

SPACES FOR CHANGE

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CLOSING SPACES FOR CIVIL SOCIETY AND DEMOCRATIC ENGAGEMENT IN NIGERIA

2017

Spaces for Youth Development and Social Change
[SPACES FOR CHANGE | S4C]

Supported by:
Open Society Initiative for West Africa (OSIWA)





SPACES FOR YOUTH DEVELOPMENT AND SOCIAL CHANGE

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Established in May 2011, Spaces for Change (S4C) is a Lagos-based research and advocacy organization working to infuse human rights into social and economic decision-making processes in Nigeria. Known for leveraging digital technology to crowd source data and execute high-profile policy campaigns around research findings, S4C continues to create spaces for inclusion, debate and reflection. In the process, the organization facilitates public participation in the promotion, evaluation and setting of strategic policy directions on specific social and economic priorities in Nigeria.

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PART B: Closing Spaces for Civic Engagement and Civil Society in Nigeria

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ABBREVIATIONS

AML	–	Anti Money Laundering	FATF	–	Financial Action Task Force
APC	–	All Progressives Congress	FRCN	–	Financial Reporting Council of Nigeria
CAC	–	Corporate Affairs Commission	FT	–	Financing of Terrorism
CAMA	–	Company and Allied Matters Act	GAFI	–	Grouped'ActionFinancière
CAN Nigeria	–	Christian Association of Nigeria	GIABA	–	Inter-governmental Action Group against Money Laundering
CDD	–	Customer Due Diligence	ICRG	-	International Cooperation Review Group
CBN	–	Central Bank of Nigeria	IMN	-	Islamic Movement of Nigeria
CFT	–	Counter Terrorism Financing	IPOB	–	Independent Peoples of Biafra
COAS	–	Chief of Army Staff	JDPC	–	Justice Development and Peace Commission
CPC	–	Congress for Change	MAFO	–	Movement Against Fulani Occupation
CSO	–	Civil Society Organizations	ML	–	Money Laundering
CTR	–	Current Transactions Report	MURIC	–	Muslim Rights Concern
DNFBPs	–	Designated Non-financial Businesses and Professions	NFIU	–	Nigeria Financial Intelligence Unit
DNFI	–	Designated Non Financial Institutions	NGO	–	Non Governmental Organization
ECNL	-	European Center for Non-Profit Law	NGO Bill	-	Bill for an Act to Provide for the Establishment of the Non-Governmental Organisations Regulatory Commission
EFCC	–	Economic and Financial Crimes Commission			



NLC	–	Nigerian Labour Congress
NPO	–	Non Profit Organizations
NUT	–	Nigeria Union of Teachers
PDP	–	Peoples Democratic Party
R8	–	FATF Recommendation 8
SCUML	–	Special Control Unit for Money Laundering
SOKAPU	–	Southern Kaduna Peoples Union
SSS	–	State Security Service
S4C	–	SPACES FOR CHANGE
URI	–	United Religions Initiative
UNSCRs	-	United Nations Security Council's Resolutions





PART B

**Closing Spaces
for
Civic Engagement
and
Civil Society
in Nigeria**





Chapter 1

Developing a Methodology for Monitoring Closing Spaces for Civic Engagement and Civil Society in Nigeria

Introduction

Hannah Arendt, a political and moral philosopher defines civic space as the sphere for public action essential to democratic citizenship. Thus, it is the space where citizens of a particular locality engage in mutual and collaborative deliberation and in communal action for the good of the public. Likewise, Juergen Habermas, closely associates the construct, “public space”, as the realm of conversation and discussion by private persons on matters of public interest. Richard-Schuster and Dobbie (2011) described these spaces as “civic spaces” which are essentially environments in which participation in civic action is explored and fostered. According to Richard-Schuster and Dobbie (2011), the environment, pathways, structures and vehicles allow for critical discussion, dialogue and civil action. Roose & Harris Habermas(2015) define these spaces through multiculturalism. They argue that integration, participation and recognition routinely take place there. From the foregoing, there is the pervading theme of “mutuality”, “collaboration”, “environment” and “civil” action, as well as other smaller sub-themes.

Drawing the above understanding of civic spaces, this research seeks to establish whether the existing spaces for civic engagement, including civil society operations are expanding or receding under the current democratic dispensation in Nigeria. In 1999, democratic rule was restored in Nigeria after several years of military takeover and domination of political power. Ehwareme (2011) recalls that military intervention between 1966-1979 and 1983-1999, which effectively terminated democracy in Nigeria, posed the greatest obstacle to civic engagement. He noted that legal and institutionalised safeguards against military incursions and democratic spaces are far from being able to deter these incursions. Ojo, (2009) however argues that the best insurance against democratic abortion and militarization of democratic spaces is good governance.

Beyond good governance, there is the need to monitor interference in civic spaces by government and its institutions. That is the broad aim of this research. This study casts a searchlight on the restrictions on civic spaces in Nigeria beginning from January 2015 to April 2017. Availability of data and significance of the period under review (it was an election year in Nigeria) were compelling factors that served as rationale for the choice of the period that was

¹¹⁴Goodsell, Charles T. (2003). The Concept of Public Space and its Democratic Manifestations. *American Review of Public Administration*, Vol 3, No 4

¹¹⁵Joseph, Richard. (2008). "Challenges of a 'Frontier' Region", *Journal of Democracy*, 19, 2. 101

¹¹⁶Habermas, Jurgen. Further Reflections on the Public Sphere in Habermas in Craig Calhoun (ed) *Habermas and the Public Sphere* (1992), Massachusetts Institute of Technology, 142.

¹¹⁷Roose, Joshua & Anita Harris, (2015), “Muslim Citizenship in Everyday Australian Civic Spaces”, *Journal of Intercultural Studies*, 36:4, 468-486.

¹¹⁸Ojo, Emmanuel (2009), “Guarding the 'Guardians:' A Prognosis of Panacea for Evolving Stable Civil Military Relations in Nigeria” *Armed Forces & Society* 35, 4 (July, 2009): 693-703.



researched. The period is even more significant given the loss of the incumbent party, the Peoples' Democratic Party (PDP) to the opposition party, the All Peoples Congress (APC), which became the ruling party since May 29, 2015. As a result, Nigeria elected Retired General Muhammadu Buhari, a former military Head of State, as President, on the APC platform. Against this backdrop, this research interrogates the state of human rights and civic engagement in the country, as part of a broader strategy for testing the country's commitment to civil rule. The novelty of this research is contained in its aim, as there is no known framework or monitoring model for such exercises in Nigeria. The next section details the aim of this research and the methodologies deployed in achieving them.

Research Objectives

What happens when civic spaces and the civil society are closed? How are they closed? Is there any measuring model that monitors this closure? In developing a methodology for monitoring closing spaces for civil society in Nigeria, researchers were guided by the following objectives:

- To determine the signals and triggers for the closure of civic spaces and develop indicators for monitoring them
- To develop a database capturing and profiling incidents of closing civic spaces
- To populate the database with incidents that occurred from January 2015 to date.

A number of methods were used to accomplish the research objectives. SPACES FOR CHANGE did the following:

- Conducted a literature review to investigate civil society and civic spaces in countries with similar political structures as Nigeria.
- Incorporated a suite of technology tools and products to track and map incidents of closing spaces across the country
- Undertook fact-finding missions to specific localities with the highest concentration of tracked incidents of civic repression.
- In targeted localities, researchers interviewed a diversity of stakeholders actively using the civic space to advance their individual and collective agenda.
- Created a database of closing spaces in Nigeria, which shall be used to analyse trends on closing spaces for civic engagement and civil society in Nigeria.

Definitions: Civic Spaces, Civil Society and their Core Elements

Michael Bratton defines the civil society as an arena where manifold social movements and organizations from all classes attempt to constitute themselves in an ensemble of arrangements, so that they can express themselves and advance their interests." Young conceives of civil society in Hegelian terms, explaining it as the distinct sphere of public



space separate from the state, which manages the social relations and communications between the state and its citizens.

Diamond (1994:5) sees civil society as "the realm of organized social life that is voluntary, self-generating, largely self-supporting, autonomous from the state, and bound by a legal order or set of rules. It is distinct from society in general in that it involves citizens acting collectively in a public sphere to express their interests, passions and ideas, exchange information, achieve mutual goals, make demands on the state, and hold state officials accountable." Similarly, CIVICUS – the global civil society alliance that works to strengthen civil society and citizen action around the world – conceives of the civic landscape as the bedrock of any democratic and open society. An open civic space, according to CIVICUS, gives citizens and civil society organizations the leverage to organize, participate and communicate without hindrance.

The Transparency and Accountability Initiative (TAI) defines the civic space from a rights and capability-based perspective. TAI sees the civic space as the set of conditions that determine the extent to which all members of society, both as individuals and in informal or organised groups, are able to freely, effectively and without discrimination exercise their basic civil rights. These conditions, according to the TAI, are rights of information, expression, assembly, association and participation. These rights are enshrined in international law and reflected in the constitutions and legal frameworks of a majority of countries around the world.

TAI goes further to enumerate five principal rights-based dimensions (and 16 sub-dimensions) of civic space. The dimensions include:

- (i) Freedoms of Information and Expression;
- (ii) Rights of Assembly and Association;
- (iii) Citizen Participation;

¹¹⁹Toyin Falola and Matthew M. Heaton (2008) *A History of Nigeria*, Cambridge University Press, p210. Darren Kew and Modupe Oshikoya (2014) *Escape from Tyranny: Civil Society and Democracy in Africa* in Ebenezer Obadare (ed) *Handbook of Civil Society in Africa, Non Profit and Civil Society Studies*, Springer, p7

¹²⁰Remi Aiyede () *The Dynamics of the Civil Society and the Democratization Process in Nigeria*, Transregional Centre for Democratic Studies, New York, p3

¹²¹CIVICUS – What is Civic Space, retrieved <https://monitor.civicus.org/whatis-civicspace/>, accessed 6/January 2017

¹²²Carmen Malena (2015) *Improving the Measurement of the Civic Space*. Transparency and Accountability Initiative. Open Society Foundation, p14

Some principal international declarations and commitments related to the protection of civic space

Universal Declaration of Human Rights (1948), Freedom of Association and Protection of the Right to Organise Convention No. 87 (1948), International Covenant on Civil and Political Rights (1966), Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1992), Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (1999), UN Millennium Declaration (2000), UNHRC Resolution on Freedom of Opinion and Expression (2009), UNHRC Resolution on the Rights to Freedom of Peaceful Assembly and of Association (2010) UNHRC Resolution on the Promotion, Protection and Enjoyment of Human Rights on the Internet (2012), UNHRC Resolution on Civil Society Space: Creating and Maintaining, in Law and in Practice, a Safe and Enabling Environment (2013)



- (i) Non-discrimination/Inclusion; and
- (ii) Human Rights/ Rule of Law: This dimension takes into consideration the existing international declarations and commitments related to the civic space

The freedoms of information and expression sit at the apex of the civic space ladder. The core ingredients for the realization of this dimension include: access to information, free speech, media freedoms and internet freedoms. Stressing the imperativeness of ensuring internet freedoms, TAI-formulated structure recognizes the existence of increasing civic spaces that exist online which requires protection. The Human Rights Council of the United Nations General Assembly in a landmark resolution in June 2016 declared internet access and internet rights as Human rights, thus affirming the importance of the freedoms of expressions and information in an increasingly aware and interconnected world.

Rights of assembly and association represent a second essential defining dimension of civic space.

The freedoms of information and expression sit at the apex of the civic space ladder. The core ingredients for the realization of this dimension include: access to information, free speech, media freedoms and internet freedoms.

Freedom of assembly, right of association, autonomy of civil organizations, and civil society funding are key sub-dimensions. Like every other fundamental right, freedom of assembly is a fundamental right enshrined in national constitutions and international legal frameworks. In making a special case for the right to assembly, the UN Special Rapporteur Maina Kai (2014, Para. 31) noted that “public assemblies are at the heart of an active civil society and a functioning democracy.” Closely linked to the freedom of assembly is the freedom of association. The freedom of association is an essential determinant of civic space as it guarantees the right of individuals to form, join and participate in associations, groups, movements and civil society organisations. According to Maina Kai, “these rights are indeed fundamental – not simply because they are inscribed in the law, but because they satisfy people's fundamental desire to take control of their own destinies.”

A third critical dimension of the civic space is the right to participate meaningfully in public life, including participating in and influencing processes of public deliberation and decision-making. Sub-dimensions include: free and fair elections, citizen participation and citizen advocacy. The right of citizen participation is enshrined in numerous international declarations and treaties – affirming “the right of citizens to participate in public affairs” and acknowledging “the crucial importance of the active involvement of civil society in processes of governance that affect the life of people.”

This right of citizen participation is buttressed by the right of citizens and CSO's to act as independent watchdogs, influence government decisions and advocate for better governance processes. Tellingly, the UNHCR in its 2013 Resolution on Protecting Civil Society Space urged States to “acknowledge publicly this important and legitimate role of civil society...and to engage with civil society to enable it to participate in the public debate on decisions”¹²⁰

¹²³Carmen Malena (2015) *Improving the Measurement of the Civic Space. Transparency and Accountability Initiative. Open Society Foundation*, p 28 UNHRC Resolution A/HRC/RES/24/5 on Rights to Freedom of Peaceful Assembly and of Association, refers to the obligation of States to respect and fully protect the rights of all individuals to assemble peacefully and associate freely, online as well as offline. See also, the United Nations General Assembly. Human Rights Council, 32nd Session, Agenda item 3: Report of the Special Rapporteur on the promotion and protection of the right to freedom of expression.

¹²⁴Ibid, Speech by Maina Kai before presenting his report on multilateral institutions to the General Assembly, Oct. 28, 2014.

¹²⁵Ibid, p30.



that would contribute to the promotion and protection of human rights and the rule of law and of any other relevant decisions”.

The fourth core dimension of the civic space is concerned with the human and civic rights of all individuals and groups without discrimination as guaranteed under international law. In practice, however, certain individuals and groups face discrimination because they belong to a minority or a marginalized group (e.g. on the basis of their gender, ethnicity, culture, religion, political beliefs, sexual orientation, physical abilities or socio-economic status). Key sub-dimensions include: women's rights, minority rights and the rights of marginalized groups.

Respect for Human Rights/Rule of Law is the fifth dimension of civic space. In order for civic space to be real and meaningful, the social and political context in which that space exists must meet certain minimal standards. These fundamental preconditions for civic space include the protection of a culture of basic human rights and rule of law. In the absence of these, the more specific rights and freedoms associated with civic space discussed above are jeopardised. In line with the element of Human Rights/Rule of Law as a precondition for civic space engagement, governments have the duty to promote respect for human rights and fundamental freedoms. This duty is both negative (i.e. the obligation to not restrict or violate basic rights and freedoms), and positive (i.e. the obligation to ensure respect for these rights and freedoms). These duties are in consonance with extant international legal frameworks that affirm them.

In the absence of rule of law or where impunity is widespread, existing legal and regulatory frameworks for protecting the range of rights and freedoms (such as those outlined above) lose their meaning. Basic rule of law is therefore also considered a necessary precondition for meaningful civic space. The fundamental duty of States to ensure rule of law is clearly enshrined in local and international law. This finds further expression in the UN Human Rights Council Resolution on Protecting Civil Society Space, which urges States to “ensure access to justice, accountability and end impunity for human rights violations and abuses against civil society actors”.

Research Techniques Used in Mining Data on Closing Spaces

The review of literature on the repression of civic spaces involved frequent visits to the SCOPUS pedagogical platform. SCOPUS is the largest abstract and citation database of peer-reviewed literature of conference proceedings, books and, more importantly, scientific journals in social sciences, arts and humanities. Researchers mining data on the SCOPUS platform used various keywords to search for relevant data. The main keywords – such as

¹²⁸United Nations Resolution A/HRC/27/L.24,Para6and7 23/September/2014 retrieved <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/168/57/PDF/G1416857.pdf?OpenElement>

¹²⁷TAI

¹²⁸Ibid, United Nations Resolution A/HRC/27/L.24,Para2 23/September/2014 retrieved <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/168/57/PDF/G1416857.pdf?OpenElement>

¹²⁹Ibid, United Nations Resolution A/HRC/27/L.24,Para9 23/September/2014 retrieved <https://documents-dds-ny.un.org/doc/UNDOC/LTD/G14/168/57/PDF/G1416857.pdf?OpenElement>



human rights, violation, repressive regimes – used in the data-gathering exercises under different subject areas produced the results analysed below:

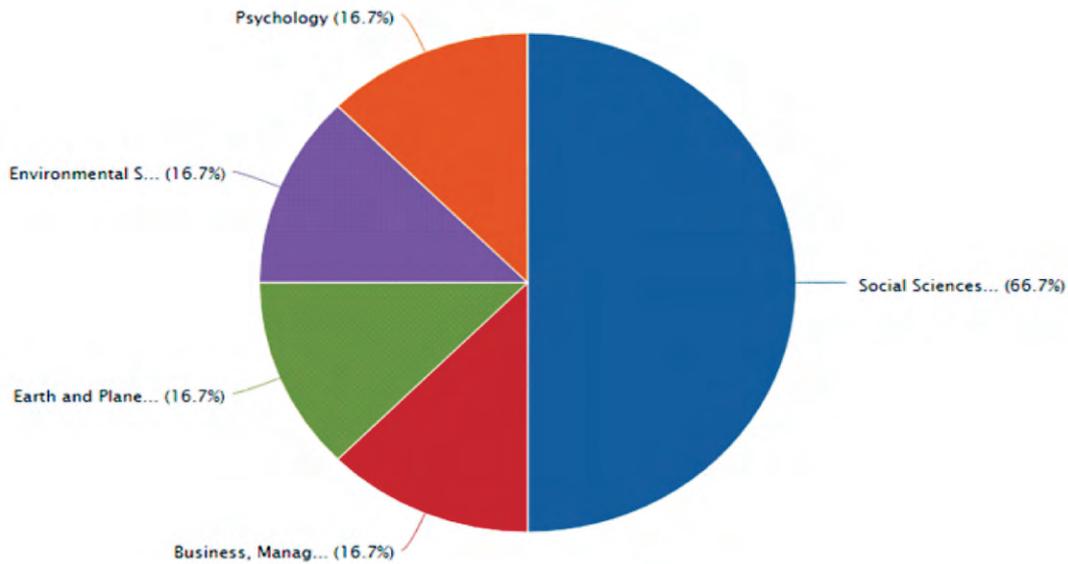


Figure : Subject Area for articles featuring Human Right* Violation* and Repressive Regime* on SCOPUS
· “Civic space*” and “repressive regime*” did not yield any search results.

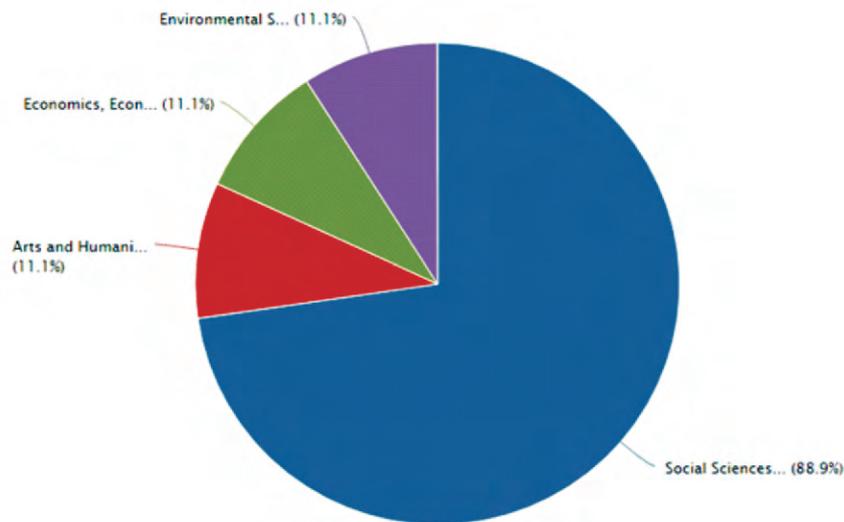


Figure : Subject Area for Articles Featuring Civil Society* and Repressive Regime* on SCOPUS.

“Civil society*” and “repressive regime*” were used as search terms, producing 9 results. Cameroon, Egypt, South Africa, Ethiopia were the only countries from Africa included in articles from these results.



- “human right* documentation systems” and “repressive regime*” were used as search terms yielding no results.
- “Human right*” and “civic space*” yielded two results, with Kenya highlighted.

