of blasphemy laws. *As a crucial step toward this endeavor, we request the Human Rights Council to urge Pakistan to expedite Shahzad Masih's High Court appeal and release him.* The government must take measures to ensure that courts are equipped to provide justice and not succumb to mob pressure in handing out erroneous convictions in blasphemy cases. We also request that Pakistan punish those who perpetrate violence in the name of religion.

## **PERSECUTION OF CHRISTIANS IN NIGERIA**

### **Legal Framework**

The Constitution of Nigeria contains several provisions that are intended to protect the freedom of religion. For example, the adoption of a state religion is banned under section 10.<sup>6</sup> Additionally, section 38 of the Constitution provides for freedom of religion by stating that:

[e]very 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.<sup>7</sup>

Section 39 further protects the freedom of religion, providing that: "[e]very person shall be entitled to freedom of expression, including freedom to hold opinions and to receive and impart ideas and information without interference."<sup>8</sup> These provisions of the Constitution should be enough to protect the freedom of religion in Nigeria. However, Nigeria's constitution also allows individual

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<sup>6</sup> Constitution of the Federal Republic of Nigeria 1999, section 10.

<sup>7</sup> *Id.* section 38.

<sup>8</sup> *Id.* section 39.

states to establish courts based on Sharia law, which suppress religious freedom.<sup>9</sup> Twelve states, which are predominately Muslim, in northern Nigeria currently utilize Sharia courts.<sup>10</sup>

Contrary to the provisions of the Constitution, Nigeria has a nationwide law against blasphemy. The Criminal Code Act prohibits insulting a religion in section 204, which states that:

[a]ny person who does an act which any class of persons consider 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 misdemeanour, and is liable to imprisonment for two years.<sup>11</sup>

The maximum penalty under section 204 is two years imprisonment.<sup>12</sup> However, the northern states that enforce Sharia law, which criminalizes blasphemy, separate from section 204, can sentence individuals to harsher penalties.<sup>13</sup> These courts are concerned specifically with insults to Islam and can issue the death penalty.<sup>14</sup> Section 204 may have provided the justification for blasphemy to remain punishable under Sharia law, but Sharia law differs in two important ways. First, capital punishment is authorized for those convicted of blasphemy, and second, those who blaspheme against Islam are punished more harshly than those who blaspheme against other religions.<sup>15</sup>

In the states that apply Sharia law, blasphemy is defined as willfully insulting, inciting, or showing public contempt for “the Holy Quran or any prophet.”<sup>16</sup> The punishment is a fine, imprisonment, or both.<sup>17</sup> The death penalty has been sentenced but never carried out since 1999.<sup>18</sup> In August 2022, the Nigerian Court of Appeals in Kano State upheld the authority of Sharia courts to try blasphemy cases and to sentence individuals to death.<sup>19</sup>

Nigeria has ratified the International Covenant on Civil and Political Rights, the Convention Against Torture, the Convention on the Elimination of Discrimination against Women, and the Convention on the Rights of the Child. Nigeria is also a party to the African Charter on Human and Peoples’ Rights.

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<sup>9</sup> *2022 Report on International Religious Freedom: Nigeria*, UNITED STATES DEPARTMENT OF STATE, <https://www.state.gov/reports/2022-report-on-international-religious-freedom/nigeria/> (last visited June 8, 2023).

<sup>10</sup> *Id.*

<sup>11</sup> Criminal Code Act, Section 204.

<sup>12</sup> *Id.*

<sup>13</sup> *2022 Report on International Religious Freedom: Nigeria*, *supra* note 9.

<sup>14</sup> *National Laws on Blasphemy: Nigeria*, BERKLEY CENTER FOR RELIGION, PEACE & WORLD AFFAIRS, <https://berkeleycenter.georgetown.edu/essays/national-laws-on-blasphemy-nigeria> (last visited June 8, 2023).

<sup>15</sup> *Policy Update: Blasphemy Laws in Nigeria*, UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM (October 2022), <https://www.uscirf.gov/sites/default/files/2022-10/2022%20Nigeria%20Blasphemy%20Policy%20Update.pdf>.

<sup>16</sup> *2022 Report on International Religious Freedom: Nigeria*, *supra* note 9.