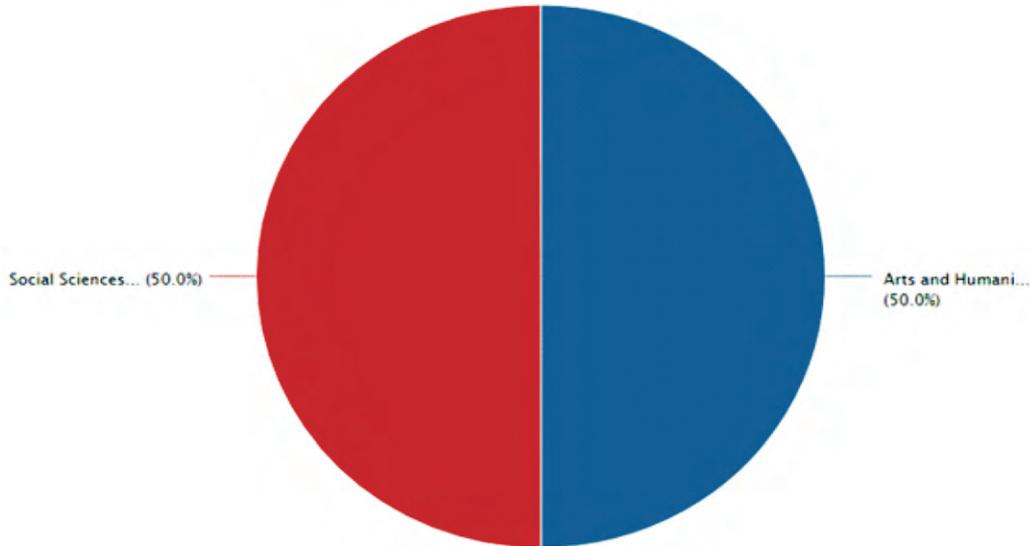


Figure : Subject Area for Articles Featuring Human Right* and Civic Space* on SCOPUS

- “Human right* documentation system*” and “civic space*” were used as search terms yielding no result.

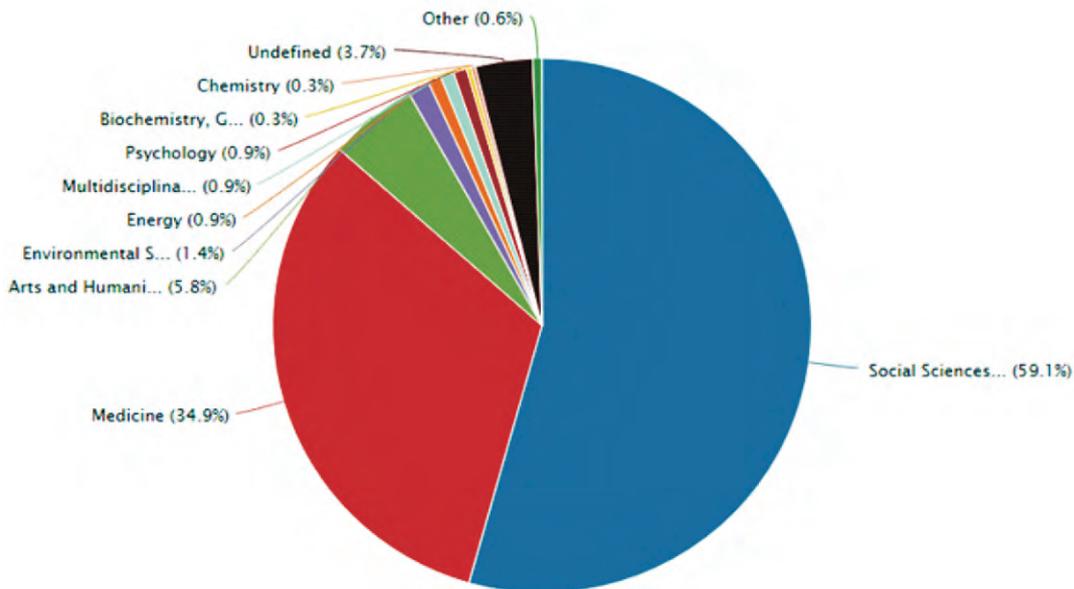


Figure : Subject Areas for Articles Featuring Human Right* and Nigeria*



The kind of results generated from the word searches, especially the low responses some keywords yielded, informed the introduction of additional keywords and phrases. This expanded the scope of results. For instance, searching the terms, 'human rights' and 'Nigeria' together, yielded an initial 406 results. This number further reduced to 347 articles after certain subject areas such as “engineering”, “undefined”, “agricultural and biological sciences”, “chemical engineering”, “economics, econometrics and finance”, “business, management and accounting”, “earth and planetary sciences”, “computer science”, “material science”, “mathematics”, “decision science”, “immunology and microbiology”, “nursing”, were delisted from the search results as they were unrelated to the researched topic.

The pie chart of the documents by area indicates that this area of research largely falls within the sphere of social sciences. However, a number of research papers under this purview were also featured within the Arts and Humanities, Environmental Sciences and Medicine spheres. When the search words, “civil society*” and “repressive regime*” were used either as standalone terms or simultaneously, the Social Sciences featured about 89% of the papers. The terms, “Human rights*” and “Nigeria*” yielded 347 articles from SCOPUS, and had 59% of these articles within the Social Science subject area. The case for a research of this kind for Nigeria is therefore justified by these search results. While “Nigeria*” and “human right*” would undoubtedly yield a plethora of results, search results utilising useful search terms, “civic society*” and “repressive regime*”; “human right*” and “civic space*”; “human right* violation*” and “repressive regime*”, yielded no results on Nigeria. Researchers found this research gap quite interesting and investigated it further.





Chapter 2

Civic Spaces in Nigeria

Nigeria has a thriving space for civil society and civic space engagement. This accounts for the vibrancy of civil society and other third sector actors that work to challenge and contest abuse of state apparatuses of power and control. The space for civic engagement is not without a historical trajectory, neither has it been under a rigid associational format.

Civil society existed in pre-colonial Nigeria as associational forms that enabled participation, communication, information flow and influence between the citizens and the state, as well as means of social economic assistance, control of social existence and survival to citizens. The anti-taxation riots/protests of the Aba women in 1929 and the Abeokuta women in the 1940's are instances of organized resistance carried out under informal or non-associational groups opposing arbitrary taxation policies in colonial Nigeria. With colonialism, new social exchanges, modernism and attendant social dislocations, new platform of consciousness and agitation emerged, and impacted on existing societal structures of engagement at the communal, traditional, cultural and other group levels. The nationalist movement that led to decolonization also provided the stimulants for associational flowering.

According to Ikelegebe, this associational effervescence initiated during the colonial period was carried into the post-independence era. Civil society groups, particularly the trade unions, student movements, professional associations and media associations played active roles in governance while farmers associations, self-help community associations, cooperative movements and women groups began to play some roles in socio-economic engagements. The incursion of the military into the civic space changed the face of civil society engagement, and led to the rebirth of associational life in the country. During the military era, military regimes issued decrees that stifled associational and non-associational structures of democratic participation. Decrees were used to subvert public opinion, freedom of movement and association. Retroactive decrees were promulgated to undermine the rule of law and basic human rights of individuals. The severity

of state regulation under military rule coupled with wave of liberal democracy across the world inspired the emergence of radical, but organized civil society activism in Nigeria. As the struggle in the late 1980s and early 1990s to dislodge the military from power and establish a liberal democratic rule in Nigeria approached an apparent climax, 'civil society' was gradually becoming the register of choice in the popular (print and broadcast) media. Used in specific

¹³⁰Augustine Ovuoronyelkelegebe (2013) *The State and Civil Society in Nigeria: Towards a Model for Sustainable Development*, Centre for Population and Environmental Development, CPED Monograph Series No. 7, p33

¹³¹Ibid

¹³²Popular among such decrees were Decree 4 1984 – Public Officers (Protection against false accusations) which gave legal immunity for regime and political leaders to take repressive action against unions, Decree 1 1984 – which suspended constitutional provisions pertaining to the rights to personal liberty and freedom of association Decree 4 1984 – Public Officers (Protection against false accusations) gave legal immunity for regime and political leaders to take repressive action against unions Decree 2 1984 – State Security (Detention of Persons) gave regime



reference to the clutch of organizations that had emerged to mobilize against martial rule, it was the prime currency in an emergent discursive economy. In fact, the discourse on civil society in Nigeria is best traced to the complex dynamics of elite and mass mobilisation against military rule, particularly the military regime of General Babangida, and the subsequent struggle to institutionalize democratic ethos in the country. The anti-SAP riots of Babaginda's regime, which brought together an epic (though not unprecedented) coalition of university students, professional associations, media activists, and trade and workers' unions, were much a challenge against the perceived assault on fundamental rights by an emergent praetorian state.

Against this background, civil society became part of the language of the opposition precisely at the moment when discontent with military rule and the economy crystallized. In this sense, civil society discourse in Nigeria was a product of two contradictory currents – the appetite of the military's highest echelons for social homogenization and domination, pitted against the desire of a nascent coalition of pro-democracy and anti-Structural adjustment forces for political liberalization and economic empowerment. The civil society formations that emerged as a result of these contestations, whether operating in online and offline communities, have a common agenda: to diversify or dilute power at the top, while fostering diverse views and advocating change through bottom-up mobilisation. These groups have been characterized with terms such as civic engagement, vibrancy, mobilization, contestation, criticism and opposition in the public realm. Civil society organizations made huge progress as vanguards in the struggle for democratization and the revision of certain economic policies, leading to government concessions of some subsidies and cost reductions of some social services.

How Closed Spaces Restrict Civic Engagement and Civil Society

The range of actors operating within the civic space is large, comprising both individual members of society as well as informal and formal civil society organisations (CSOs) including social movements, community-based organisations, indigenous movements, womens' organisations, youth groups, trade unions, independent media actors, NGOs, online discussion groups, etc. The activity of these actors within the civic space is essential to the healthy functioning and development of any society, and is considered a precondition for accountable governance and social justice.

A free and healthy civic space enable all members of society to contribute to public life by empowering them to exercise their fundamental rights of information, expression, assembly, association and participation. As such, when the civic space is restricted, human and civil rights are denied, government accountability is jeopardised, citizen voices are silenced, civic energy is sapped, confidence in state authorities is eroded and opportunities for dialogue and development are lost. Consider the following examples that reveal the extent of pressure active citizens and others participants in the civic spaces are now facing:

the power to detain individuals for up to three months without interrogation, trial or compensation, Decree 35 1993 – which empowered the military to confiscate and prohibit the circulation of any publication that undermines state security; Required all existing newspapers to re-register afresh. See, Usman A Tar (2009) *The Politics of Neoliberal Democracy in Africa: State and Civil Society in Nigeria*. Taurus Academic Studies. London. P110

¹³³Ebenezer Obadare (2016) *Humor, Silence and Civil Society in Nigeria*, Rochester Studies in African History and the Diaspora, University of Rochester Press, p4

¹³⁴Ebenezer Obadare (2005) *The Theory and Practice of Civil Society in Nigeria*, PhD Thesis, London School of Economics

¹³⁵Obadare

¹³⁶Ibid

¹³⁷Ikelegbe



On August 8, 2016, the Economic and Financial Crimes Commission (EFCC) arrested Abubakar Sidiq Usman, a prominent blogger based on allegations of cyberstalking. Another blogger and journalist, Musa Babale Azare, was arrested on the orders of the Bauchi Governor, Mohammed Abdullahi Abubakaron August 20, 2016. Again, section 24 of the Cybercrime Law on cyberstalking was cited. Similarly, the State Security Service (SSS) in Uyo, arrested Iroegbu Emenike, a blogger and publisher of Abia Facts, on September 6, 2016 while Jamil Mabai was arrested and detained by Police in Kaduna state for criticizing Katsina State Governor for purchasing 3000 metal coffins. On November 21, 2016, an Imo-based journalist, Aku Obidinma, was arrested by agents of the State Security Service over a media faceoff with the Deputy Governor of Imo state. He was charged and remanded in prison custody by a Magistrate court and forced to spend his Christmas holidays there despite meeting bail conditions.

Apart from the citizen stakeholders actively operating in the cyber sphere, the mainstream media have also not been spared from the restrictions on fundamental freedoms by state actors and their agents. In January 2017, police officers raided the Abuja office of Premium Times, arresting the Publisher, Dapo Olorunyomi and the judiciary correspondent, Evelyn Okakwu. The arrest was at the behest of the Chief of Army staff, who filed a complaint alleging defamation of character by the media house. The arrested journalists were later released without charges following intense pressure from civil and human rights groups, online advocates and concerned citizens.

As the above incidents make clear, there have been consistent restrictions on freedoms of expression both on the mainstream and social media spaces in Nigeria. The denial of civil and political liberties, surveillance and arrests of bloggers or political opponents, violations of personal or physical integrity rights, restriction of freedoms of expression on mainstream and internet media, are all unhealthy signals that indicate a repressed or closed civil society. When these signals are recurrent, they obstruct public participation in democratic engagement, bringing about an environment of state repression. Obstructions of this nature are reminiscent of the repertoires of repressive tactics traditionally utilised by military regimes. As evidence would subsequently show, civilian administrations are increasingly, resorting to these tactics to cow and coerce associational and non-associational life into submission.

¹³⁸EFCC under attack over arrest of Abusidiq. Naij.com Retrieved <https://www.naij.com/920308-breaking-efcc-attack-arrest-top-blogger.html>

¹³⁹AbdulWasiu Hassan. August 20, 2016. Policemen arrest Blogger in Abuja for criticising governor. Daily Trust. Retrieved <https://www.dailytrust.com.ng/news/general/policemen-arrest-blogger-in-abuja-for-criticising-governor/159656.html>

¹⁴⁰AminuAdamu. (October 10, 2016) After 22 days in detention for criticizing governor, Nigerian blogger gets bail. Premium Times, <http://www.premiumtimesng.com/news/headlines/212538-22-days-detention-criticising-governor-nigerian-blogger-gets-bail.html> . Samuel Ogundipe; Another bloggerarrested by State Agents. Premium Times. Retrieved from <http://www.premiumtimesng.com/news/top-news/209985-another-nigerian-blogger-arrested-state-agents.html>, September 7, 2016.

¹⁴¹Steve Uzoechi December 25, 2016. Activist spends Christmas in prison custody despite meeting bail terms. New Telegraph. retrieved <https://newtelegraphonline.com/news/sunday-magazine/activist-spends-christmas-prison-despite-meeting-bail-condition/>



The negative repercussions of shrinking civic space affect all sectors and spheres of society. By enabling citizens and CSOs to contribute to processes of public deliberation and decision-making, civic space help to ensure that government decisions reflect the priorities and needs of the population at large. When this space is denied, the relevance and responsiveness of government decisions, policies and programmes is jeopardised.

Closing civic space constrains the existence and operation of CSOs that contribute to societal and citizen well-being in different ways – by educating the public, protecting the environment, defending the interests of vulnerable groups, meeting basic needs, conducting social research and analysis, etc. CSOs also play an essential role as watchdogs of the State and as defenders of human and civil rights. When civic space shrinks, human rights and advocacy-oriented activists and CSOs, especially those who question or criticise the decisions and actions of the State or powerful non-state actors, are often specifically targeted. When such restrictions occur, protection against potential abuses of power, corruption, and violations of rights is diminished, jeopardising the security and well-being of society as a whole. Restrictions of civic space are also associated with increased marginalisation and extremism, which can in turn foment social unrest and political instability. On the other hand, the official respect for, and the protection of civic space contributes to the development of more open, peaceful, stable and prosperous societies.

Developing Indicators for Monitoring and Measuring Closing Spaces

Part of the purpose of this research is to develop a practical methodology for monitoring and measuring acts that repress and shrink civic spaces in Nigeria. Patterns of state repression have been the focus of large volumes of literature in the last 20 to 30 years (Hill & Jones (2014)). These include Apodaca, 2001; Conrad and Moore, 2010; Fein, 1995; Mitchel and McCormick, 1988; Park, 1987; Poe and Tate, 1994; Richards et al, 2001; and Stohl et al, 1986, including other authors dating back to 30 years ago. While there is a deluge of literature on this subject, there is none that specifically covers Nigeria. This gap was discovered by systematically reviewing literature on SCOPUS.

¹⁴²Samuel Ogundipe. January 19, 2017. Police raid PREMIUM TIMES head office; arrest publisher, journalist. Premium Times. retrieved <http://www.premiumtimesng.com/news/more-news/221012-breaking-police-raid-premium-times-head-office-arrest-publisher-journalist.html>

¹⁴³TAI

¹⁴⁴TAI



Ehwarieme (2011) examined repression from the angle of military stronghold on democratic governance and institutions. He argues that the military factor is in many ways, a predominant feature of Nigeria's 1999-to-date democratic experiment. For instance, many players in Nigeria's democratic experiment were past military administrators. Not only that, the greater number of the country's institutions were developed during the military era. Decades of military interventions or coups during the pre-1999 years instilled fear of the military among the populace. Joseph et al, (2008)

In an earlier definition, Goldstein (1978) argued that repression is the coercive behaviour employed by political authorities against individuals and groups within their territorial jurisdiction for the express purpose of controlling behaviour and attitudes. Davenport and Armstrong II (2004), suggest that repression of civil societies and democratic voices and spaces is likely to be used when:

- (1) the ruling authorities have the capacity to engage in such activity.
- (2) diverse political-economic factors forces such behaviour, and
- (3) few or no political-economic factors to prevent such action.

The three examples proffered by Goldstein, (1978), including the military influence described by Ehwarieme (2011) highlight features considered to be present in Nigeria's democratic experience. Quantitative research on state repression also lists examples of a number of incidents that have been used to measure civic repression. They include political bans, censorship, torture, mass killings, media censorship, and forced disappearance, among others. All these examples were cited in the repression analysis proffered by various authors such as Davenport, (1995; 1999); Harff, (2003); Poe et al, (1999) and Zanger (2000). The listed features largely characterise Nigeria's democratic environment, raising further questions about the quality, limits and freedom of the civic space.

¹⁴⁵Hill, D and Jones, Z. (2014). "An Empirical Evaluation of Explanations for State Repression", American Political Science Association, American Political Science Review, Volume 108, No 3

¹⁴⁶See, Apodaca, Clair. (2001), "Global Economic Patterns and Personal Integrity Rights after the Cold War." *International Studies Quarterly* 45 (4): 587–602. Conrad, Courtenay Ryals, and Will H. Moore. 2010. "What stops the torture?" *American Journal of Political Science* 54(2):459–76. Contreras, Carlos Alberto. Fein, Helen (1995), "More Murder in the Middle: Life-Integrity Violations and Democracy in the World, 1987." *Human Rights Quarterly* 17: 170. Mitchell, Neil J., and James M. McCormick. (1988), "Economic and Political Explanations of Human Rights Violations", *World Politics* 40 (4): 476–98. Park, Han S. (1987), "Correlates of Human Rights: Global Tendencies." *Human Rights Quarterly* 9 (3): 405–13. Steven C. Poe and C. Neal Tate (1994), "Repression of Personal Integrity Rights in the 1980's: A Global Analysis." *American Political Science Review* 88: 853–72. Richards, David L., Ronald D. Gelleny, and David H. Sacko. (2001), "Money With a Mean Streak? Foreign Economic Penetration and Government Respect for Human Rights in Developing Countries." *International Studies Quarterly* 45 (2): 219–39. Stohl, Michael, David Carleton, George Lopez, and Stephen Samuels. (1986), "State Violation of Human Rights: Issues and Problems of Measurement." *Human Rights Quarterly* 8: 592.

¹⁴⁷Ehwarieme William (2011). "The Military Factor in Nigeria's Democratic Stability, 1999-2009". *Armed Forces & Society*, 37(3) 494-511. Joseph, Richard. (2008). "Challenges of a 'Frontier' Region", *Journal of Democracy*, 19, 2. 101



While all the above authors provide deep insights into the concept of civic space and its key features, this study adopts the CIVICUS' far-reaching classifications of the civic space. CIVICUS classifies civic space freedom in various countries into five categories: open, narrowed, obstructed, repressed and closed. Each of these categories has their specific conditions. It goes further to classify the Nigerian civic space as 'obstructed'.

According to CIVICUS' classifications, a civic space is obstructed when state authorities undermine them, using illegal surveillance, bureaucratic harassment and demeaning public statements. Citizens can organise and assemble peacefully, but they are vulnerable to frequent use of excessive force by law enforcement agencies, including rubber bullets, tear gas and baton charges. Likewise, journalists face the risk of physical attack and criminal defamation charges, which encourage self-censorship.

On the other hand, a repressed civic space is one that is heavily constrained. Active individuals and civil society members who criticise power holders risk surveillance, harassment, intimidation, imprisonment, injury and death. People who organise or take part in peaceful protests are likely targets by the authorities who use excessive force, including the use of live ammunition, and risk of mass arrests and detention. The media, typically, reflects the position of the state, and any independent voices are routinely targeted through raids, physical attacks or protracted legal harassment. Websites and social media platforms are blocked and internet activism is heavily monitored. An atmosphere of fear and violence prevails, where state and powerful non-state actors routinely imprison, seriously injure and kill people with impunity for attempting to exercise their rights to associate, peacefully assemble and express themselves. Any criticism of the ruling authorities is severely punished and there is virtually no media freedom. The internet is heavily censored, many websites are blocked and online criticism of power holders is subject to severe penalties.

As findings would later demonstrate, CIVICUS's civic space freedom classifications sufficiently and succinctly describe the state of the civic space in Nigeria. In addition, past and present cases of civic space restriction in Nigeria indicate how the Nigerian formal or informal civic spaces oscillate within CIVICUS' categories of closed, repressed and obstructed. The civic space in Nigeria – as presently constituted – is thus an agglomeration of these categories all wielded into a single whole depending on circumstantial and conditional variations.

¹⁴⁸Goldstein RJ. (1978). "Political Repression in Modern America: from 1870 to the Present". Cambridge, MA: Schenkman

¹⁴⁹Davenport, Christian and Armstrong II, David, (2004), "Democracy and the Violation of Human Rights: A Statistical Analysis from 1976 to 1996", American Journal of Political Science, Vol. 48, No. 3, Pp. 538-554.

¹⁵⁰Poe, Steven, C. Neal Tate, and Linda Camp Keith (1999), "Repression of the Human Right to Personal Integrity Revisited: A Global, Cross-National Study Covering the Years 1977–1993." International Studies Quarterly 43:291–313. Zanger, Sabine C. (2000). "A Global Analysis of the Effect of Political Regime Changes on Life Integrity Violations, 1977–1993." Journal of Peace Research 37(2):213–33.

¹⁵¹CIVICUS RATINGS retrieved <https://monitor.civicus.org/Ratings/#obstructed>

¹⁵²Ibid.

¹⁵³Ibid.

¹⁵⁴Ibid.



Chapter 3: Data Collection across Nigeria's Geographical Regions

How did we collate data?

The methods used for this study are described in the preceding chapters. More specifically, we conducted field interviews across Nigeria's six geographical zones. The zones covered include the South-East, North-West, South-West, North-Central and South-South regions. Chinweuba, et al, (2014) argues that the division of these six zones is not necessarily based on geopolitical locations, but on states with similarities in culture, ethnic groupings and common history. Each geopolitical zone contains several states, ranging from five in the South East to as much as seven states in the North-West and North-Central zones.

Interviewing method of research involves the researcher asking a variety of questions within a set scope, and the researcher recording (and then analysing) the answers received by respondents. It is an engaging method in research (Robson: 2002). We employed interviews as the primary research method and displayed findings in an MS Excel Spreadsheet, published on the web. Within the scope of human rights violation monitoring, Guzman (2001) argues that investigation/documentation of events through interviews and the use of developed indicators are the two most common methodologies in monitoring human rights violation. Robson (2002) suggests that the interview format ensures depth of response by respondents. In addition, interviews, say Miller and Crabtree, (1999), lend themselves well when used in combination with other methods, as well as in a multi-method approach. It is against this backdrop that researchers interviewed communities, organizations and movements that either consider themselves to be repressed in the named geopolitical regions, or are actively using the civic spaces in their environments to advance their individual or collective agenda.

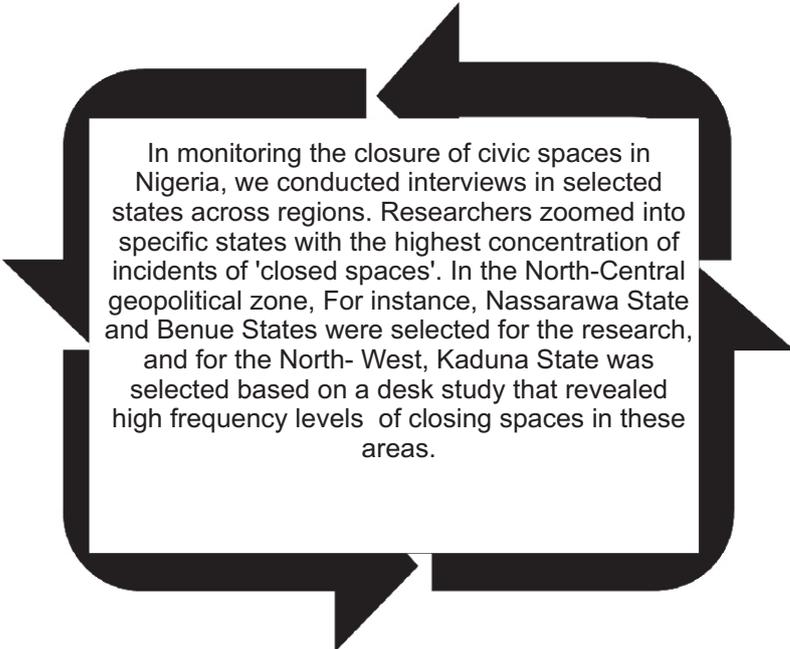
We carried out semi-structured and unstructured interviews because of the inherent flexibility they offer researchers. They are useful where the research focuses on the meaning of a particular phenomenon to the respondents, or where the respondents' historical accounts are needed to explain how a particular phenomenon developed or where exploratory work is required before a quantitative study can be carried out.

¹⁵⁵Chinweuba, Eze Titus., Okpala, Cyril Sunday, Ogbodo, Joseph Charles (2014) "Patterns of Inequality in Human Development Across Nigeria's Six Geopolitical Zones". *Developing Country Studies*. Vol.4, No.8, 2014. Retrieved file:///C:/Users/user/Downloads/12202-14554-1-PB.pdf

¹⁵⁶Robson, Colin, (2002), "Real World Research: A Resource for Social Scientists and Practitioner-Researchers", Blackwell Publishing, Second Edition.

¹⁵⁷Guzman Mario Manuel, (2001), "The investigation and documentation of events as a methodology in monitoring human rights violations", *Human Rights Information and Documentation System, International (HURIDOC)*, 48, ch. Du Grand-Montfleury, 1290 Versoix, Switzerland

¹⁵⁸Miller, W.L. and Crabtree, B.J, (1999). "Depth interviewing", In B.F Crabtree and W.L. Miller, eds, *Doing Qualitative Research*, 2nd edn. Thousand Oaks, California.



In monitoring the closure of civic spaces in Nigeria, we conducted interviews in selected states across regions. Researchers zoomed into specific states with the highest concentration of incidents of 'closed spaces'. In the North-Central geopolitical zone, For instance, Nassarawa State and Benue States were selected for the research, and for the North- West, Kaduna State was selected based on a desk study that revealed high frequency levels of closing spaces in these areas.

With approximately 400 ethnic groups, 450 distinct languages and over 184 million people across a 923,768-km² area, it was impracticable and impossible to conduct interviews in every state and the Federal Capital Territory given the constraints of time and resources for this research. Accordingly, in monitoring the closure of civic spaces in Nigeria, we conducted interviews in selected states across regions. Researchers zoomed into specific states with the highest concentration of incidents of 'closed spaces'. In the North-Central geopolitical zone, For instance, Nassarawa State and Benue States were selected for the research, and for the North- West, Kaduna State was selected based on a desk study that revealed high frequency levels of closing spaces in these areas. Owing to logistical difficulties and security concerns, no field interviews were conducted in the North East

ravaged by Boko Haram insurgency. While these limitations may present a drawback, the gaps in primary data were filled by capturing incidences across the entire country using authenticated reports from the electronic interviews, print media and the social media sources. The next sections details the interviews conducted, and presented in independent report format in a number of states.

Kaduna:

Democratic Engagement and Civic Space in Kaduna State

Through a combination of the research indicators and methodologies described above, the study sought to evaluate the effectiveness of the formal and informal civic spaces for democratic engagement in Kaduna State. The aim of the study is to establish whether civic spaces are either expanding or receding in the state. In reaching these conclusions, researchers also examined the human rights situation in the state in order to understand the limitations (if any), placed on the enjoyment of human rights and fundamental freedoms. In light of the above, the research in Kaduna State targeted key stakeholders drawn from the political, security, religious, media and civil society sectors in the state. About ten civil society actors were interviewed in face-to-face discussions. Two interviews were conducted online via Skype, and another respondent preferred a telephone interview. In all, thirteen respondents were interviewed between the November 28 and December 1st, 2016.

¹⁵⁹Powney, J and Watts, M. (1987), "Interviewing in Educational Research", London: Routledge & Kegan Paul.



~ Findings ~

In Kaduna State, SPACES FOR CHANGE found a civic space that is constrained, and totally disrespected by state actors. In a way, the civic space in Kaduna State, depending on the issues and actors, oscillates between repression and obstruction. In particular, the analysis of all the interviews conducted in the state point towards an obstructed civic space. From place to place, interview respondents told SPACES FOR CHANGE that Kaduna State authorities are generally intolerant of the media, either the press or the internet. Consistent with the features of an obstructed civic space, media programs, especially on the radio, or statements perceived to be unfavourable to the government are either shut down or the personalities behind them trailed, arrested, illegally detained or 'invited for questioning'. The case involving Gabriel Idibia of the Union newspaper, a local newspaper, is a classic example. For 13 days, he was held in prison custody for publishing a story about Kaduna State Governor El- Rufai's alleged ownership of assets running into billions of Naira.

~ Gloria Ballason

In another instance, Gloria Ballason, a human rights activist and anchor of a radio programme, 'House of Justice' had her radio programme forcefully taken away from her and reassigned to another person because the state authorities found her radio programmes 'troubling' and 'upsetting'.

Narrating her ordeals, Gloria Ballason told SPACES FOR CHANGE how her radio programme was shutdown:

"I was away for about two months, but we had recordings and our programme continued to air. I was going to do a live session when I returned, but was told that I couldn't go on air. Reason was that 'they' had gotten someone to take over my programme. I said that's ridiculous because you cannot get somebody to take over the programme of another institution. We had sole intellectual property rights to it... We kept asking what the issues were, but nobody was saying anything to us. We would later hear from reliable sources that the government was very uncomfortable with our programme.....The thing about wanting to shut down civic spaces in Kaduna State is real...' Gloria Ballason.

In another instance, Ms. Gloria had through her radio programme, intervened in the case of a Cadet Officer, Elshadai Kwasu, killed at the Nigerian Defence Academy. The late Cadet Officer, whose death was avoidable, was a victim of deliberate negligence by his military trainers. The late Cadet's father, a retired senior military officer came on the programme to air his views regarding his son's death. In an interview, SPACES FOR CHANGE learnt that:

¹⁶⁰Interview with Gloria Ballason on 1/Dec/2016



Cadet Elshadai Kwasu was going through one of the exercises that required swimming. It was apparent that he was afraid of water. He was not given a life jacket or any safety equipment. It was probably not his turn, but they pushed him into the water, Kainjimi dam, which is very deep. They left him there where he struggled for his life until he died. When he died, the Nigerian Defence Academy did not have any rescue team or resuscitating equipment. As a result, they couldn't get the body out and had to rely on local fishermen who brought out his body with a fishhook. When you have that kind of situation, it is very terrible because it just shows that there is no respect for human life.

Continuing the story, Gloria Ballason disclosed:

After we aired the programme, we invited the Nigerian Defence Academy (NDA) to the show to tell their own side of the story. Traditionally, we always bring all parties involved in any contentious issue to the radio programme to enable them state their own part of the story. In this case, the NDA wouldn't come. And so, we kept announcing it for weeks, urging the NDA to come and clear the allegations against the institution. The next thing we saw was a query from the National Broadcasting Commission claiming that the Nigerian Defence Academy had petitioned them, legging that we were biased. Up to the time we received a query, we still left the door open for them to come up and speak to the issues raised, but they never did.

The closure of the radio programme did not go without threats and intimidations from serving and non-serving officers of the Nigerian military. Gloria told SPACES FOR CHANGE that there were verbal threats telling her 'not to jeopardize the tradition of the military'. Rather than deter her or weaken her resolve, Gloria Ballason persisted in her pursuit of justice for the deceased officer. She subsequently petitioned the National Human Rights Commission and launched a campaign, Rights Ring the Gun, which focused on demanding accountability and justice in security agencies and institutions. Nothing demonstrates Ms. Ballason's zeal to challenge the closing spaces in Kaduna State more than the 'fundamental rights enforcement' lawsuit she filed against Governor El-Rufai over his public threats directed at her. On May 15, 2017, she obtained a judgement against the Governor of Kaduna State. The Kaduna State High Court found that her constitutionally-protected rights to life, liberty, thought and right to expression were likely to be breached, and consequently, restrained the Governor of Kaduna state, Mallam Nasir El-Rufai and its agents from arresting, prosecuting and jailing the applicant. She was also awarded the sum of Fifty Thousand Naira (N50,000).

¹⁶¹Interview with Gloria Ballason on 1/Dec/2016

¹⁶²ibid

163. On January 17th 2017, Governor Nasir El-Rufai made an announcement during a visit by the Nigeria Bar Association's president Mahmoud AbubakarBalarabe, SAN and his team that he will "arrest and prosecute" Gloria MabeimBallason for the "dossier of her work which the government is compiling including her article in the *Blueprint Newspaper* of 28th November, 2016."



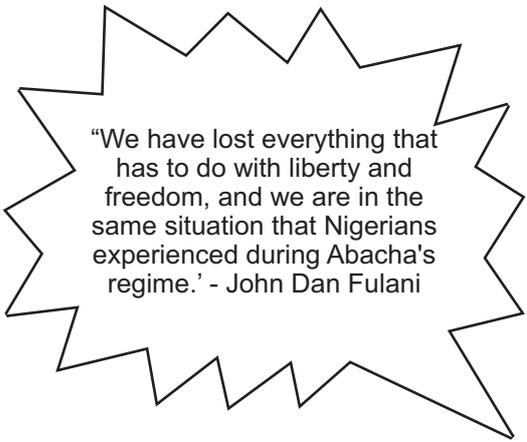
~ John-Dan Fulani

The case of Dr. John Dan Fulani is noteworthy. He was remanded in prison for criticizing the government of Governor El-Rufai in his Facebook posts. Dr. Fulani was charged for attempting to ignite hatred and contempt under Sections 417 and 418 of the Penal Code Law. The so-called 'offensive' Facebook posts lamented the perennial fuel scarcity in Nigeria, the huge foreign exchange differentials between the Naira and other currencies, and the high number of out-of-school children in the northern part of Nigeria. In August 2016, a local Magistrate Court ruled in his favour, and dismissed the case for lack of merit. The State Government did not contest the rulings of the Magistrate Court. Instead, the State Government filed a fresh suit based on the same set of charges. On October 26, 2016, he was, again, remanded in prison custody for 13 days.

In an interview with SPACES FOR CHANGE, Dr. Dan Fulani stated:

'Liberty (and freedom) is under attack. The present administration, in Abuja and Kaduna, are in the forefront of victimizing, threatening and arresting citizens. It has been rough for activists trying to make sure the frontiers of rights are not broken down by the current administration and in the process of doing that, some of us have been arrested and prosecuted. They are not ready to respect judicial pronouncements and judicial proceedings. They have their men and women in the -judiciary and Ministries of Justice who are ready to play dirty.'

Public advocacy and critical statements that aim to challenge executive inaction in the state have been officially labelled as 'hate speech'. As we shall see, what constitutes 'hate speech' for the Kaduna Government is different from the extant meaning of hate speech. According to Dr. Fulani, the State Government's definition of hate speech is nothing other than voicing out your misgivings against any government policy or taking a critical look at the action of a particular government functionary. In other words, the state's understanding and application of 'hate speech' is overly broad, and this is dangerous. It is so broad that it extends to self-defence. For instance, when you say 'self-defence' or 'defend yourself', you could be arrested because that is regarded as hate speech. Continuing, Dr. Dan Fulani reminds that the Nigerian 1999 Constitution recognizes self-defence. Not only that, self-defence is also a fundamental human right and it has a place in the Geneva Conventions. These developments in Kaduna State forced social critics like Fulani to conclude that 'we have lost everything that has to do with liberty and freedom, and we are in the same situation that Nigerians experienced during Abacha's regime.'



"We have lost everything that has to do with liberty and freedom, and we are in the same situation that Nigerians experienced during Abacha's regime." - John Dan Fulani

Just like Gloria Ballason, Dr. Dan Fulani remains undeterred despite his re-arraignment and detention in prison. Nevertheless, he regards the fresh charges brought against him as a clear violation of the judicial process. The proper procedure for the courts to follow is to appeal against the verdict of the lower court. Not only that, the charges slammed against him constitute bailable offences under the law. For such offences, an accused person can be arrested,

¹⁶⁴Luka Binniyat (28 October 2016) *Anti-Govt Comments: Kaduna lecturer to remain in prison until November 7 Vanguard*. Retrieved from <http://www.vanguardngr.com/2016/10/anti-govt-comments-kaduna-lecturer-remains-prison-till-nov-7/>



invited or summoned to appear before a court. Imprisonment only becomes necessary if the accused refused to answer to the charges or come to court whenever required to do so. In this particular case, all established rules of criminal justice were not followed. Bail was denied while imprisonment was the first or only option the court considered. Dr. Fulani believes the second court was clearly acting out a script.

~ Contracting Media Spaces

Kaduna State is replete with stories akin to that of Gloria Ballason and Dan Fulani. In the majority of cases, vocal critics actively using the social media to propagate their messages seem to be predominantly targeted by state actors. Consider the case of Abdullahi Adamu who was 'invited' by Kaduna police for questioning and subsequently harassed over a Facebook post that was considered critical of the state government. Mainstream journalists working for traditional media institutions have also, not been spared from the campaign of harassment and abuse ostensibly designed to gag press freedom in Kaduna State. Reuben Buhari, a media aide to former Kaduna State Governor, Late Patrick Yakowa suggests that the wave of recurrent attacks on media personalities and institutions did not begin with the administration of Governor El-Rufai. He (Reuben) was invited for questioning and subsequently arrested around March 2013 for daring to speak up for his Southern Kaduna people who were at the time, and up till this moment, being systemically wiped out or pushed into extinction by rampaging Fulani marauders through acts variously described as pogrom, ethnic cleansing, pure genocide and terrorism.

Reuben was arrested for posting gory pictures of the 2013 Bondong killings in Kaura Local Government, Southern Kaduna where over one hundred people were killed. He posted these images in Facebook group of Southern Kaduna indigenes named Gurara Forum. Because of the gory nature of the images, he attached a viewers' discretion notice to them. During his arrest, he was accused of inciting the public with the said pictures. Several times too, he was invited for questioning at the State Police Headquarters, Kaduna. Shortly after the rounds of invitations and questioning, Reuben was arrested and taken to Abuja, the national police headquarters, on the orders of the then Inspector General of Police.

In his interview with SPACES FOR CHANGE, Reuben narrated how he was whisked to Abuja like a common criminal in a convoy of two Operation Yaki vehicles, accompanied by 12 heavily-armed security operatives of the State Anti-Robbery Squad (SARS). One was blaring the siren and clearing the way, while the other vehicle was carried him and the horde of security operatives. His arrest charged an already-tensed atmosphere, soaking up the social and political oxygen in Kaduna State. Southern Kaduna youths prepared for major protests the next day, as #FreeReuben campaigns trended on social media spaces.

¹⁶⁵Phone Conversation with Dr John Dan Fulani 21/Dec/2016

¹⁶⁶Abdullahi Adamu, retrieved 30 December 2015 <https://www.facebook.com/photo.php?fbid=1041164755915472&set=pcb.1041165415915406&type=3&theater> - Interview with Top Public Servant in Kaduna

<https://www.facebook.com/search/top/?q=IstandwithAdamuAbdullahi>

Joseph Midat was arrested in April 2017 for publishing a report that was deemed critical of the Kaduna Government. The case is currently in court.

<https://www.thisdaylive.com/index.php/2017/04/20/police-arrest-leadership-correspondent-in-kaduna/>



The pressure was so intense that the then Kaduna State Commissioner of Police had to call the Abuja-based Inspector General of Police, notifying him about the palpable fear and tension in the state, especially in the southern part. By speaking up for millions of people, his reputation soared among the local populations, majority of whom believed that he was being witch-hunted. He was released the next day following intense pressure on the police authorities from civil society activists, lawyers, journalists and the wider section of Kaduna society.

When asked about the obstruction of the media space in Kaduna state, Mordecai Ibrahim, a Kaduna State-based publisher and journalist told SPACES FOR CHANGE that the government of Kaduna State, particularly the El-Rufai administration has gained notoriety for media repression. In his words:

'Governor Ahmad Nasir El-Rufai does not want to be criticized, even though he enjoys criticizing people. Governor El-Rufai does not want to be scrutinized, even though he enjoys scrutinizing people when he was out of government. He wants to be believed hook, line and sinker...and whatever he tells the people, they should take it. You are not allowed to publish any story that is 'anti- government' in Kaduna State. If you publish any story that is not in favour of government, you would be blacklisted.