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

<sup>19</sup> *Nigerian Court of Appeals Upholds Sharia Law in High Profile Blasphemy Case*, INTERNATIONAL CHRISTIAN CONCERN, (Aug. 17, 2022), <https://www.persecution.org/2022/08/17/nigerian-court-upholds-sharia-law/>.

## Blasphemy Accusations and Attacks by Militants

Recent blasphemy cases such as the cases of Rhoda Jatau, Mubarak Bala, and Yahaya Sharif-Aminu have brought attention to Nigeria's anti-blasphemy laws.<sup>20</sup> Although prosecutions under the federal law are rare,<sup>21</sup> convictions are more regularly brought under state law, particularly those that apply Sharia law. Witness requirements, which are strictly enforced, often kept cases from conviction.<sup>22</sup> With the increase in social media, convictions for blasphemy charges have been easier to obtain due to alleged evidence being witnessed by many people online.<sup>23</sup>

The greatest threat for those accused of blasphemy is extrajudicial punishment. Although Nigeria has laws designed to maintain public order, mob violence in response to alleged blasphemy charges is common. Between 2011 and 2021, about 13,241 Nigerians were murdered.<sup>24</sup> Unlawful killings of those accused of blasphemy largely go unpunished.<sup>25</sup>

Christians in Nigeria are subject to daily attacks, carried out mostly by groups like Boko Haram and Fulani militants. Below are just some of the recent incidents:

During May 16 through 18, 2023, Fulani militants killed over 125 Christians in sixteen villages in Mangu Local Government Area of Plateau State.<sup>26</sup> Additionally, more than 20,000 people were displaced after the attackers burned homes and destroyed farmland.<sup>27</sup> Fulani militants, armed with machine guns and machetes, began by attacking at least eleven villages, before moving on to other villages in the region.<sup>28</sup> A local hospital reported treating eighteen patients for various injuries through May 25, 2023.<sup>29</sup> A witness to the attack stated that “[w]e did nothing to them, but the Fulani killed us because of our faith.”<sup>30</sup> During one of the attacks on May 18, 2023, Fulani militants killed at least ten people and burned houses in Kiwi Village in Plateau State.<sup>31</sup> A witness stated that “[w]e received an early sign warning, but the security officials refused to listen to us.”<sup>32</sup> The attackers continued unabated despite the government imposing a curfew to stop travel.<sup>33</sup> Another attack, on May 16, 2023, left at least twenty people, mostly women and children, dead,

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<sup>20</sup> See *Historic Consensus on Freedom of Religion and Expression at Risk, say UN Experts*, UNITED NATIONS (Mar. 23, 2021), <https://www.ohchr.org/en/press-releases/2021/03/historic-consensus-freedoms-religion-and-expression-risk-say-un-experts> (The decision to use the wording “anti-blasphemy laws” is intentional and correlates with wording currently used by the Office of the High Commissioner on Human Rights).

<sup>21</sup> *Policy Update: Blasphemy Laws in Nigeria*, *supra* note 15.

<sup>22</sup> *Id.*

<sup>23</sup> *Id.*

<sup>24</sup> Ebenezer Obadare, *Gruesome “Blasphemy” Killing Brings Nigeria’s Long-Running Ethno-Religious Divide Into Sharp Focus*, COUNCIL ON FOREIGN RELATIONS (May 16, 2022), <https://www.cfr.org/blog/gruesome-blasphemy-killing-brings-nigerias-long-running-ethno-religious-divide-sharp-focus>.

<sup>25</sup> *Id.*

<sup>26</sup> *Nigeria: Over 125 Christians Killed in 48 Hours in Plateau State*, CHURCH IN CHAINS (May 24, 2023), <https://www.churchinchains.ie/news-by-country/sub-saharan-africa/nigeria/nigeria-over-125-christians-killed-in-48-hours-in-plateau-state/>.

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

<sup>29</sup> *Stefanos Foundation Report on Mangu Killings May 2023*, YOUTUBE (May 27, 2023), [https://www.youtube.com/watch?v=Yu\\_nRnHRUD4](https://www.youtube.com/watch?v=Yu_nRnHRUD4).