The journalists SPACES FOR CHANGE interviewed in Kaduna State agreed with Mordecai's statements. For instance, another Kaduna State-based journalist, Saxone Akhaine, reiterated that the present administration in Kaduna State does not enjoy being criticized or scrutinized. 'The state government does not hesitate to throw up flimsy accusations of libel against journalists who do not play by the rules of their game', he emphasized. Israel Bulus, a Kaduna-based journalist and Senior Correspondent of Elanza News.com, described the media space in Kaduna as 'increasingly constrained' because journalists and media practitioners are tagged, 'anti-government', when they criticize government policies.

¹⁶⁷Interview with Reuben Buhari, 1 November 2016

¹⁶⁸Phone Conversation with SaxoneAkhaine, 21/Dec/2016





Why do media practitioners keep silent? Why are they not speaking up as they used to? All the persons interviewed told SPACES FOR CHANGE that they keep quiet for fear of harassment by security agencies. In addition, the mainstream media relies mainly on government patronage. Consequently, there is an unwritten rule that forces media institutions not to publicize one story or the other, or to look the other way so as to operationally remain in business.

The Rise and Cost of Silence

As facts detailed above suggest, the clampdown on social media users, especially on social critics, has reached concerning levels. Whether through verbal threats, arbitrary transfers of journalists, arrests and prosecutions, the study observed and documented a plethora of sustained official attempts to gag the press, and shrink the spaces for civic engagement. It has been argued in some quarters that the docility of media practitioners contributes to the growing wave of repression in the state. Social critics like Ahmed Maiyaki belong to this school of thought. He contends that social media users and media practitioners are no longer as active as they were before the 2015 general elections. The declining participation and engagement in media activity has led to deliberate self-censorship.

Why do media practitioners keep silent? Why are they not speaking up as they used to? All the persons interviewed told SPACES FOR CHANGE that they keep quiet for fear of harassments by security agencies. In addition, the mainstream media is reliant on government patronage. Consequently, there is an unwritten rule compelling media institutions not to publicize one story or the other, or to look the other way so as to operationally remain in business.

Speaking up comes with other costs such as arbitrary transfers of journalists from one station to the other, especially those in remote locations. For instance, SPACES FOR CHANGE learned about the Bureau Chief of a major newspaper in Kaduna State that was transferred to Abuja because of some reports he wrote against the state government. Such transfers leave the affected journalists with two difficult options: to either consider resigning or to endure the humiliation of a forced transfer. Journalists that do not want to get into trouble simply avoid reporting the 'sensitive' or 'controversial issues'. This enables the media organizations they work for to continue enjoying government patronage.

Tellingly, the stifling of basic freedoms seemingly transcends the usual spaces for civic expression and the civil society, but also, extends to the political spaces too. In this regard, discussions with key members of opposition political parties reveal a raucous labelling and persecution of political dissent in Kaduna State. Consider the explanation below by a top civil servant and member of the major opposition party, the Peoples Democratic Party (PDP):

"Because you supported PDP, somebody would look at you and call you an unbeliever; somebody would look at you and call you a gay; somebody would look at you and call you a bloodsucker; somebody would look at you and call you a Boko Haram member. Like now, people are calling us 'Shiites' if we criticize the President. It is a crime to be in

¹⁶⁹Israel Isue, a Kaduna-based journalist and Senior Correspondent of *ElanzaNews.com* narrated how the Senior Special Assistant on Media and Communications, Muyiwa Adekiye, threatened him at the Kaduna State Government House.

¹⁷⁰Interview with Ahmed Maiyaki 29/November 2016



Adam Gallinsky et al posit that labelling signifies that one is a member of a stigmatized out-group, someone who is not worthy of respect. Being labelled as such can serve to strengthen and justify inequities in status, keeping the labelled person in a subordinate position. The fear of being labelled negatively possibly explains why political opponents join practitioners to abstain from activities considered to be critical of the government.

the opposition now unlike the time of the PDP where being in the opposition was very interesting. It was then, so very interesting that sometimes, I felt like joining the opposition."

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Some commentators measure the level of civic repression and closing spaces in the Nigerian polity by drawing comparisons between the Buhari and Jonathan administrations. Overall, commentaries show huge differentials in public opinion regarding the level of respect accorded to civic freedoms and democratic engagement during the two regimes. Social commentators like Maiyaki argue that the spaces for constructive political engagement are disappearing. These spaces are so closed that the political opposition is now crushed, and practically absent both at the federal and state levels. Some others opine that the incumbent administration launched a vicious and calumnious campaign against the last administration using the social media. It confounds many that the same political actors that reaped immense benefits from social media advocacy would turn around to exhibit such concerning levels of political intolerance, to the extent of arbitrarily ordering the arrest of internet users, bloggers and practicing journalists. Some of the reasons adduced above probably led one commentator to conclude that democratic engagement under the ruling government is under siege.

-The Problem in Southern Kaduna

The carnage and wanton killings in the southern part of Kaduna State deserves notable mention. The killings have continued unabated, compounded by the unwillingness of the state government to act decisively, leading to the systematic pattern of human rights violations, especially the rights to life and liberty. The indecisiveness of state authorities in containing the crisis is well-documented. In a press statement issued by the Catholic Diocese of Kafanchan, Kaduna State, the

¹⁷¹ Interview with top Kaduna Civil Servant 29/November/2016

¹⁷² Adam D. Galinsky, Kurt Hugenberg, Carla Groom and Galen Bodenhausen, The Reappropriation of Stigmatizing Labels: Implications for Social Identity; p.222. <http://faculty.wcas.northwestern.edu/bodenhausen/reapp.pdf>

¹⁷³ Adam D. Galinsky et al, ibid p.222.



Bishop of the diocese, who is also the Chairman of Southern Kaduna Elders' Association, Most Revd. Joseph Danlami Bagobiri, alleged that Kaduna State governor was using state apparatus to harass and intimidate those who dare challenge the manner in which the crisis is being handled. The statement read in part:

“The attitude of the state government has been marred by lots of complicity and bias which exacerbated rather than ameliorated tensions. The governor in most cases seemed to have abdicated his responsibility of being governor to all us, and instead, gave in to the luxury of waging an unrelenting media campaign against Southern Kaduna people. He unabashedly takes sides with the armed herdsmen (his kinsmen) thereby failing in his responsibility as a true statesman, becoming therefore a biased umpire who blames and criminalises Southern Kaduna victims as the cause of the mayhem.

The governor has made several efforts in the media to discredit figure of casualties that were arrived at through painstaking research, and is known for trying to change the true narrative by presenting the victims as the villain and the aggressors as the prey. The governor has the penchant of using state apparatus to insult, denigrate, intimidate, arrest and put in prison all voices of reason from Southern Kaduna who dare to challenge his handling of this crisis.

Among those that have fallen victims of his tyranny are traditional rulers, journalists, youths, political leaders, academicians, while threatening our lawyers and other leaders (religious and unions) with arrest for daring to speak out against the genocide. The primary responsibility of government as enshrined in the constitution is the protection of life and property of citizens irrespective of ethnic and/or religious persuasion. Any breach of this fundamental principle of social contract contravenes the very reason for which government exists for.

Unfortunately, our government, both at the federal and state levels has failed woefully in this regard because of their inability to rise above ethnic and religious bias. If anything, government has shown outright partisanship in favour of the herdsmen to the disappointment of the majority Southern Kaduna indigenes. Because of government's inability to serve as an un-biased umpire in the face of these crises, we are sometimes tempted to believe that there is a well-planned Jihad against the people of Southern Kaduna and Christians generally in Northern Nigeria as this is amply demonstrated by the incessant attacks and atrocities against the aborigines of the Middle Belt region in Northern Nigeria.

The sole aim of these attacks is to conquer our people and occupy their lush lands and turn same into grazing fields for the marauding nomads. The governor of Kaduna State is

¹⁷⁴Southern Kaduna Killings: Catholic Church Accuses El-Rufai of Alleged Bias, THISDAYLIVE, April 19, 2017: <https://www.thisdaylive.com/index.php/2017/04/19/southern-kaduna-killings-catholic-church-accuses-el-rufai-of-alleged-bias/>



pursuing this detestable policy by his plan to forcefully take over lands in Southern Kaduna and turn same to grazing reserves and routes for his kinsmen.

To show government's insensitivity on this volatile matter, there are ongoing expansionist plans to annex more land to the already existing grazing reserves at Ladduga in Ikulu chiefdom of Zangon Kataf Local Government Area and transmute that locality from being a district into an emirate. The killings continue unabatedly in fields and bushes, thereby preventing farmers from visiting and cultivating their lands."

A number of individual accounts and group demands corroborate the facts alleged in the Catholic Diocese of Kafanchan's press statement above. In May 2017, the apex Southern Kaduna socio-cultural body, Southern Kaduna Peoples Union, (SOKAPU) advised Kaduna State Governor, Nasir el-Rufai, to resign if he cannot stop the crisis in the state, mainly targeting the ethnic minorities. The group alleges that state government's failure to contain the attacks 'portrays a deliberate connivance with the attackers'.

~ Operation Write-About-Kaduna-And-Get-Into-Trouble!

The increasing restrictions on the freedoms of expression and information drop further hints regarding the extent civic spaces are closed to actors determined to challenge state's indecisiveness in handling the Kaduna killings. Reportage of the killings in Southern Kaduna is reportedly frowned upon by both the Federal Government and Kaduna State authorities. On several occasions, practicing journalists who report these killings have been harassed, labelled, threatened with arrests and blacklisted by state authorities. A journalist told SPACES FOR CHANGE:

'any story you write that has to do with Southern Kaduna, you are considered a persona non-grata to the government of Kaduna state. You are an enemy to the government.'

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¹⁷⁵Eniola Akinkuotu, Southern Kaduna asks el-Rufai to resign, The Punch, May 2, 2017: <http://punchng.com/southern-kaduna-asks-el-rufai-to-resign/>

¹⁷⁶Phone Conversation with Mordecai Ibrahim 5/December/2016



For daring to write about the mass killings in Southern Kaduna, the plethora of arrests, detentions and prosecutions of other persons, including journalists, from Southern Kaduna, give cause for concern. In a statement, SOKAPU broadcasted that “besides arresting, detaining and prosecuting several people from our communities including some traditional rulers and journalists, the Kaduna State Government has a list of targeted individuals from our communities simply because those individuals are 'the stubborn community leaders or leaders of SOKAPU' or just outspoken against the government.” In the same statement, SOKAPU revealed that six young men from different Southern Kaduna villages namely: Joshua Baba, Reuben Baba, Lot Sule, Zabrang Bamaïyi, Usman, and yet to be identified youths have been in detention, without trial, at the Nigerian Air Force Base in Kaduna for over two months at the instance of the Kaduna State Government.

~ Kaduna's Government's Response to Herdsmen Attacks and the Festival of Deaths

SPACES FOR CHANGE's interviews with representatives of community movements, religious leaders, faith-based groups, the civil society and the media on this issue saw stakeholders unanimously appealing to the state government to change the way it is handling the Southern Kaduna crisis. Without an exception, they vociferously condemned the pattern of killings in the area. To many, the killings are nothing short of an organized massacre aimed at exterminating and depopulating the people of Southern Kaduna. A peace worker and board member of the Interfaith Mediation Centre and United Religions Initiative (URI), has been involved in conflict mediation efforts in Kaduna State. According to him, it is either the Kaduna State government through its inaction, deliberately allows the killings in the southern part of the state to take place, or that the killers are being encouraged by the government.

He premised these strong allegations on Governor El-Rufai's body language and his public utterances regarding the crises in Southern Kaduna.

In an interview with the Hausa Service Voice of America, the governor reportedly stated:

'The Fulanis have lived in that part (Southern Kaduna) for more than 200 years, how can they come and call them non-indigenes.'

That statement, the URI peace worker argues, is pregnant with varied meanings. One meaning that is clear from that statement is that the governor is fully in support of the Fulani herdsmen

¹⁷⁷Phone Conversation with Mordecai Ibrahim 5/ December/2016

¹⁷⁸EniolaAkinkuotu, Southern Kaduna asks el-Rufai to resign, The Punch, May 2, 2017: <http://punchng.com/southern-kaduna-asks-el-rufai-to-resign/>

¹⁷⁹Secretary of the Kaduna branch of the Christian Association of Nigeria (CAN), Reverend Sunday Ibrahim, and President and General Secretary of the Southern Kaduna People's Union (SOKAPU), Dr Solomon Musa and MrAntoAnbiOgah and a peace worker of the Interfaith Mediation Centre and United Religious Initiative (URI), Mordecai Ibrahim, Publisher of Prevailing Truth and New Impression Magazines and Gloria Ballason of House of Justice

¹⁸⁰Interview with a Kaduna-based peace worker 29/November 2016



because they have lived in (Southern Kaduna) for 200 years, and therefore, should enjoy the same rights as the indigenes in land use and possession. Furthermore, Governor El-Rufai's plan to establish grazing reserves in Southern Kaduna sparked public outcry, especially in the southern part of the state where locals were resolutely opposed to the idea of reserves, forcing the governor to back down on this plan. Making a U-turn from the original plan, the Kaduna State government decided to establish cattle ranches instead of grazing reserves. Among a litany of reasons cited for rejecting the grazing reserves, the people in the southern part of Kaduna State have been victims of attacks by Fulani herdsmen. Communities have been raided, resulting in the killing of people and destruction of property. Southern Kaduna People's Union (SOKAPU) disclosed that between 2011 and 2015, they have documented over 200 attacks on different communities in the area by Fulani herdsmen, with over 4,000 people killed. In most of the affected communities, women and children were brutally murdered in a most barbaric manner: hacked to death, burnt alive and or blown up with explosives. Solomon K. Musa, SOKAPU leader described the ongoing killings in Southern Kaduna as 'genocide'. In his words:

"What we have is pure pogrom, pure cleansing, pure genocide like what happened in Rwanda and Bosnia/Herzegovina. You find a situation where people living in their houses are killed in the dead of night. Now, it has graduated from the dead of night to daytime attacks without cause, without rhyme, without reason, and without justification. They are slaughtered, butchered, maimed, raped, and killed in cold blood. I want to put that in very clear perspective... what we have is akin to genocide."

SOKAPU President told SPACES FOR CHANGE that the Fulani terrorists have primarily targeted indigenous minorities and Christian communities and settlements in the southern part of the state, giving the conflict an ethno-religious coloration. Examples of attacked communities include Ninte, Golkofa, Anguan, Bondong, Kabamu, Takat, Anpong, Kobi, Ambi, Farrdan Karshi, Dogon Daji, which are in Sanga Local Government. Others are Ninte, Angwon Aju, Golkofa, Bedabiu, Dogonbiji, Antan, Godogodo all in Jemmah Local Government, including Chawe chieftdom.

Musa heaps the blame at the door of the Kaduna State government and the Federal government, mainly because of their slow response to the ongoing carnage in the heavily-forested region of north-west Nigeria. According to him:



Government has been tepid in its response. Government's response has been half-hearted; Government has not shown sufficient interest in ending the unprovoked attacks. In any case, with all sense of responsibility, Government has not shown sufficient interest

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¹⁸¹Grazing Reserves: Kaduna Makes Pleasant U-turn, ThisDayLive, August 7, 2016: <https://www.thisdaylive.com/index.php/2016/08/07/grazing-reserves-kaduna-makes-pleasant-u-turn/>

¹⁸²Grazing Reserves: Kaduna Makes Pleasant U-turn, ThisDayLive, August 7, 2016: <https://www.thisdaylive.com/index.php/2016/08/07/grazing-reserves-kaduna-makes-pleasant-u-turn/>

¹⁸³Interview with Southern Kaduna People's President (SOKAPU) 30 November 2016



at all. Nevertheless, if anything, we want to say with all sense of responsibility that the posture of government has encouraged the killings."

The uncontested facts embodied in a deluge of independent analysis and press statements implicate Governor El-Rufai in the perennial crises besetting the southern part of the state. Just like the URI peace worker, Solomon Musa links Governor El-Rufai's public statements to the carnage in Southern Kaduna. In a live television programme, Governor El-Rufai reportedly disclosed that the killings in Southern Kaduna were revenge attacks for the April 2011 presidential elections in Nigeria in which a number of Fulani herdsmen were killed during the 2011 post-election crises. Since the Fulani have a long memory of avenging killings, their relations – whether living in Nigeria or in neighbouring countries and regions in the African continent – have taken up that responsibility. El-Rufai confessed to having taken steps to reach out to the herdsmen living in neighbouring to discontinue the attacks. In December 2016, Kaduna State Governor Nasir el-Rufai again, disclosed that his government has traced some violent, aggrieved Fulani to their countries and paid them to stop the killings of Southern Kaduna natives.

For SOKAPU, El-Rufai's explanation provides no reasonable justification for the systematic cleansing of ancestral homelands in Southern Kaduna. Beyond the public statements, SOKAPU also refers to the Twitter and Facebook posts the governor made before he was elected. Many of them point to his moral suasions, and expose his biases towards the people of Southern Kaduna. They also attribute the indifference and insufficient interest shown by the state towards the killings in Southern Kaduna to the conspiracy of other northern states. For instance, the governments of Kaduna, Kebbi, Zamfara, Niger and Katsina states jointly took action to end the menace of cattle rustling in their respective states, particularly in the Birnin-Gwari axis, but the same concerted efforts have not been employed to end the killings in Southern Kaduna.

The continuing genocidal killings in South Kaduna left SOKAPU with no other option than to clamour for self-defence. While urging its members not to take laws into their hands, SOKAPU has however, encouraged them to employ every available means to defend themselves, their properties and dignity against anyone set out to terrorize them. Condemning the clamour for self-defence, Kaduna State Governor El-Rufai argues that such calls constitute 'hate speech', and warned that those advocating for self-defence will be arrested and prosecuted. The criminalization of self-defence comes at a time of continuing official inaction to the scale of the humanitarian crisis resulting from the killings in Southern Kaduna, with thousands of people displaced and many children forced out of school. State inaction, as facts demonstrate, represents a clear abdication of constitutionally-mandated duty of protecting lives and securing properties. The current situation in Kaduna, which is further compounded by deliberate and sustained executive indifference to the plight of the affected groups, is consistent with state repression, based on CIVICUS classifications.

¹⁸⁴Interview with SOKAPU President on 30/Dec/2016

¹⁸⁵Ibid.

¹⁸⁶Vanguard News, 'We've paid some Fulani to stop killings in Southern Kaduna – El-Rufai', December 3, 2016, Read more at: <http://www.vanguardngr.com/2016/12/weve-paid-fulani-stop-killings-southern-kaduna-el-rufai/> Read more at: <http://www.vanguardngr.com/2016/12/weve-paid-fulani-stop-killings-southern-kaduna-el-rufai/>

¹⁸⁷Interview with SOKAPU President 30/Nov/2016

¹⁸⁸Garba Muhammed. (Dec 8, 2016) Interview: Our Actions to resolve Shiite IMN, Southern Kaduna Crises Premium Times. <http://www.premiumtimesng.com/news/headlines/217355-interview-our-actions-to-resolve-shiite-imn-southern-kaduna-crises-el-rufai.html>

¹⁸⁹Interview with SOKAPU President 30/Nov/2016



-The Islamic Movement of Nigeria

Also known as the 'Shi'ites, the Islamic Movement of Nigeria (IMN), as the name implies, is an Islamic sect propagating the ideals of Islam and its application to the entire life of mankind. Headquartered in Zaria, Kaduna State and led by Ibrahim Zakzaky, IMN has at different intervals, come under incessant attacks, well-coordinated massacres and military brutality sponsored by both state and non-state actors. The infamous December 12 to 14, 2015 massacre of Shi'ites by the Nigeria Army left hundreds killed in one fell swoop, shocking national conscience. The brutal military onslaught targeted the movement's major worship centers such as the Hussainiya Baqiyyatullah mosque, the religious centre in the Gyellesunighbourhood, the home of the Shi'ite leader, and at the sect's burial ground, Daral-Rahma.

Beyond state-sponsored brutality, the Shi'ites have also been victims of coordinated attacks by other non-state actors. On November 27, 2015, a Boko Haram suicide bomber attacked members of the group, during one of their annual procession in Kano State, killing 21 members. The July 25, 2014 clash between the Nigerian Army and the Shi'ites during a procession to mark the Quds Day resulted in 35 deaths, including three sons of Sheik El-Zakzaky, the leader of the movement.

The Shi'ites sect of Islam with extensive links to Iran, has historically been locked in sectarian conflict of supremacy with the other major Islamic sect, the Sunni. With the majority of Islamic adherents in Nigeria belonging to the Sunni sect, the current attacks on the Shi'ites have been linked to the age-long schisms between the two sects. Consistent with this speculation, members of the Shi'ite movement regard the attacks as an extermination campaign.



Shi'ite leader, Ibraheem El-Zakzaky

¹⁹⁰Interview with Ibrahim Musa

¹⁹¹Boko Haram Claims Suicide Attack on Muslim Procession, (29 Nov, 2015) Vanguard. Retrieved <http://www.vanguardngr.com/2015/11/boko-haram-claims-suicide-attack-on-muslim-procession/>, Sheik Zakzaky's 3 sons, 9 others die in Nigerian troops, Shiite Muslims clash. (July 26, 2014). Vanguard. Retrieved <http://www.vanguardngr.com/2014/07/sheikh-zakzakys-son-10-others-died-nigerian-troops-shiite-muslims-clash/>

¹⁹²NPR Special Series, As Iran Exported Its Shiite Revolution, Sunni Arabs Resisted, February 14, 2007, Accessed May 15, 2017: <http://www.npr.org/2007/02/14/7392405/export-of-irans-revolution-spawns-violence>

¹⁹³Interview with IMN Media Spokesperson, Human Rights Watch (December 22, 2015) Nigeria: Army Attack on Shi'a Unjustified. Retrieved <https://www.hrw.org/news/2015/12/22/nigeria-army-attack-shia-unjustified>

¹⁹⁴Interview with IMN Media Spokesperson, Ibrahim Musa



Particularly aggravating the religious crisis in Kaduna is the conflicting accounts of the Army and the IMN regarding the incidents and circumstances that led to the killings. While official figures say 347 people were killed, and later buried in a mass grave, Interviews SPACES FOR CHANGE conducted with leading members of the sect show that the figures could be higher. For instance, an IMN representative gave a higher figure of about 850. Independent investigations reveal that the corpses were buried in mass graves in three locations in Kaduna state: along Kaduna to Birnin Gwari Road; near Udawa Village; and along the Ikara Road. According to Premium Times, 156 corpses were conveyed from the Ahmadu Bello University Teaching Hospital (ABUTH), Zaria, to Mando area. The corpses were those of youth members of the Islam Movement (IMN) who allegedly, attempted to attack the convoy of the Chief of Army Staff, Lt.-Gen. Tukur Buratai, on December 12, 2015, in Zaria. The corpses were committed into a single grave (mass burial) at the Mando area jointly supervised by the state government officials and about 40 men of the Nigerian Army.

A Judicial Commission of Inquiry that Governor El-Rufai constituted in January 2016 to investigate the December 2015 killings was mandated to make recommendations regarding the actions to be taken, policies to be developed and implemented to ensure that acts and omissions that may have contributed or led to the clashes are pre-empted entirely or, where they occur, their negative effects are mitigated in future.

In its final report released in July 2016, the inquiry noted that the legal representative of IMN (and its leader Sheik Ibrahim Zakzaky) was unable to submit any memoranda to the Commission because he was initially, denied access to his client, and when access was eventually granted, the IMN and its leadership preferred to challenge the detention of their leader, Sheik Zakzaky than appear before the Commission of Inquiry.

Among other things, the Commission recommended that "without any hesitation, government must demonstrate the necessary political will to proscribe the existing IMN as an unregistered and unlawful association." Acting swiftly on this recommendation, Kaduna State Governor, via an Executive Order, declared the movement 'an unlawful society' in October 2016. The movement's spokesperson was also declared wanted. The Executive Order draws upon Section 45 (1) of the Constitution which categorically vests in the Governor, the powers to take such measures and actions as are necessary for the promotion and protection of public safety, public order, public morality or public health; or to protect the rights and freedom of all persons in Kaduna State. In addition, Section 97A of the Penal Code (Cap 110, Laws of Kaduna State, 1991) further empowers the Governor to declare any organisation, unlawful, if the activities are considered to be dangerous to the security and good governance of the state. IMN spokesperson

¹⁹⁵Premium Times, Kaduna Govt says 347 Shiites killed by Nigerian troops given secret mass burial, April 11, 2016,

<http://www.premiumtimesng.com/news/headlines/201615-kaduna-govt-says-347-shiites-killed-by-nigerian-troops-given-secret-mass-burial.html>

¹⁹⁶ Amnesty International (2016) Nigeria – Unearthing the Truth: Unlawful Killings and Mass Cover Up in Zaria. p17. Nigeria: Army Attack on Shia Unjustified. Retrieved <https://www.hrw.org/news/2015/12/22/nigeria-army-attack-shia-unjustified>, accessed 15/May/2016.

¹⁹⁷Premium Times, Kaduna Govt says 347 Shiites killed by Nigerian troops given secret mass burial, April 11, 2016,

<http://www.premiumtimesng.com/news/headlines/201615-kaduna-govt-says-347-shiites-killed-by-nigerian-troops-given-secret-mass-burial.html>



told SPACES FOR CHANGE that the proscription of the organization is unlawful, and violates the fundamental freedoms of belief, religion and expression.

The report also recommended that IMN be registered as a socio-religious voluntary organization under the Companies and Allied Matters Act (CAMA). IMN has through various channels, rejected the calls for registration. The proscription of IMN, coupled with the requirement for registration, seemingly uncapped bottled prejudices towards the movement, resulting in an orgy of targeted violent attacks on their members especially during their yearly processions (Ashura and Aarbeen) in Kano and Kaduna. For instance, shortly after El-Rufai proscribed the group, other states in the north-western region of the country, including Plateau State in the north-central region, imposed a similar ban on IMN activities in those states.

De-legitimizing IMN's operation across the northern states emboldened both state and non-state actors to intensify attacks on members of the group. According to substantiated media reports, security operatives and irate youths attacked and wounded members of the IMN during their Ashura trek in October 2016. During the Aarbeen procession in Kano State, security operatives, particularly the Nigerian Police, allegedly murdered Shi'ite members, including an 8-month old baby, in cold blood. A number of mass graves have been sighted in the state where no less than a hundred members of the group were buried. The irrationality of state-sanctioned mob violence against the group led the United States Government to issue a press release, condemning the deaths in Kano in very strong terms.

Beyond the repressive conduct of state security agents, feelings of hatred for the group are quite pervasive, particularly among local residents of Zaria, Gyllesu and a large majority of Sunni Muslims, who are aware of the age-long schisms between the Shi'ite and the Sunni. In the Gyllesu neighbourhood where Sheik Zakzaky lives, anti-Zakzaky graffitis deface the walls of charred buildings. Some of these graffitis read: 'Gylleasu is safer without Zakzaky',

#DontFreeHim# 'GYELLESU SAYS NO TO ZAKZKAY'. The deep-seated animosity for the IMN was quite evident when SPACES FOR CHANGE attempted to engage local residents on IMN activities in the state. The respondent retorted: "I never make am for life...na to konsabi the Shi'ite. I don't know them and I don't want to ever associate with them."

Independent investigations show that IMN inconvenienced their neighbours through their religious activities. A Gyllesu resident noted that:

¹⁹⁸Wale Odunsi (October 13, 2016). How security agents killed Shiites in Kaduna, Katsina, Sokoto. Retrieved <http://dailypost.ng/2016/10/13/security-agents-killed-shiites-kaduna-kastina-sokoto-imn/>

¹⁹⁹John Kirby. Press Statement (17 November 2016) Nigerian Deaths in Kano Clashes retrieved <http://www.state.gov/r/pa/prs/ps/2016/11/264424.html> Police Massacre: The case of infant Zainab (16 November, 2016) retrieved <http://imnig.org/police-massacre-case-infant-zainab> Khalid Idris ((27 November 2016)

Evidence emerges in Kano of Mass Burials in Kano after Aarbeen Massacre retrieved <http://imnig.org/evidence-emerges-mass-burials-kano-after-arbaeen-massacre>

²⁰⁰SPACES FOR CHANGE VISIT TO GYELLESU AND PZ AREAS OF ZARIA, KADUNA on 1st December 2016

²⁰¹Amnesty International (2016) Nigeria – Unearthing the Truth: Unlawful Killings and Mass Cover Up in Zaria. P17.



“Zakzaky's boys, his guards as they call them, blocked off roads in the area every time he moved in or out of his house, without regards to the rest of the residents in the neighbourhood. They imposed a speed limit; it was forbidden to drive a motorcycle a bit fast near his house.”

Another resident, said:

“They did not allow soldiers or police vehicles to come into the neighbourhood; even those forces' members who live here could only come in as civilians. The authorities accepted this for years, allowing the Shi'ite to impose their diktat over the whole neighbourhood. This was wrong and it had to change.”

The Nigerian Army arrested Zakzaky and his wife on December 14, 2015, and kept them in a detention facility without formal charges. On the 5th of December 2016, the Kaduna State government released a white paper on the report of the Judicial Commission of Inquiry into the December 2015 Zaria killings. The White Paper was released just after a Nigerian court ordered the immediate release of Sheik Zakzaky and his wife, Zeenat, within 45 days, and awarded them N25 Million compensation each.

In its white paper, the Kaduna State Government officially labelled IMN an insurgent group. The report finds that: 'for all intent and purposes, the IMN is an insurgent group and ought to be treated as such'. It further adds that 'the IMN is an unregistered organization that cannot be sued. Therefore, all IMN members and its leadership are jointly and severally liable for all violations of the law in the last 30 years, and are therefore responsible for the clashes and its consequences.’

The Muslim Rights Concern (MURIC), a Muslim human rights organization, condemned the Kaduna State Government's labelling of the IMN as an insurgent group stating that it amounts to executive tyranny, and killing a fly with a sledgehammer. This negative labelling entrenches the stigmatization the religious movement is currently facing, while legitimizing the repressive campaigns against them and their followers. For MURIC, the stigmatization is just another attempt by the state government to jump the gun as the declaration is short in equity, and long in injustice.

²⁰²Amnesty International (2016) Nigeria – Unearthing the Truth: Unlawful Killings and Mass Cover Up in Zaria. p17.

²⁰³WHITE PAPER ON THE REPORT OF THE JUDICIAL COMMISSION OF INQUIRY INTO THE CLASHES BETWEEN THE ISLAMIC MOVEMENT IN NIGERIA (IMN) AND THE NIGERIAN ARMY (NA) IN ZARIA, KADUNA STATE BETWEEN SATURDAY 12TH AND MONDAY 14TH DECEMBER 2015 AND AUGUST 2016. p22. Retrieved <http://kdsg.gov.ng/kaduna-releases-white-paper-on-zaria-clashes/>

²⁰⁴Mohammed Lere (December 6, 2016). Muslim Rights Concern blasts Kaduna government for labelling Shiite IMN “insurgent group”. Premium Times Retrieved

²⁰⁵Mohammed Lere (December 6, 2016). Muslim Rights Concern blasts Kaduna government for labelling Shiite IMN “insurgent group”. Premium Times Retrieved <http://www.premiumtimesng.com/news/top-news/217176-muslim-rights-concern-blasts-kaduna-government-labelling-shiite-imn-insurgent-group.html>



Tooing the same lime with MURIC, IMN has rejected the entire contents of the White Paper for the following reasons:

1. the released White Paper was backdated to August 2016 to give retroactive justification for state-sponsored hostility toward the Islamic Movement in Nigeria since the 12th day of December 2015;
2. the purported release of the White Paper was regarded as a belated and malicious response to the court judgment that ordered the release of Sheik IbraheemZakzaky and his wife within a period of 45 days and the payment of a N50 million compensation for their unconstitutional and illegal detention since 14 December 2015;
3. Kaduna State Government rejected 99% of the core recommendations of the Judicial Commission of Inquiry and only accepted the ones that unconstitutionally imposed restrictions on the activities of the Islamic Movement in Nigeria, while endorsing the continuation of hostile activities towards the group. For instance, the Judicial Commission of Inquiry established that the Military did not observe the rules of engagement in the killing of IMN members. The Kaduna State Government however, exonerated the army and concluded that the Army observed the rules of engagement.
4. The Kaduna State Government's labelling of the Islamic Movement in Nigeria an 'insurgent' group was unsupported by evidence in the sense that the movement has not taken up arms against the country even in the face of extreme provocation and persecution by the government.

The situation in Kaduna, specifically the targeted attacks on IMN, is being replicated in north-western states, including Sokoto, Kebbi, Kano, Katsina. The movement mainly responds by issuing press releases to counter government's propaganda against them. They take advantage of their strong presence on the social media to actively campaign for the release of their leader, Sheik Zakzaky and other members of the group illegally detained and prosecuted by state actors. They have also countered state-sponsored hostility through civic disobedience.

Nassarawa:

Evidence of a Closed Civic Space in Nassarawa State, Nigeria

In Nassarawa, evidence points to the existence of a repressed civic atmosphere. The restrictions on fundamental freedoms of free speech and assembly add to growing list of human rights violations resulting from official behaviour, which contribute to closing down the spaces for civic engagement in the state. Meanwhile, the state also receives a large share of the violence

²⁰⁶Ibrahim Musa. (8 December, 2016) Preliminary Statement on the White Paper report on the Islamic Movement in Nigeria



inflicted upon communities by rampaging Fulani herdsmen. In January 2016, Fulani herdsmen invaded OdeniMagaji village, killing 30 indigenes and displacing all the inhabitants of the community. Taken together, the restrictions on fundamental freedoms and the violent activities of herdsmen complicate the obstructed spaces for civic and democratic engagement in the state. These incidences and many more point to a growing atmosphere of repression in the state.

Closing Spaces for Expression and Assembly Rights

Cracking down on vocal critics, journalists and local activists is commonplace in Nassarawa State. The tactics usually employed to crush dissent and criticisms comprise of official bans, job terminations, arrests, intimidation, arrests and so forth. As with Kaduna State, the restrictions have particularly targeted journalists who are hounded for writing reports that are critical or perceived as critical of the government. On November 16, 2016, the Nassarawa State Government banned two journalists from covering activities in the State Government House. The banned journalists, Rabiú Omaku and Umar Mohammed, report for the New Nigerian and PUNCH newspapers.

In an interview with SPACES FOR CHANGE, Umar Mohammed noted that 'the government of TankoAl-Makura does not welcome criticisms. They don't want people to expose them. Even when you write something about the government, supported with hard facts and evidence, if they feel that it does not go well with them, they can go the extra mile to threaten you, or send thugs against reporters who try to enlighten people about government (in)actions.'

Regarding the ban of Umar Mohammed, SPACES FOR CHANGE learned that this was due to his report on a press conference organized by the Nigerian Labour Congress in Nassarawa over the state's decision to pay incomplete salaries to workers. After publishing the report, he was accused of embarrassing the government, and banned from reporting the activities in the State Government House. He was specifically ordered not to return until 2019, after the expiration of the tenure of TankoAl-Makura as governor of the state. He, however, persisted in reporting the activities of the Government House, but with great humiliation. Any time he showed up to report government duties as a reporter, the governor's aides would ask him to get out. This continued until he was intimidated with threats of physical injury, as was meted on a Daily Trust

²⁰⁷Odeni Magaji Unity Forum (25, January 2016) : A PETITION AGAINST THE NASARAWA STATE GOVERNMENT, THE NIGERIA POLICE AND NASARAWA STATE POLICE COMMAND FOR NON-PROTECTION OF OUR LIFE AND PROPERTIES FOR FAILURE IN THEIR RESPONSIBILITIES UNDER SECTION 185(1) AND 215 (4) OF THE 1999 CONSTITUTION OF THE FEDERERAL REPUBLIC OF NIGERIA (AS AMENDED).

²⁰⁸Umar Muhammed (November 23, 2016) Al-Makura bans PUNCHMan from govt events. Retrieved from <http://punchng.com/al-makura-bans-punchman-govt-events/>

²⁰⁹Interview with Umar Mohammed, 19 January, 2017

²¹⁰Interview with Umar Mohammed, 19 January 2017, Umar Mohammed (September 20, 2016) Al-Makura's aide evicts PUNCH Man, threatens havoc. PUNCH. retrieved <http://punchng.com/al-makuras-aide-evicts-punchman-threatens-havoc/>



correspondent, Hir Joseph. The said Hir Joseph was beaten to a state of unconsciousness by armed political thugs during the inauguration of Governor Tanko Al-Makura in 2015.

Rabiu Omaku, another journalist banned from covering the State House told SPACES FOR CHANGE that the civic space in Nassarawa is sealed'. He cited several instances where he was hounded and victimized for his investigative reports on Nassarawa State, one of which was his report on the re-introduction of school fees in public primary and secondary schools in contrast with the governor's electoral promise of free education in the state. Another report, which drew the ire of the authorities, was his report on the strike action embarked upon by organized labour in the state. These attacks probably informed his conclusion that fundamental freedoms are not guaranteed in the state.

Abdul-Aziz Bako, a human and civil rights activist in Nassarawa State, compares the situation of the freedom of expression and assembly in the state to Armageddon. If you criticize the government, they will pursue you and look for you, order for your detention either for being a thorn in the flesh of their government or if you are a civil servant, and you criticize the state, they send you away.

Ruqayyat Tijani Usman's - a State Counsel in the Ministry of Justice - story corroborates Abdul-Aziz Bako's claims of employment terminations targeted at civil servants who criticise the state government. Ruqayyat Tijani Usman's employment with the Nassarawa State Ministry of Justice was terminated in February 2016 because of a Facebook post where she bemoaned the failure of the government to take proactive measures to contain the outbreak of Lassa fever in the state.

As with free speech, the growing restrictions on the freedom of assembly, entrench existing obstructions to the active use of civic spaces. In July 2016, police officers attached to the Nassarawa State Government House killed two protesters and injured another for protesting the reduction and non-payment of workers' remuneration. The incident occurred at a mass protest led by the national body of the Nigerian Labour Congress. On what led to the protest, Ahmed Naibi, the state secretary of the Nigerian Labour Congress told SPACES FOR CHANGE that the government of Tanko Al Makura announced plans to slash salaries overnight without seeking the opinions of state workers.

²¹¹Trust reporter beaten at Al-Makura's inauguration. Daily Trust Retrieved <http://www.dailytrust.com.ng/daily/index.php/news-menu/news/55994-trust-reporter-beaten-at-al-makura-inauguration>

²¹²Interview with Rabiu Omaku, 10 January, 2017

²¹³Ibid.

²¹⁴Interview with Abdulazeez Bako, 18 January 2017

²¹⁵Nassarawa state allegedly sacks woman for criticizing the government on Facebook. Olisa TV retrieved <http://www.olisa.tv/2016/02/nasarawa-state-allegedly-sacks-woman-for-criticising-the-government-on-facebook-photos/>



The reason advanced for the salary reductions is the current economic recession in the country. Resisting this move, the workers' union embarked on a strike action in July 2016, sequel to an earlier strike in January 2016 that addressed issues of workers promotion, payment of salaries and other pending disagreements with the state authorities.

The lid placed on the enjoyment of the rights of free speech and assembly may have ushered in a new season of political sycophancy. Ahmed Naibivividly captured this trend when he stated 'the majority of the people that talk in the media are those that praise the government. You can hardly get somebody that would go to media today in Nassarawa state today to criticize the government for fear of being probably harassed. Consequently, citizens and media organizations, gripped with fear, are now holding back from speaking up or reporting certain issues that may have a sensitive content. When people don't feel able to speak, the implication is that information needed to hold the government accountable is withheld.

-Fulani Herdsmen in Nassarawa State

Nassarawa State bears a high share of the burden of herdsmen attacks prevalent in the states of the middle-belt and north-central regions of Nigeria. Its geographical proximity to states like Kaduna, Plateau, Benue, Taraba where repeated cycles of herdsmen violence have occurred, poses further security threats to Nassarawa inhabitants. With brazen lethality, Fulani herdsmen have attacked communities within and outside the state, unleashing mayhem and despicable acts of terror. Particularly notable is the January 3, 2016 herdsmen attacks which started from Gidan-Musa, Ole-Ogwe-Eje, GidanDandere, Ole-Ejewa, GidanAdure, Ogeni, Imminiyyi, Angwan-Agatu, AngwanHausawa, Okpamu, Ekah, Akpata, AngwanKabawa, Gidan – Adikwu, Ambu and finally the district Headquarters Odeni-Magaji. Several lives and properties were destroyed.