<sup>30</sup> *Nigeria: Over 125 Christians Killed in 48 Hours in Plateau State*, *supra* note 26.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

as armed attackers opened fire and burned houses in Kubat Village in Plateau State.<sup>34</sup> Attackers ambushed the village in the early morning and began shooting, even killing some villagers as they tried to escape.<sup>35</sup>

On May 5, 2023, forty people were abducted from a Baptist church in Nigeria during a Sunday worship service.<sup>36</sup> Although fifteen people were able to escape, the remaining people were held by the abductors.<sup>37</sup> The abductors are likely part of local, heavily-armed gangs, known in the region as bandits, who frequently conduct mass abductions and hold the people for ransom.<sup>38</sup> In addition to the threat of groups like Boko Haram and Fulani militant herdsman, other criminal gangs are a threat to Nigerian Christians as well.<sup>39</sup>

Over an eleven-day period in late April 2023, Fulani militants killed eighteen people in predominately Christian villages in Plateau State.<sup>40</sup> In one attack, Rev. Gwong Dachollom was shot and cut with a machete.<sup>41</sup> Thankfully, he received medical attention for life-threatening injuries.<sup>42</sup> In another attack, Fulani militants shot and killed a Christian who was attending the burial of six Christians killed in a separate attack on April 25, 2023.<sup>43</sup>

During a series of attacks that lasted from April 16 to April 19, 2023, Fulani militants killed twelve people in predominately Christian villages in central Nigeria.<sup>44</sup> During one attack, Fulani militants burned down the house of a pastor, as well as dozens of other homes that belonged to Christians.<sup>45</sup> One resident described the bloodshed in these words: “The victims were murdered like animals, while some inhabitants of these communities are still missing . . . Valuables worth millions of naira have been lost. More than 50 houses have been burnt down to ashes, and food and cash crops were burnt to ashes, too.”<sup>46</sup>

On April 15, 2023, Islamic extremists attacked the Runji Village in Zangon Kataf Local Government Area (LGA) of the Kaduna State.<sup>47</sup> Thirty-three people were killed, including

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<sup>34</sup> Ahmed Kingimi et al., *Armed Attackers in Nigeria Kill 20, Mostly Women And Children*, REUTERS (May 16, 2023), <https://www.msn.com/en-us/news/world/armed-attackers-in-nigeria-kill-20-mostly-women-and-children/ar-AA1bguf3>.

<sup>35</sup> *Id.*

<sup>36</sup> *Nigeria: Gunmen Storm Sunday Church Service, Abduct 25 in Kaduna*, AFRICANEWS (May 10, 2023), <https://www.africanews.com/2023/05/10/gunmen-abduct-25-from-church-in-northwest-nigeria/>.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *18 Christians Killed, Pastor Wounded by Extremists in Nigeria*, CHRISTIAN POST (Apr. 29, 2023), <https://www.christianpost.com/news/18-christians-killed-pastor-wounded-by-extremists-in-nigeria.html>.

<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> *Fulani Herdsmen Kill 12 Christians in Nasarawa State, Central Nigeria*, CHRISTIAN HEADLINES (May 2, 2023), <https://www.christianheadlines.com/blog/fulani-herdsmen-kill-12-christians-in-nasarawa-state-central-nigeria.html>.

<sup>45</sup> *Id.*

<sup>46</sup> *Id.*

<sup>47</sup> Agnes Aineah, *5-Year-Old Beheaded, 33 Killed in Nigeria; Christian Foundation Calls for Action*, CATHOLIC NEWS AGENCY (Apr. 20, 2023), <https://www.catholicnewsagency.com/news/254147/5-year-old-beheaded-33-killed-in-nigeria-christian-foundation-calls-for-action>.



fourteen children.<sup>48</sup> One of the victims was a five-year-old boy who was beheaded, and other victims were burned beyond recognition.<sup>49</sup> The victims were reportedly buried in a mass grave.<sup>50</sup> One man who was interviewed about the attack reported that forty houses were burned and that he had no doubt that the attackers were Fulani militants.<sup>51</sup>