The spread of the attacks and the brutality of the operations forced the locals to resist moves by the State governor to withdraw security forces stationed in the troubled spots because of the lack of funds to pay the policemen's allowances. In May 2016, OdeniMagaji Unity Forum, an umbrella body comprising 15 affected villages, petitioned Nigeria's President Muhammadu Buhari, lamenting the state's governor's inability to act decisively in order to stem the crises. Early warning signals of the impending attacks were ignored. For instance, weeks before the attacks, the community reported rumours of planned herdsmen invasion of their communities to the police authorities on the following dates: December 26, 2015, December 27, 2015 and January 2, 2016. The Nassarawa State Police Command failed to give heed to these 'rumours',

²¹⁶Nassarawa Government denies slashing workers salaries by fifty percent. Channels TV. Retrieved <https://www.channelstv.com/2016/08/23/nasarawa-government-denies-slashing-workers-salaries-50-per-cent/>

²¹⁷Interview with Ahmed Naibi, 19 January 2017

²¹⁸Interview with Ahmed Naibi, 19 January 2017

²¹⁹Odeni-Magaji Unity Forum (4 May 2016) Save our Soul (SOS) From the Hands of Alh Umaru Tanko Al Makura, The Executive Governor of Nassarawa State, On his Plans to Destroy our Communities

²²⁰Ambu, Akpata, Okpamu, Ekah, Angwan – Agatu, Angwan Hausawa, Ogeni, Imminiyyi, Angwan Kabawa, Gidan Adikwu, Gidan Adure, Gidan Dandere, Gidan Musa, Ole-Ejewa, Odeni-Magaji



and hence, did not deploy security operatives to the area. When they eventually did, only 12 (twelve) officers initially deployed were not enough to overpower the heavily-armed Fulani herdsmen when they started their attacks on January 3rd until January 19, 2016.

Because of this glaring failure to protect the lives and properties of the OdeniMagaji people, the community, in their petition, alleged a conspiracy between Governor Tanko Al Makura and the Fulani herdsmen. Particularly objectionable is that the Nassarawa State Police Command did not respond until after the attacks stopped. The absence of restraint by security forces emboldened the herdsmen to burn, loot and destroy the entire communities. Just when the destruction of all 15 communities was completed, the Nassarawa State Police Command, on January 19, 2016, finally decided to send police officers to the area. SPACES FOR CHANGE learnt that police officers posted to the area refused to stay at OdeniMagaji, because there was no single building standing. Police officers had to stay at Agabashi, a neighbouring village to Odeni-Magaji. The community's call for an independent investigation into the attacks subsists.

Benue:

Closed Spaces in Benue State

As with most states in the middle-belt region, Benue State has been the theatre of recurrent conflicts between farmers and pastoralists. This has led to the brutal sacking of indigenous communities in different local government areas in the state. Poverty index is also high in Benue state. In 2012, National Bureau of Statistics (NBS) poverty profile rated Benue as the 8th poorest state in Nigeria with unemployment rate put at 25.4 percent. The lack of a vibrant civil society in the state, or a mass of citizens who are empowered, vocal and conscious of social issues, with strong opinions about what they consider to be acceptable norms and values, limit the propensity to demand accountability for victims of human rights violations.

Executive action aimed at curbing rural banditry in particular, has triggered the most severe infringements of personal liberty and cases of arson, illegal arrests, detentions and demolitions. By way of illustration, over a hundred houses were reduced to rubbles during an August 2016 joint military operation of the Nigerian Army and Police in Gbishe settlement in Katsina-Ala area of the state. The military operation, initiated by the Benue State Security Council, was in furtherance of an intense search for a notorious militant, Terwase Akwazaa.k.a Ghana, alleged to

²²¹OdeniMagaji Unity Forum (25 January 2016) A Petition Against The Nassarawa State Government, The Nigeria Police And Nassarawa State Police Command For Non-Protection Of Our Life And Properties For Failure In Their Responsibilities Under Section 185(1) And 215 (4) Of The 1999 Constitution Of The Federal Republic Of Nigeria (As Amended).



have killed a senior state official. 'For three days, Gbisha Community was under siege. There was no going out and no coming in', Lazarus Mom told SPACES FOR CHANGE. In the course of the search operation, security forces ransacked the entire community, set the suspect's house ablaze, including the school he built for the community.

Armed attacks by Fulani herdsmen occupy the front burner of topical issues dominating the civic sphere in the state. Apart from the attacks, another interesting observation in Benue is the manifest interdependency that exists between access to information and the freedom of expression. As facts would later show, official respect for freedom of expression without a corresponding access to information, constrains civic participation in so many ways.

~ Human Rights Situation in Benue State

Unlike in Kaduna and Nassarawa States where arrests and prosecution of vocal critics are commonplace, Benue authorities adopt a rather different strategy to contain social actors that hold them to account. Civil society stakeholders affirm that the freedom of expression is limited by the lack of access to information. The less information that active citizens, journalists, local activities and civil society organizations have access to, the less effective they are in holding the state accountable when it fails to fulfil its statutory obligations. More so, when the government and heads of government agencies refuse to release information, this makes the work of accountability watchdogs more difficult, shrinking the spaces for civic engagement and participation.

Valentine Kwaghchimmin told SPACES FOR CHANGE:

'Seven times, I have demanded for a copy of the bill that the state assembly is proposing on the farmer herdsmen crises and it has been one dribbling to another. I am trying to employ everything within that framework, that FOI law, to get the information that I need information'.

Assembly rights are also constrained. Police permits are needed to embark on any form of public gathering in the state, especially for protesters. The requirement for police permit subsists despite the constitutional protection of assembly rights. Community organizations like the Movement against Fulani Occupation (MAFO) have defied the requirement for police permits and organized protests in the state. At one such protest in January 2016, protesters faced resistance from state authorities. 'Every time we made a move to take a civil action, it has always been resisted. We

²²²Rose Ejembi (June 18, 2016) Benue killings: Why I am in hiding – Akwaza, wanted militant leader. The Sun. retrieved <http://sunnewsonline.com/benue-killings-why-im-in-hiding-akwaza-wanted-militant-leader/Uja-Emmanuel>. (August 7, 2016) Soldiers raid Benue communities. The Nation. Retrieved <http://thenationonline.net/soldiers-raid-benue-communities/>

²²³Interview with Mom Lazarus, Lawyers Alert, Monday 16 January 2017

²²⁴Interview with Valentine Kwaghchimmin on 16 January, 2017

²²⁵Interview with Valentine Kwaghchimmin 16 January 2017



have always been intimidated and coerced to cancel all of our street actions', MAFO's spokesperson told SPACES FOR CHANGE.

Regarding the nature of the resistance MAFO has faced, security forces are routinely deployed to their protest arenas. At the January 2016 protest for instance, they counted 27 truckloads of police officers led by the Area Commander of the police division, the head of the Mobile Police Unit and two other senior officers from the office of the State's Commissioner of Police. Protesters were prevented from gaining access to their destination: the Benue State House of Assembly. The Speaker of the House of Assembly eventually came outside to address them, but protesters declined, reminding him that their culture frowns at receiving guests 'outside'. It took over an hour of altercation with the police before they were allowed inside the Assembly premises.

Pastoralists – Herdsmen Conflicts

The relationship between Benue indigenes and the Fulanis dates back several decades. Famed for their sedentary lifestyle, the Fulanis arrive periodically, especially when the grasses are green. The lush green vegetation found in Benue in all seasons, makes the area an attractive locale for herdsmen seeking green pasture to graze their cattle. They usually come during the dry season, around December, and would graze until January, February, and March when the rains start again, they go back up north. This periodic grazing practice has existed for decades, until 2010 and 2011 when the relationship between them assumed a bloody dimension. The relationship between the farmers and pastoralists broke down when herdsmen stopped compensating for damaged crops, but rather, insisted on gaining control of the land.

Consistent with the intervallic pattern of Fulani occupation in Benue, the resulting conflicts are seasonal, only occurring at various cycles. Affected communities include Agatu, Buruku, Guma, Gwer West, Logo, Kwande and a host of other communities. Agatu, a farming community in Benue, is a case in point, having been disproportionately affected by herdsmen attacks since 2014 till date.

In Agatu, everyone has a story to tell. Jumoh Audu, the protocol officer of Agatu Local Government told SPACES FOR CHANGE that his village, Abugbe, was worst hit by the attacks. Describing the methods of the attacks, community sources informed that the herdsmen attack the communities in the early hours of the morning, between 4a.m. to 9 -10a.m., armed with sophisticated weapons. Some others believe that dynamites could have been used in the attacks, as ordinary guns could not have blown up buildings. A guided tour of the community revealed deep scars of conflict: remains of burnt houses, destroyed buildings, including churches and a government Millennium Development Goal (MDG) building. Uneasy calm and a psychological trauma amplified by suspicions of anything 'fulanistic' in nature.

²²⁶Ibid. Interview with Pastor Dave Ogbole on 18 January 2017

²²⁷Ibid.

²²⁸Interview with Jumoh Audu on January 17, 2017

²²⁹Ibid



SPACES FOR CHANGE saw first-hand, the green lush vegetation that was a constant attraction to the pastoralists and their cattle and the cause of perennial conflict between the farmers and herdsmen. The green vegetation, which runs all year round, is popularly called the FADAMA. The FADAMA area is separated by River Benue, the only boundary between Nassarawa and Benue States from where the Fulani herdsmen cross into the Agatu communities.

Movement against Fulani Occupation: A Lone Non-Violent Voice

Elaborating on the group's ideology, the spokesperson of the Movement Against Fulani Occupation (MAFO), Pastor David Ogbole, describes the group as a pan-ethnic, non-religious and non-political gathering of concerned citizens especially of the affected states, particularly in Benue, who are united in their agitation against massive brutality and human right violations perpetrated by Fulani herdsmen. He explains that MAFO is not opposed to cattle-grazing, but rather, wholly against the brutal sacking of villages and taking over the farmlands and ancestral homes of the displaced. Sustained advocacy by the different ethnic nationalities in Benue State, coupled with their mutual resistance to the attacks, led to the formation of the group in 2012 when the killings assumed alarming proportions.

Agatu is not the only community bearing a high share of the burden of herdsmen attacks. In Buruku, comprising mainly of Tiv-speaking populations in Gwe West, and in Naka that borders Agatu, villages have been sacked and remain occupied (by Fulani herdsmen) till this day. The same situation prevails in Logo and Kwande. Settlements like Mon in Kwande Local Government are still presently occupied by Fulani herdsmen. Kwande community shares boundary with Taraba State, and this area is the main entry point for Fulani herdsmen. Independent reports establish that 12 out of the 23 local government areas of the state have come under siege of the Fulani herdsmen.

MAFO engages in non-violent struggle for peace and the recovery of their ancestral lands. Consistent with the group's belief in non-violent advocacy and engagement, the group filed a 500-billion suit against the Federal Government at the ECOWAS Court of Justice, demanding justice for the violation of their rights. Through this suit, they want the Nigerian government to take responsibility for the violations because of the failure of the national security apparatus to protect citizens from violent attacks perpetrated by either foreign or non-foreign herdsmen.

On January 10 2017, MAFO embarked on 'a march to occupy' the Benue State House of Assembly in order to put pressure on state lawmakers to pass an anti-grazing bill it submitted for parliamentary consideration in March 2016. After 14 months of intense campaigning and civic action, the Benue State House of Assembly passed the bill, 'A bill for the Prohibition of Open

²³⁰ Interview with Dave Ogbole January 17, 2017

²³¹ Segun Olaniyi, *Why we passed anti-grazing bill into law, by Ortom*, The Guardian, May 6, 2017: <https://guardian.ng/news/why-we-passed-anti-grazing-bill-into-law-by-ortom/>

²³² Ibid



Grazing of Livestock in the State and the Establishment of Ranches", into law, specifically for the prohibition of open grazing and rearing of livestock in the state.

Conspiratorial Silence, State Negligence or a Combination of Both

SPACES FOR CHANGE's discussion with different civil society stakeholders regarding the recurrent conflicts between farmers and pastoralists in Benue State elicited a diversity of responses, ranging from ominous silence to official negligence, to the role and complicity of traditional rulers in the frequent bouts of violence that the state is infamously associated with. Civil society leaders like Dave Ogbole considers the official silence on the farmers-herdsmen crises as actually a deliberate one because the cattle is beyond a means of livelihood for the Fulanis, but also an expression of status. The herdsmen in the bush may not be the real owners of the cattle, but only herding them for very affluent members of the society.

The involvement of influential personalities in the cattle-trade business possibly provides an explanation for the huge differentials in the handling of cattle-rustling (affecting mainly herdsmen) and the farmer-herdsmen crisis (affecting mainly the farmers). In the former, joint military taskforces have been set up to checkmate cattle rustling, but in the latter, the calls for security are often ignored. Ogbole regards this differential as a conspiratorial silence expressed in the form of according greater protection to cattle trade as against the protection of human lives.

On the complicity of traditional rulers in the farmers-herdsmen conflicts, there are speculations that some traditional rulers in the state sell communal lands to Fulani herdsmen for financial and material gains, thereby heightening the potential for conflict between the herdsmen and local inhabitants. Additional research and systematic interrogation will be required to establish the veracity of this claim.

South East, Nigeria:

Growing Evidence of State Repression in South-East, Nigeria

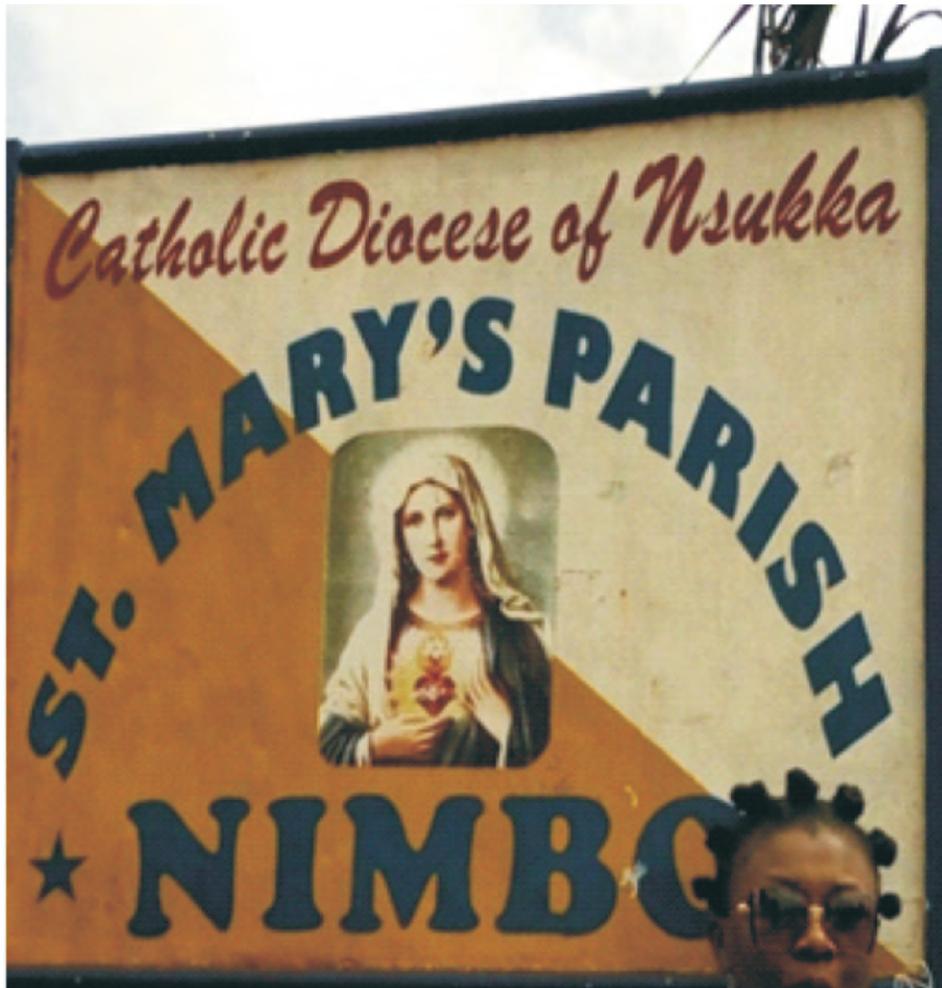
In Nimbo Village/Uzo-Uwani LGA, Enugu State, what started out as recurrent clashes of a violent nature between nomadic herdsmen and their host farming communities in Kaduna, Plateau, Kaduna, Nassarawa, Adamawa, Benue and more recently, Enugu and Abia states, have now assumed genocidal dimensions. These clashes are largely rooted in violent disputes over land spaces needed for grazing and cattle rearing. Nimbo village is one of the communities in Uzo-Uwani Local Government Area of Enugu State, sharing a common boundary with Kogi State. Rich in green vegetation, and densely surrounded by hilly grasslands, these natural endowments make the locality suitable for grazing. UNESCO defines grassland as "land covered with herbaceous plants with less than 10 percent tree and shrub cover" and wooded grassland as 10-40 percent tree and shrub cover (White, 1983). In this study, grassland is used in its wider sense of "grazing land" that provides a source of livestock feed.

For too long, herders attracted to the rich-green aboriginal fields in Nimbo village have gone there to graze according to season, temperature or migratory movements. Herders often move between grasslands communally used for crop production and subsistence farming, resulting in wanton destruction of crops and farm produce.

²³³Interview with Dave Ogbole



Nimbo villagers have decried the destructive activities of herdsmen, and began to resist indiscriminate grazing of livestock on their lands.



Irked by the local resistance, armed herdsmen invaded the tranquil village on the morning of April 25, 2016. About 12 men were shot and/or hacked to death. Prior to this deadly visit, Nimbo natives had received a letter allegedly written by the herdsmen, notifying them about the attack.

The State Security Council was also aware of the impending attacks a day before the incident. State authorities told SPACES FOR CHANGE that they received security reports regarding the planned attacks in Nimbo, but the precautionary measures they took to forestall the killings were unsuccessful. For instance, the state mobilized a combined team of the armed forces, the police and the Civil Defence Corps to the targeted areas to enhance security surveillance in the localities. The combined forces mounted highway patrol on major roads, leaving the inner villages unguarded. The

herdsmen exploited this security lapse and invaded the communities through bush paths and hilly forests lacking security presence.

With sporadic gunshots, the herdsmen announced their entry into the village. Men, women, children ran helter-skelter in a bid to escape from the bullets that rained that morning. Many sought refuge at the local Catholic parish church – St. Mary's Catholic Church, Nimbo. Eyewitness accounts reveal that the herdsmen tracked villagers down to the local parish, smashed the windows and attempted to break in.

A young man who had stepped out at night to urinate was hacked to death. After the mayhem, the herdsmen escaped through bush-path into the hills.



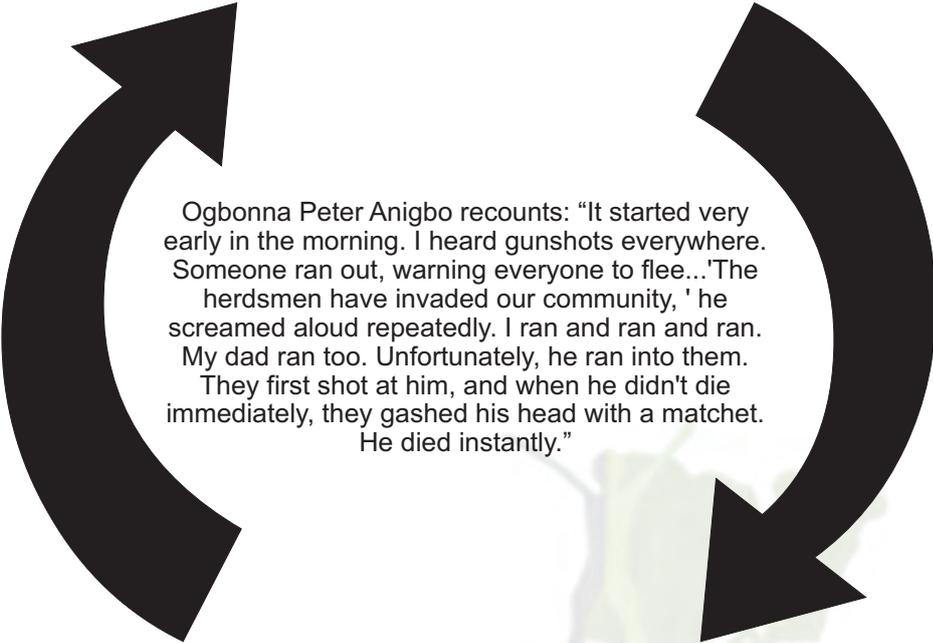
A youth corps member, named Patrick Eze, currently undergoing treatment in Enugu was shot in the leg. He also received machete cuts on his hands and legs. Godwin Anigbo (the father of Ogbonna Peter Anigbo, aged 14) was also hacked to death. Ogbonna Peter Anigbo recounts: "It started very early in the morning. I heard gunshots everywhere. Someone ran out, warning everyone to flee...'The herdsmen have invaded our community,' he screamed aloud repeatedly. I ran and ran and ran. My dad ran too. Unfortunately, he ran into them. They first shot at him, and when he didn't die immediately, they gashed his head with a machete. He died instantly."



Eze Maxwell, an okada rider was not around when the invaders arrived, but his young children were at home alone. His pregnant wife had travelled to her parent's place to give birth. Despite repeated warnings not to go, he rushed home to rescue his children. He never made it home. He was hacked to death on his way home. However, his children were safe as they had already been rescued by neighbours.

With unrivalled lethality, the herdsmen have moved from community to community, unleashing mayhem, and bloodshed with limited restraint. In August 2016, scores of Fulani herdsmen invaded another community in Ndiagu, Attakwu, Akegbe-Ugwu in Nkanu-West Local Government Area of Enugu State, and killed a Catholic Seminarian, Lazarus Nwafor. A pregnant woman had her stomach slit open during the invasion. Four other persons sustained severe machete cuts.

The early morning attacks by Fulani herdsmen, the lethality of their armed operations, and the pattern of invasion are consistent with the various accounts observed and documented in other localities in Benue, Nassarawa and Kaduna States. In addition, the local resistance to indiscriminate cattle-grazing often invites armed invasion and violent attacks on farming communities. Studies have shown that mismanagement of the grazing not only damages the pasture, but, since it increases erosion and run-off, can cause serious damage to agricultural land and infrastructure. These grasslands are major reserves of biodiversity, providing important wildlife habitat and in situ conservation of genetic resources.



Ogbonna Peter Anigbo recounts: "It started very early in the morning. I heard gunshots everywhere. Someone ran out, warning everyone to flee...'The herdsmen have invaded our community,' he screamed aloud repeatedly. I ran and ran and ran. My dad ran too. Unfortunately, he ran into them. They first shot at him, and when he didn't die immediately, they gashed his head with a machete. He died instantly."

²³⁵White, F. 1983. , ibid.

²³⁶White, F. 1983. , ibid.



State Response to the Attacks

The Enugu State Government responded to the herdsmen attacks in Nimbo and other villages in three ways. Measures taken include the establishment of local vigilante group, legal action and other confidence-building efforts aimed at weakening or possibly reversing the tension which would otherwise have degenerated into another civil war.

1. The Nimbo Neighbourhood Watch

The Enugu State Government launched the Nimbo Neighbourhood Watch, an adhoc vigilante security initiative, established pursuant to the Neighbourhood Law of Enugu State, 2010. Although this Law has been in existence prior to the recent attacks in Enugu, the state government constituted a Board entrusted with oversight responsibilities for the vigilante operation in the state. The state government provided funding for the vigilante operations, and empowered the local government council to coordinate the initiative in all the council areas within the state.

The Uzo-Uwani Central Neighbourhood Watch is currently operative in Nimbo, Oda, Nkpologu, Nkpunato, Adani and other communities within the local council area. Each community independently mobilizes their local youth to enrol in the security scheme. According to a group of vigilantes stationed on Enugu-Nsukka highway, 'all the local government areas in the state are covered by the neighbourhood scheme. No attack has been recorded in any of the Enugu villages since the security initiative was launched.' The local government council provides the resources for the programme such as arms, ammunitions, and monthly stipends. Beyond the considerably small financial compensation the vigilantes receive, they consider their participation in the scheme as "patriotic commitments" owed to their respective communities. This patriotic participation is rooted in the Igbo tradition of assigning young males the role of protecting their communities from external invaders.

2. Legal Response to the Attacks

Enugu State Government has initiated both formal and informal responses to the attacks. Regarding the formal interventions, certain legal steps have been taken to bring the perpetrators of the April 2016 attacks in Nimbo to justice. Suspects were arrested in neighbouring Kogi State, and charged before the courts in Kogi state. The Kogi Court declined jurisdiction on the grounds of forums convenience. Although, both the Enugu and Kogi Courts have concurrent jurisdictions, the Kogi Court reasoned that the "locus criminis" is in Enugu, and therefore, the courts in Enugu State were uniquely positioned to hear the matter on its merits given that the acts

²³⁷Interview with local vigilantes on Enugu-Nsukka highway on November 23, 2016

²³⁸A Latin phrase for the place where a crime was committed.



complained of occurred in Enugu State, and the victims and resources needed for the effective prosecution of the witnesses were all situated in Enugu.

Guided by the reasoning of the Kogi courts, the Attorney General of Enugu State wrote to the Inspector General of Police (IGP) in August 2016, requesting for the case file to enable the State commence prosecution in Enugu. And as at October 2016, no response has been received. Prior to this request, the senator representing Enugu North Constituency has personally written to the IGP requesting that the case file be remitted to the Enugu State Government. No response has been received.

Informal Responses: While the legal processes were still underway, the Enugu State Government set up a judicial panel of enquiry headed by a retired Justice of the Supreme Court. The panel conducted a public hearing in Enugu, and heard from a broad spectrum of victims who gave direct testimonies or submitted a memorandum individually or in groups. The panel also visited the attacked communities, to gain first-hand information regarding the attacks in all the localities where herders clashed with native farmers. The panel has concluded its assignment and is currently preparing a report.

According to the Attorney General of Enugu State, Chief M.E. Eze, the Nigerian Police Force re-arrested the suspects and transferred them to the police headquarters in Abuja. In Abuja, the police authorities have not filed any information against them. However, the suspects' application for bail was refused because they did not satisfy the condition for bail in a capital offence.

1. Civil Society Advocacy

Civil society groups based in Enugu State have also weighed in, demanding for accountability and justice on behalf of the slain victims of herdsmen attacks. A local non-governmental organization sued the Attorney General of Enugu State, demanding immediate prosecution of the suspects. The Attorney General of Enugu State told SPACES FOR CHANGE that this step, though laudable, is grossly misinformed. The Nigerian 1999 Constitution governs and clarifies the relationship and authority of states and the federal government institutions. In this case, Enugu State Attorney General needs the consent of the Attorney General of the Federation to take over the prosecution of the matter. This consent has been sought, but has not yet granted. Other than the said legal action, it is instructive to note that civil society groups in the state are mainly academic in nature and are run by public intellectuals.

Evidently, a strong and cooperative state-federal government relationship needed to ensure accountability for these injustices is lacking. Security architecture and institutions like the Police Force and the military are directly under the control of the Federal Government. This constitutionally sanctioned arrangement significantly limits the extent of state intervention in complex security situations that the herdsmen attacks represent. State governments therefore recognize the need for federal intervention in such matters of national security. States feel obligated to act should the Federal Government fail to act collectively on issues of legitimate concern. It is within the context of this failure to act that state authorities are proceeding to take over the criminal prosecution of the suspects arrested in connection with the attacks in Enugu communities.

²³⁹Interview with the Attorney General of Enugu State, November 23, 2016



The Massacre of IPOB Members in Onitsha and Nkpor, Anambra State

In Onitsha, the majority of the city's inhabitants are traders. In and around Onitsha Main Market, traders share a mutual feeling of tribal marginalization and group repression. Large numbers of people SPACES FOR CHANGE interviewed cited scores of incidents to support the claims of targeted marginalization and repression of the Igbos across the country. Drawing comparison between the Fulani herdsmen attacks in Enugu and Abia States and the clampdown on unarmed protesters in the Eastern region, there is a growing perception that the Federal Government's commitment to the security and welfare of all citizens is questionable. The herdsmen have not been prosecuted but non-violent protests against the attacks have been clamped down with unrivalled ferocity.

The widespread anger, frustration and general sense of helplessness among the local populace provide fuel for the agitation for secession and the emergence of an independent country of Biafra. As the agitation gained momentum, and as the crowd of protesters thickens each passing day, the Nigerian security forces continues to respond with brute force, and deploying extremely stern measures to quell the agitations.

~ Background to the Protests

The Igbos predominantly occupy the South-Eastern region of the country. The region comprises of the five states of Anambra, Abia, Imo, Enugu and Ebonyi States. Igbos' demand for separation from the Nigerian state is not new. In 1967, the secession of Biafra from Nigeria caused a two and half year civil war that claimed millions of lives. According to an author:

“In 1966, waves of extensive massacres of the migrants who had moved from Nigeria's then Eastern region to other parts of the country, especially to the North, forced nearly all of those who were fortunate enough to have survived the killings to return to their homes back in the East. Increasing polarisation between the Federal Military Government of Nigeria and the military government in the Eastern region then led the East to declare its independence as Biafra on May 30, 1967. The majority of the new republic's population was Igbo, and although there were exceptions, particularly among members of Biafra's ethnic minorities, many welcomed secession. Biafra was seen as a guarantee of the security of the population in the East, a renunciation of the Nigerian society and state and their travails, a promise of more equitable



IPOB leader, Nnamdi Kanu

²⁴⁰Interview with traders at Onitsha Main Market| November 24, 2016



economic development and political stability and, finally, a reversal of the effects of British colonialism, which had given birth to these hardships in the first place.”

About three million children died of starvation caused by the total blockade of goods into the region by the Nigerian side. The Biafran forces surrendered, sequel to a no-victor-no-vanquished negotiated solution to the conflict. The civil war may have ended, but the deep scars remain. To many of the traders, the continuing marginalization and acts of state repression towards the inhabitants of the South East region flows directly from both the civil war and its aftermath.

~ The Onitsha Protests

Two major protests in Onitsha are significant, mainly because of their horrendous casualty figures. The first is the December 2015 Onitsha protests, remonstrating the arrest and detention of Nnamdi Kanu, the leader of the movement called the Independent Peoples of Biafra (IPOB). The second was in May 2016 following the brutal massacres that characterized annual commemoration of the Biafra Remembrance Day. These two incidents were bloody, leaving in their trail, haunting accounts of unrestrained shooting sprees by Nigerian security operatives, resulting in mass arrests, injuries, deaths, forced disappearances and incalculable property losses.

In the wake of the arrest and trial of Nnamdi Kanu in December 2015, thousands thronged the streets to protest against Kanu's detention, which they collectively regarded as unlawful. The protesters were unarmed, holding peaceful processions across the city with placards and green leaves. Nigerian security forces opened fire on them, using live ammunitions.

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“We had no form of weapon. All we had were placards demanding for an independent state of Biafra and the release of Nnamdi Kanu”, a group of traders told SPACES FOR CHANGE.

Many died and many more injured because of the shootings. An angry mob that gathered in the wake of the mass shootings and killings, threw bottles and bottles filled with kerosene at the direction of a mosque located at Bida Road. The adjoining buildings to the mosque were set ablaze. Ten shops were burnt with goods and money inside.

²⁴¹Nikolai Jeffs, Ethnic “Betrayal”, Mimicry, and Reinvention: the Representation of UkpabiAsika in the Novel of the Nigerian-Biafran War: <https://lisa.revues.org/5051>



“My shop was burnt, and all the goods, mainly shoes and slippers, I bought with borrowed funds were burnt”, says Mr. Okeke, M. (30 years). As of November 24, 2017, when SPACES FOR CHANGE visited the area, the shops had been rebuilt and business activities fully resumed. “I rebuilt my shop myself without any help from anybody. I am still paying for some of the goods that were destroyed,” Kenneth Agheenu, 37, from Amashi, Afikpo LGA in Abia State said. Despite the tragic killings and the resulting human and property losses, locals insist that the protests will continue if their demands remain unmet.

NOTE: Imprisoned by the Nigerian government, the leader of the Indigenous People of Biafra, IPOB, MaziNnamdiKanu was released on April 28, 2017, after fulfilling his stringent bail conditions. Mr. Kanu left Kuje prison in Abuja after spending close to two years in detention. Other Biafra activists detained together with NnamdiKanu continue to languish in prison custody. Peter Obi, a former governor of Anambra State has said that the release of NnamdiKanu will help to calm frayed nerves, but tension will likely remain high in the South-East and South-South geo-political zones in view of the continued detention of other Biafra activists.

~ Shootings of May 30, 2016 (Biafra Remembrance Day)

It was Colonel Odumegwu Emeka Ojukwu, who first proclaimed the Igbo-dominated South-East region of Nigeria as the Republic of Biafra on May 30 1967. Although the seceded state of Biafra existed until January 1970, citizen movements as well as diverse associations and groups within and outside the South East region occasionally organize annual events to memorialize the importance of that day in the history of the Igbo people.

As with the previous memorial activities, the 2016 Biafra Remembrance Day, planned to be the mother of all celebrations, was scuttled by Nigerian security forces, and turned into a senseless carnage that continues to shock human conscience. Many came from neighbouring cities such as Bayelsa, Enugu, Aba, and Port Harcourt for the event. In total compliance to IPOB's stay-at-home directive, the owners of the shops, markets and local stalls in Onitsha metropolis did not open for business, in a show of solidarity with the Biafra Remembrance Day celebration. The scheduled celebrations commenced with a church service at St. Edmund Church at Ere Nkpor, Anambra State.

All of a sudden, a combined team of security operatives comprising the Nigerian Army, the Navy, the police, swooped on the worshippers, shooting sporadically, firing live ammunition on them. Bullets hit more than eight people, but four died on the spot. An eyewitness told SPACES FOR CHANGE. The injured were taken to Crown Hospital, Umuoji in Onitsha.

The following day, the streets of Onitsha were heavily militarized. Some people coming from the neighbouring Delta State to join in the Biafra commemorative activities were brutalised and



some killed during a military-led wasting operation. “The gunshots flowed freely. The bullets were raining. Stray bullets hit people at the balcony of their homes. In total, 38 people died before the Onitsha head-bridge, a little after the tollgate. Hospitals in Onitsha, Nnewi and Asaba were full of people who sustained gunshot injuries,” an eyewitness recounted.

Officers of the Nigerian Police and the Army allegedly invaded hospitals to pick up injured persons. “If someone is shot at and you don't take out the person's body out immediately, they will rush and take the person/body to an unknown destination. Injured persons taken out in this manner were never seen again. Many people are still missing till this day”, an eyewitness disclosed.

On seeing the intensity and enormity of the carnage in Onitsha, a large number of the celebrants, especially those from Aba, Port Harcourt and Bayelsa, fled to Eke Nkpor. Unknown to them, Nigerian security forces had led an ambush for them there. Some people that escaped to the area were either shot or brutally wounded. About 50 persons died. Recounting his personal experiences at Eke Nkpor to SPACES FOR CHANGE, a heavily bandaged eyewitness shot in the arm and the leg, narrated as follows:

“We were on a peaceful procession. I was making a phone call when a combined team of the Navy, Army and the Police rounded us up, and started shooting again. They asked me to stand there. When I refused to come, they shot at my hand. As I was running away, the navy man shot at my legs, I fell down. While he advanced towards me, a “fellow Biafran” quickly rushed at me, and dragged me inside somebody's compound and locked the gate. The security operatives then went back. When they went back, they dragged four corpses on the floor away with them.”



Hospitals were not spared from the military raids and brutality. Some of the hospitals, out of fear of reprisal attacks from security forces, forcefully discharged or ejected patients with gunshot wounds. Some other hospitals requested for police reports before they could treat patients. Those who could not produce the police reports were denied healthcare. The tradition of denying healthcare to victims of gunshot injuries is rooted in the Section 4 of the Robbery and Firearms (Special Provision) Act, Cap 398 of 1984, which sets offences relating to sheltering and treating armed robbers. As an eyewitness revealed:

“I was initially hospitalized at Immaculate Heart Hospital at Old Road, Onitsha. When the hospital learnt that the security operatives were moving from hospital to hospital, picking people away, the hospital said they can no longer guarantee my safety and asked me to leave. My family took me to another hospital at New Parts Road. There, I was asked to bring a police report. They declined to treat me because I did not have a police report. I was later taken to Multicare Hospitals. At Multicare, we were more than 24 persons with gunshots injuries on the chest, hand, head and upper parts of the body. I stayed in Multicare for 3 months.”





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In March 2015, a federal legislative committee prohibited the denial of healthcare for victims of gunshot wounds. Adopting a report preceding the Bill for an Act to make Provisions for the Compulsory Treatment and Care for the Victims of Gunshot and Other Matters Connected Therewith, the lower arm of the Nigerian legislature—the House of Representatives concluded that the Robbery and Firearms (Special Provision) Act had been misinterpreted. The proposed 18-claused bill, when passed into law, will make it mandatory for medical facilities to attend to individuals with gunshot injuries without recourse to police report or approval for the purpose of saving lives. However, immediate notification must be made to the police regarding such cases. Despite this legislative directive, compliance had been low.

~ IPOB Members still threatened with arrests

Security operatives have launched a manhunt for the Anambra State IPOB Coordinator, Ikechukwu Okoye. Similarly, the Imo State IPOB coordinator known as Chidiebere, was allegedly arrested at Owerri on November 23, 2016, and is presently in the custody of the Directorate of State Security (DSS). There are also claims that the homes of some IPOB members in Imo State were demolished on the orders of the State Government. In addition, IPOB coordinator for Abia State was arrested two months ago.

Because of the incessant arrests and targeted killings of its members, many IPOB agitators are still in hiding with many either injured or unable to move about freely due to constant fear of arrests. Many have lost their sources of livelihoods while businesses have collapsed. The resulting economic losses have pushed many families into hardship and want. Their pitiable plight and the deteriorating conditions in which they now live have not attracted the attention or sympathy of the state government.

“My shop has closed down. I can barely feed. I cannot take care of my wife and 3 children any longer”, an injured Biafran agitator with swollen arms and feet told SPACES FOR CHANGE.

While repression and fear continues to mount, the Anambra State government's response to the security crisis has been dismal, and unlike in Enugu State where the state authorities have launched an independent investigation, and taken steps to activate the formal machineries of accountability, the situation in Anambra State is the opposite. The state government is yet to investigate the mass shootings and killings of citizens. Injured traders and those whose properties were torched during the protests have received no humanitarian assistance from the state authorities. However, there are indications that the Biafran agitators may have rebuffed or turned down the state's offer of humanitarian support. For instance, an injured Biafran agitator told SPACES FOR CHANGE:



²⁴²Interview with a local source, Owerri, Imo State.



“The Anambra State Governor wanted to pay our hospital bills at Multicare, but IPOB restrained him. They instead, demanded that the dead bodies of their members killed in the barracks and buried in shallow graves should be exhumed and returned to them.”

Although the wave of arrests, detentions, and massacres remain unabated, the agitators appear undeterred. Throughout interviews with SPACES FOR CHANGE, wounded agitators consistently referred to themselves as Biafrans. The movement's mainstream communication outfit, Radio Biafra is still broadcasting live to millions of ardent followers in the South Eastern region on Radio 102.1 FM.

~ Internal wrangling within IPOB

Members of IPOB continue to face intimidation and threats to their personal safety. The persisting military onslaught on the group has seen its members disperse and remain in hiding. This has weakened their leadership structures, limiting the ability of the movement's central leadership body to interface effectively with the various state coordinators. This weakening of the movement's leadership and organizational capabilities is a growing source of tension and internal wrangling among members. When a ton of their members were shot during the protests, and hospitalized for several months, the group had trouble providing support for their wounded members.

“While we were in hospital with varying degrees of injury, our leaders did not come to empathize with us. Only the Welfare Officer was coming around. He also paid hospital bills for some members. After some time, bills piled up, no one was paying for them.”

The delay in ensuring that support reaches members in good time may not be unconnected with the atmosphere of repression of IPOB's activities. Agitators, however, remain confident that these challenges are momentary, as they continue to express unflinching commitment to their agitation for the state of Biafra.

Checkpoints Galore in the South-East Region

Restrictions of civic space are also associated with increased marginalisation and extremism, which can in turn foment social unrest and political instability. The alarming number of police checkpoints and roadblocks in the South-Eastern region of Nigeria is a growing cause of concern. Moving around the cities and villages in Enugu (Enugu State) to Onitsha (Anambra State) to Owerri (Imo State), SPACES FOR CHANGE observed and encountered frequent stops associated with over-policing and over-militarization of the region. It is almost impossible to drive every 500meters without stoppages at checkpoints manned by heavily-armed mobile police officers, brazenly extorting money from motorists and wasting their time. The over-policing and over-militarization of the region sharply contrasts with the 2016 National Human Development Report for Nigeria, which named South-East Nigeria as the most human security secure geopolitical zone in Nigeria.





Efforts to remove checkpoints from Nigerian roads dates back to July 2010 when the then Inspector General of Police, Ogbonnaya Onovo, banned police mounted roadblocks and checkpoints to curtail numerous robberies and fatal accidents that they caused. The checkpoints resurfaced shortly thereafter. Other Inspectors General of Police such as Mohammed Abubakar and Solomon Arase also made similar attempts to ban checkpoints to no avail. On September 1, 2016, the current IGP Ibrahim Idris directed all commissioners of police to dismantle roadblocks across the highways in Nigeria, declaring them illegal. Trends show total non-compliance to this directive especially in the South Eastern part of the country.