During Holy Week of April 2023, at least ninety-four Christians were killed in a series of attacks in north-central Nigeria.<sup>52</sup> The attacks lasted from April 2 to April 7 as Muslim militias targeted Christian worshippers.<sup>53</sup> In one of the attacks, armed men attacked a Pentecostal church during a Palm Sunday service, killed a young boy, and kidnapped the pastor and other worshippers.<sup>54</sup> Just three days later, fifty people in a predominately Catholic village were killed by armed attackers.<sup>55</sup> On Good Friday, Muslim extremists attacked an elementary school that was sheltering more than 100 displaced Christians, the extremists killed forty-three people and injured another forty.<sup>56</sup>

That same week, on April 5, 2023, Fulani militants are suspected to have killed at least forty-six villagers who were attending a funeral in Umogidi Village in Benue State of central northern Nigeria.<sup>57</sup> The villagers were mourning the death of three other people who had been killed just one day earlier.<sup>58</sup> Many villagers were unaccounted for, so the death toll may be even higher.<sup>59</sup>

During March 2023, several attacks resulted in the death of twenty-nine Christians in the northern Kaduna State of Nigeria.<sup>60</sup> On March 23, 2023, Musa Mairimi, the pastor of the Evangelical Church, Winning All, was killed while at his home.<sup>61</sup> His wife was also abducted during the attack.<sup>62</sup> In attacks on two separate villages, which took place on March 10 and March 14, 2023, a total of twenty-seven Christians were killed.<sup>63</sup> In another attack on March 10, 2023, attackers raided a Baptist pastor's home, killed the pastor and his son, and then abducted four of

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<sup>48</sup> *Id.*

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> *Gunmen Attack Village, Kill Dozens in Northwest Nigeria*, FRANCE 24 (April 18, 2023),

<https://www.france24.com/en/live-news/20230418-gunmen-attack-village-kill-dozens-in-northwest-nigeria>.

<sup>52</sup> Douglass Burton, *Holy Week Attacks on Christian Communities in Nigeria Leave Nearly 100 Dead*, CATHOLIC NEWS AGENCY (Apr. 10, 2023), <https://www.catholicnewsagency.com/news/254060/holy-week-attacks-on-christian-communities-in-nigeria-leave-nearly-100-dead>.

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Gunmen Kill at Least 46 People in Attack on Rural Village in Nigeria*, THE GUARDIAN (Apr. 7, 2023),

<https://www.theguardian.com/world/2023/apr/07/gunmen-kill-people-attack-village-nigeria#:~:text=Bala%20Ejeh%2C%20the%20local%20government,own%20son%20and%20two%20relatives>.

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> Leigh Pritchett, *29 Christians Slain in Attacks in Nigeria*, THE ALABAMA BAPTIST (Apr. 18, 2023),

<https://thealabamabaptist.org/29-christians-slain-in-attacks-in-nigeria/>.

<sup>61</sup> *Id.*

<sup>62</sup> *Id.*

<sup>63</sup> *Id.*

the family members.<sup>64</sup> A few hours later, the pastor's wife was released.<sup>65</sup> For the release of the remaining family members, the attackers demanded a ransom of five million naira.<sup>66</sup>

In the early hours of January 22, 2023, Fulani militants ambushed a predominately Christian village in Tafawa Balewa County of Bauchi State.<sup>67</sup> The attack resulted in the death of five Christians, and one Christian man was taken and held captive.<sup>68</sup> Just two days earlier, on January 20, 2023, Fulani militants attacked and killed twelve Christians from Abagena, a predominately Christian community located in Benue State of central Nigeria.<sup>69</sup>

As of November 2021, the UNHCR recorded at least three million people internally displaced in Nigeria, with the majority of them being displaced in parts of North-East Nigeria and the country's Middle Belt, areas where Fulani Islamist violence and other criminal gang attacks and unlawful killings are concentrated.<sup>70</sup>

UNICEF reports over one million children are afraid of returning to school due to the violence and kidnappings by these criminal gangs.<sup>71</sup> Islamic State of West Africa Province (ISWAP) and bands of Islamist Fulani militants have conducted the violence, including executions and inhuman and degrading treatment of civilians (cutting of limbs), the burning of homes and places of worship, kidnapping and enslavement of women and girls, and coerced conversions. Leah Sharibu is just one such girl.

## **Local and International Response**

Nigeria continues to fail to protect its citizens. Every day there are more reports of attacks targeting predominately Christian villages in the north and middle belt of Nigeria, which often recount brutal treatment and even death. The Minnesota Protocol on the Investigation of Potentially Unlawful Death (2016), which provides guidance in the understanding of Article 6 (right to life), outlines how states are required to conduct prompt investigations into unlawful killings, especially where there is a clear pattern of targeted attacks. As of June 2023, however, the government of Nigeria has not undertaken any investigation regarding the attacks, rather evidence-gathering has been undertaken by individuals from civil society organizations with limited resources, and under great peril. In May 2023, Fatima Njoku of the Stefanos Foundation reported being unable to visit a village in Plateau State in the aftermath of an attack since the IDPs warned her that gunmen remained hidden in the village. This further hampers the ability to gather evidence. Two UN vehicles that came to the area had to be escorted by twenty security cars.

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<sup>64</sup> *Id.*

<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

<sup>67</sup> *Five Christians Killed in NE Nigeria, 12 in Middle Belt*, MORNING STAR NEWS (Jan. 24, 2023), <https://morningstarnews.org/2023/01/five-christians-killed-in-ne-nigeria-12-in-middle-belt/>.

<sup>68</sup> *Id.*

<sup>69</sup> *Id.*

<sup>70</sup> *Internally Displaced People*. UNHCR NIGERIA, [www.unhcr.org/ng/idps](http://www.unhcr.org/ng/idps).

<sup>71</sup> *Over 1 million children afraid of returning to school in Nigeria*. UNICEF GLOBAL DEVELOPMENT COMMONS (Sep. 15, 2021), <https://gdc.unicef.org/resource/over-1-million-children-afraid-returning-school-nigeria>.

Similar patterns of attacks and dangers in collecting evidence were also reported in Benue State by father Remigius Ihyula of the Diocese of Makurdi.

The International Criminal Court (ICC) confirmed it was opening an investigation into the crimes against humanity that have taken place in Nigeria since 2010, but once formal investigations are concluded, the ICC will likely identify only a few individuals most directly responsible for the atrocities and proceed with a small handful of prosecutions. The previous UN Special Rapporteur on extrajudicial, summary, or arbitrary executions in her end-of-visit statement following her trip to Nigeria in September 2019 raised the alarm regarding deadly communal attacks, mass killings, and government reluctance to prosecute perpetrators.<sup>72</sup>

More recently, this year, the European Parliament adopted, near unanimously, a resolution calling for the release of Sufi singer Yahaya Sharif Aminu. Authorities arrested Yahaya over two years ago for a song deemed blasphemous and sentenced him to death. His case is currently being appealed in the Supreme Court of Nigeria, challenging the constitutionality of charging individuals under Sharia law penalties.<sup>73</sup>

## **Request**

We urge the UN Human Rights Council to establish an investigative mission to northern and middle belt Nigeria to conduct investigations and gather evidence. Nigeria has failed to conduct such investigations and civil society has had to fill the gaps with limited resources and with peril to themselves and those they are trying to help. We strongly believe that there is a pressing necessity for UN-led independent investigations into the atrocities. Until such a body is established and collects evidence of all atrocities perpetrated by all actors, justice will remain an unattainable and improbable goal. A UN-mechanism established by either the Human Rights Council or General Assembly would collect, analyze, and preserve evidence of atrocities for future prosecutions, whether by international, regional or domestic courts. In addition, the United Nations must increase provision of aid to the dispersed communities—noting the over three million internally displaced.

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<sup>72</sup> *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, OHCHR, (Sep. 2, 2019).

<sup>73</sup> *Motion for a Resolution on the Risk of Death Penalty and Execution of Singer Yahaya Sharif Aminu for Blasphemy in Nigeria*, EUROPEAN PARLIAMENT, (Apr. 18, 2023) [https://www.europarl.europa.eu/doceo/document/B-9-2023-0218\\_EN.html](https://www.europarl.europa.eu/doceo/document/B-9-2023-0218_EN.html).