As an author summarized:

“Restricting checkpoints to the South East raises many questions and suspicions. Does it mean that it is only the South East that requires maximum policing? A drive through other parts of the country will reveal that checkpoints are non-existent. There is no guarantee that checkpoints prevent crimes as many crimes have been committed within earshot of police checkpoints without any effective response from the police. The Nigeria Police should not allow itself to be used as an instrument of oppression and domination against a section of the country as the overwhelming presence of police checkpoints in the South East seem to suggest.”

The situation in the South East aligns with DeMeritt's analysis which suggests that repressive governments – either authoritarian or democratic – traditionally have agents that function as legitimate and hegemonic extensions of the government. The agents primarily used to execute repressive acts are the police and military forces, para-military and other law enforcement agents, through whom state powers are exercised. It is also usual for these agents to use a combination of violence and ideology to legitimize their functions of coercion and repression. As the facts above confirm, repression in the South-East region primarily takes the form of the conduct of state agents designed to subdue citizens using institutional arrangements or physical force. The situation in the region also puts on display, how an entity (the state) enforces rules in ways that disadvantage the populations living in some sections of the country. In turn, the disadvantages resulting from discriminatory official behaviour accelerate the shutting down of spaces that affected citizens may use to prevent abuse of authority.

²⁴³Jacqueline H.R. Demerit (2016), *The Strategic Use of State Repression and Political Violence*, retrieved from <http://politics.oxfordre.com/view/10.1093/acrefore/9780190228637.001.0001/acrefore-9780190228637-e-32?print=pdf>. P4

²⁴⁴DeMeritt



South West, Nigeria:

Receding Civic Spaces in South-West Nigeria

As with the previous examinations conducted across the regions regarding the operating environment for civil society and the civic spaces where citizens interact with the state, the spotlight on the South-West geopolitical zone specifically assessed the extent individuals or organized groups, are able to freely, effectively and without discrimination exercise their basic civil rights. Across the six states in the South-West region, reports of infringements on basic freedoms, particularly of expression and assembly, rights of information, association and participation, abound. The nature and scale of these infringements exacerbate the restrictions on civic spaces. When such restrictions heighten, protection against potential abuses of power, corruption, and violations of rights is diminished, jeopardising the security and well-being of societies as a whole. We examined the situation on a state by state basis in the region.

~ Lagos

Lagos, Nigeria's most populous mega-city, has witnessed a skewed urbanization process resulting from colonial and neo-colonial patterns of socio-economic development, infrastructural and wealth distribution, governance and power relations, and class-based social discrimination. Another interesting dimension is how international development work is often exploited and hijacked by both official and private actors, transforming the state into a theater for state-private collusion to further deprive the citizens of their entitlements and fundamental freedoms. In consequence, gross abuses of human dignity are rampant.

The most famous example is the demolition of settlements and the associated forced evictions of predominantly poor residents of these areas. Hiding behind the veneer of environmental safety and public security, state actors demolish and forcefully evict thousands of urban poor populations living in the slums and informal settlements. While millions of residents lack access to adequate shelter, basic amenities and decent means of livelihood, the participatory mechanisms for correcting or challenging these urban deprivations are even farther beyond their reach. Recent demolitions in Otodo-Gbame, which sacked thousands of residents from the coastal settlement in the Lekki area of Lagos, painfully reminds of the state's unrelenting adoption of forced eviction as an indispensable tool for development control. A slum clearance operation that began in November 2016, and continued until April 2017, left many residents homeless, pushing them deeper into poverty. Inhabitants have alleged that there is a grand conspiracy to forcefully displace them and sell off their land. There has not been any welfare intervention from state authorities.

Hiding behind the veneer of environmental safety and public security, state actors demolish and forcefully evict thousands of urban poor populations living in the slums and informal settlements.



The effective functioning of civic spaces is hinged on the freedom of the both private citizens and organized groups to express their views, in favour of, or in opposition to government policies or practices. The formal and informal spaces where groups interact or congregate to challenge the wave of arbitrary demolitions in the state remain relatively unhindered. Even though that's a rich vein of relief compared to other states, state officials, however, make no serious moves to address the demands or issues raised. Civil society initiatives in the state have come under great pressure from state actors who view their civic and democratic participation with suspicious lenses. Sometimes, the negative reaction of city officials to revelations that they are presiding over a flawed system resembles an effort to silence critics. Official reluctance to listen or address systemic problems when they come to light also shows their extent of disdain towards improving the integrity and efficiency of civic spaces.

Consistent with the indicators of repressed or obstructed civic spaces, interferences with free speech and media freedoms were recorded across states in the South West, especially in Lagos, Ogun and Ekiti States during the period under review. Whether it is the January 2017 detention (without a formal charge) of an online news publisher; or the arrest, detention and rustication of student activists from the University of Lagos; or arrest of a publisher and nine others, accused of circulating 'seditious and malicious information'; or the police' obstruction of planned public protests against bad governance; or the complicity of state security apparatuses in all of these situations points to the increasing closure of civic spaces in the named states.

~ Ogun State

In Ogun State, on-site and offsite research conducted by SPACES FOR CHANGE revealed a repressed civic space that is impervious to criticism. Expression and assembly rights are heavily constrained and the evidence abound. In August 2015, students sitting for an examination were required to write an essay about the government's neglect of the education sector. Ogun State Government fired six officials of the State Ministry of Education because the examination question was deemed 'offensive'.

The state's resistance to criticism, and apparent disregard for free speech and assembly, is so high that participation in organized civic action has been punished with dismissals and suspensions. In August 2015, Ogun State Government dismissed the state's chairman of the Nigeria Labour Congress, NLC, Akeem Ambali, and the state's chairman of the Nigeria Union

²⁴⁵In January 2017, Sahara Reporters Publisher, Omoyele Sowore was detained without charge by the Lagos command of the Nigeria Police over a case of 'two-fighting'

²⁴⁶In April 2016, Olorunfemi Adeyeye was rusticated from the University of Lagos because of Facebook post he wrote which was critical of the University's management. Again on September 2016, police authorities arrested and detained Adeyeye along with other student activists for attending a student mobilization/solidarity meeting. In January 2017, Adeyeye was again, arrested for allegedly disrupting the convocation activities of the University of Lagos.

²⁴⁷On January 30, the Lagos Police Command Officials arrested Biafra Times publisher, Peter Eke and nine others for the publication and circulation of alleged seditious and malicious information.

²⁴⁸A planned protest led by popular musician, Tuface Idibia, was suddenly cancelled, for 'security reasons'.



of Teachers, NUT, Dare Ilekoya. Four other members of the NUT were also suspended for clamouring for an indefinite strike over workers' salary deductions. A panel of inquiry that investigated the 'alleged misconduct' of the executive members of the NUT recommended their dismissal and suspension. The dismissed NLC chairman was accused of making "inflammable and scandalous remarks" against the state government, which the panel noted could cause a breach of the peace in the state.

In another instance, a blogger, Emmanuel Ojo was allegedly arrested on the orders of the Ogun State Governor, Ibikunle Amosun because of a commentary published on Facebook which alleged that the governor's wife was quizzed in London for money laundering. The Governor's wife denied the claims. Despite tendering a public apology to the governor and his wife, persistent threats to his life forced the blogger to flee to another West African country.

The famous case of a young man, Mr. Joachim Fortemose Chinakwe, 40, arrested and prosecuted for naming his dog, Buhari, gripped national attention, stoking controversy around the disappearing respect for human rights and freedoms in the country. The Ogun State-based textile trader was arrested in August 2016 on the basis of his neighbour's complaint about a dog was named after his father. He was arrested, detained for four days, and remanded in prison for another four days before he was bailed. He was subsequently charged for committing an offence likely to cause a breach of peace.

~ Oyo and Ekiti States

The state of civic freedom in Oyo and Ekiti does not significantly differ from that of Lagos and Ogun States where a clampdown on expression and assembly rights have been witnessed. Instances of citizens' ability to organize, participate and communicate without hindrance range from the arrest of labour leaders protesting against the alleged privatization of public schools to the Oyo governor's discourteous remarks to students of Ladoke Akintola University of Technology (LAUTECH) protesting against the seven months closure of their school. Nothing exemplifies the degree of hindrance on civic expression more than the January 30, 2017 attempt by operatives of the Department of State Security to arrest the founder of Omega Fire Ministries, Apostle Johnson Suleiman, in Ekiti State in connection with his fiery preaching against Fulani herdsmen attacks on Christian communities.

The circumstances detailed above, prevailing in the South-West region, are a symptom of a repressed civic environment where the capacity of citizens to express their interests, ideas, exchange information, make demands on the state, and hold state officials accountable, is severely constrained. Respect for fundamental freedoms and the rule of law is both a precondition and an important feature of an unobstructed civic space. Put differently, the quality of fundamental freedoms citizens enjoy as well as the extent which the state respects the rule of law, provide a

²⁴⁹In June 3, 2016, leaders of the Nigerian Labour Congress (NLC) in Oyo State were arraigned before an Ibadan Magistrate Court for protesting against the alleged privatization of state-owned secondary schools in Oyo State



basis for measuring the broader enabling environment for civic space and democratic participation. Where this culture of respect is absent, the more specific rights and freedoms associated with civic space (discussed above) are jeopardised.

Growing restrictions on the fundamental rights and freedoms and civil society recorded in all of the communities and states SPACES FOR CHANGE visited, are no doubt, consistent with the physiognomies of closed spaces and that of state repression as well. From one state to the next, active social actors and the local inhabitants we spoke with felt that the operating environment for civic action and civil society is not only tightening, but also becoming unduly sensitive. There was consensus that overbearing governmental power is incrementally, shrinking the spaces for democratic engagement, and this has had a significant adverse impact on the work of activists and advocates working in more politically sensitive areas (such as anti-corruption, human rights, land rights, natural resources, environmental protection and climate justice).





CHAPTER 4

Analysis of Findings

This study combined the “events” and the indicators-based methodology to capture and document the incidences of closing spaces at country level. The events methodology, is useful for monitoring violations of civil and political rights, such as arrests, killings, torture, unlawful imprisonments and the like. This method, however, is not without its drawbacks. Singular events which carry multiple acts of human rights violations are difficult to record because segmenting the violating acts will be difficult. The indicators-based methodology, on the other hand, is suited for monitoring violations of cultural, social and economic rights. It is instructive to note that the actions of state and non-state actors that close down the spaces for civil society and broader civic engagement primarily draw from violations of both civil and political rights as well as social, economic and cultural rights. It then follows that the methods employed for documenting human rights violations and the closure of civic spaces overlap each other. This study draws from the overlapping dimensions of both methodologies.

In developing a database for capturing incidences of closing spaces gathered from field interviews and news sources, we used the Google Document Spread Sheet, which allowed the team to jointly access, edit and update the data from different locations. Colour coding concepts were also employed to group data into different segments on an issue-by-issue basis. The database was segmented in the following order:

- Regions: These include the North-West, North-East, South-East, South-West, North-Central and the South-South regions, which make up the six geopolitical zones of Nigeria.
- States: 36 States of Nigeria and the Federal Capital Territory, Abuja.
- The exact date of occurrence and reporting
- The incidents and issues reported in detail
- The security agency(ies) involved
- The legal foundations that highlight the legal issues in each case. Where possible, it examines whether extant laws, particularly the Nigerian 1999 Constitution, supports the arrest or motive of the security agency. Rights implicated for the individual or group of persons.
- The action(s) taken by the government, the individual or the civil society, where applicable
- The casualties recorded
- Referencing material for each incidence: These include newspaper sources, internet sources duly cited.

One hundred different cases were captured across a 28-month period (January 2015 – April 2017).

Figure 1: Database on Closing Spaces in Nigeria (2015-Date)



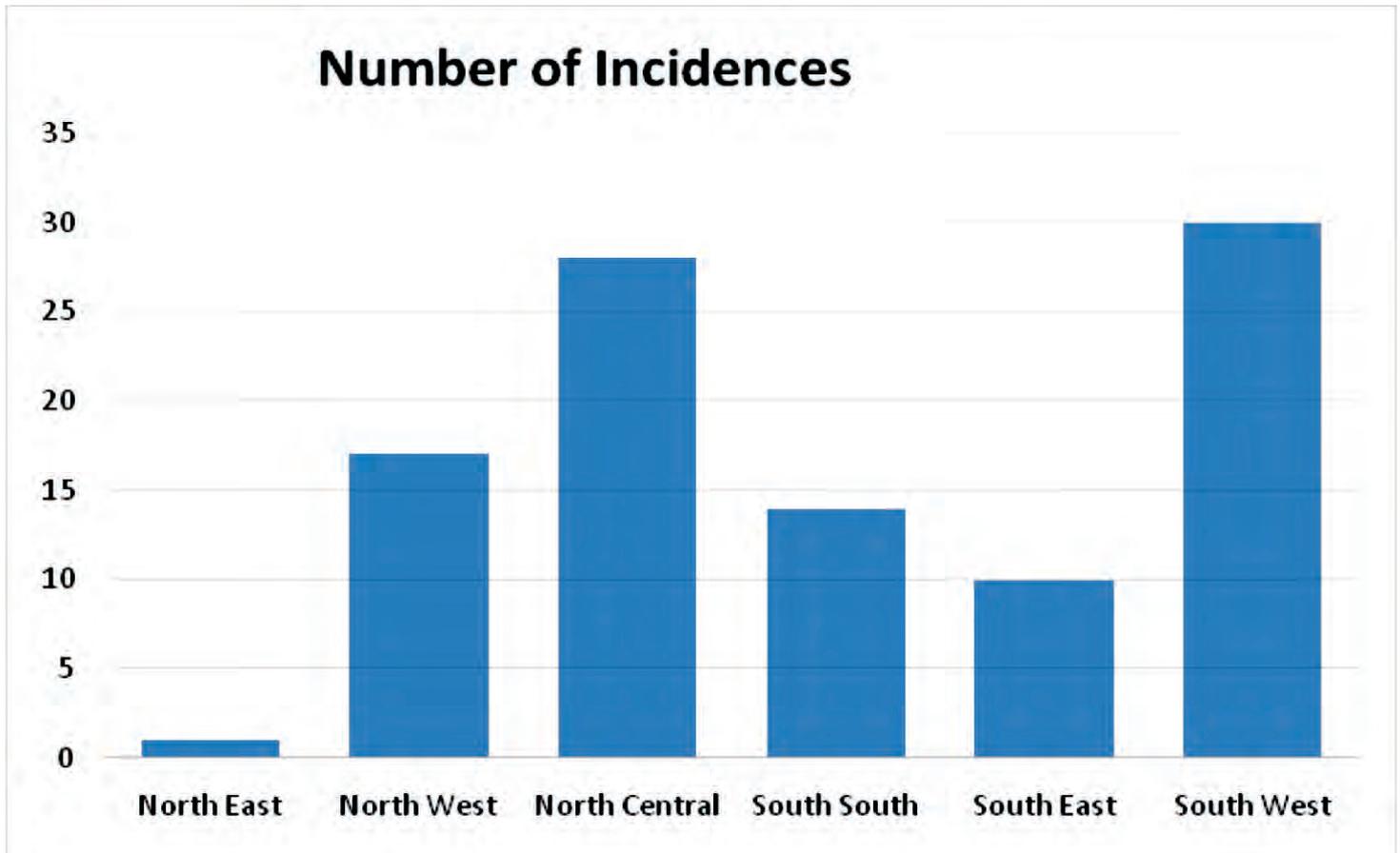


Regions	States	Dates of Occurrence and Reporting	Incidents and Issues	Security Agency Involved	Legal Foundations	Rights Implicated	Actions	Casualties	Sources/Reference
	Benue	18 May 16	Police and officials from the Benue State Water Board detained Pius Irota Angboso, a correspondent with the Channels Television, and cameraman Mike Umeh for recording video footages of water theft on the water corporation. They were taken to the Benue State Police Headquarters where they were detained for three hours in order to get them to delete the video. They were later released by Benue state Police Commissioner with the video footage intact. The Governor of Benue State Samuel Ortom has ordered	Police and officials from the Benue State Water Board	Sections 22 and 39 of the 1999 Constitution	The constitutionally guaranteed rights of Pius Angboso and Mike Umeh as clearly stated in Sections 22 and 39 of the Constitution were disregarded			Nigerian Journalists detained for investigating alleged water theft. https://cpj.org/2016/05/nigerian-journalists-detained-for-investigating-a-plot/

Incidence Levels in the Geo-Political Regions

100 incidences of closing spaces captured in this study are restricted to a time limit of 2015-2017. This partially covered the period of the last democratic administration in Nigeria to the newly elected government. The incidents captured were grouped according to the geo-political regions where they occurred. The South-West recorded the highest number of incidences. This may not be unconnected with the fact that Lagos, Nigeria's former capital territory, is Nigeria's most populated state. It is therefore expected that more intense security activities may be required in the state. Apart from the North-East region ravaged by security crisis ranging from incessant herdsmen attacks to the Boko Haram insurgency, the incidence level of closing spaces appear to be evenly spread across the country. Thus, the closure of civic spaces is a growing problem across Nigeria, and therefore not particular to any region.

Geo-Political Region	Number of Incidences
North East	1
North West	17
North Central	28
South South	14
South East	10
South West	30



As seen in the chart, the police are the most frequently deployed security agency in the states where the repressive actions occur. The reason is simple: the state governors, being the “Chief Security Officers” of their respective states, control the security services, which include the police. Accordingly, armed police officers are frequently deployed to carry out repressive acts for the State. In addition, the police are often hired by highly-placed individuals to embark on activities that repress individual and group rights.

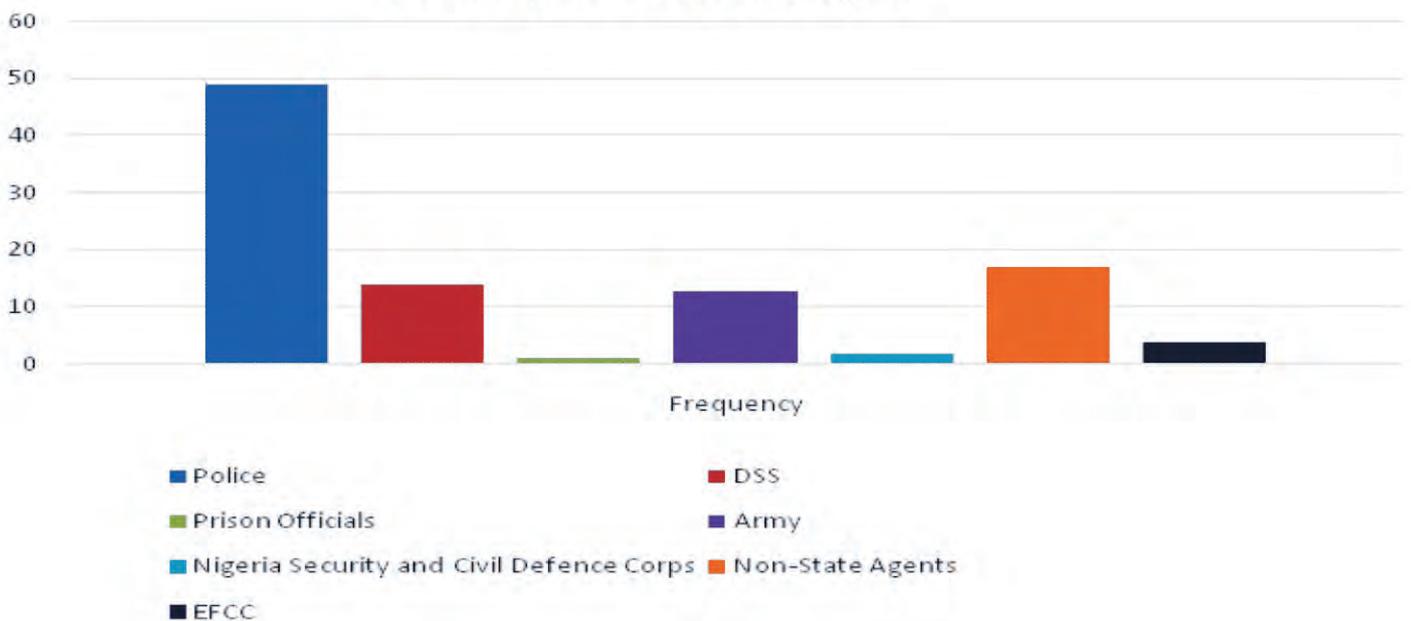
The database also reveals a high frequency of the participation of the Department of State Security Services and the Nigeria Army in the documented activities that close civic spaces. It is important to state that apart from all security services/agencies listed below are armed, and thus, persons arrested are likely to comply and obey orders whether they are guilty or not guilty.



Security Services Engaged vs. Frequency

Security Services Engaged	Frequency
Police	49
DSS	14
Prison Officials	1
Army	13
Nigeria Security and Civil Defence Corps	2
Non-State Agents	17
EFCC	4

Security Services Deployed



Incidence levels in the States

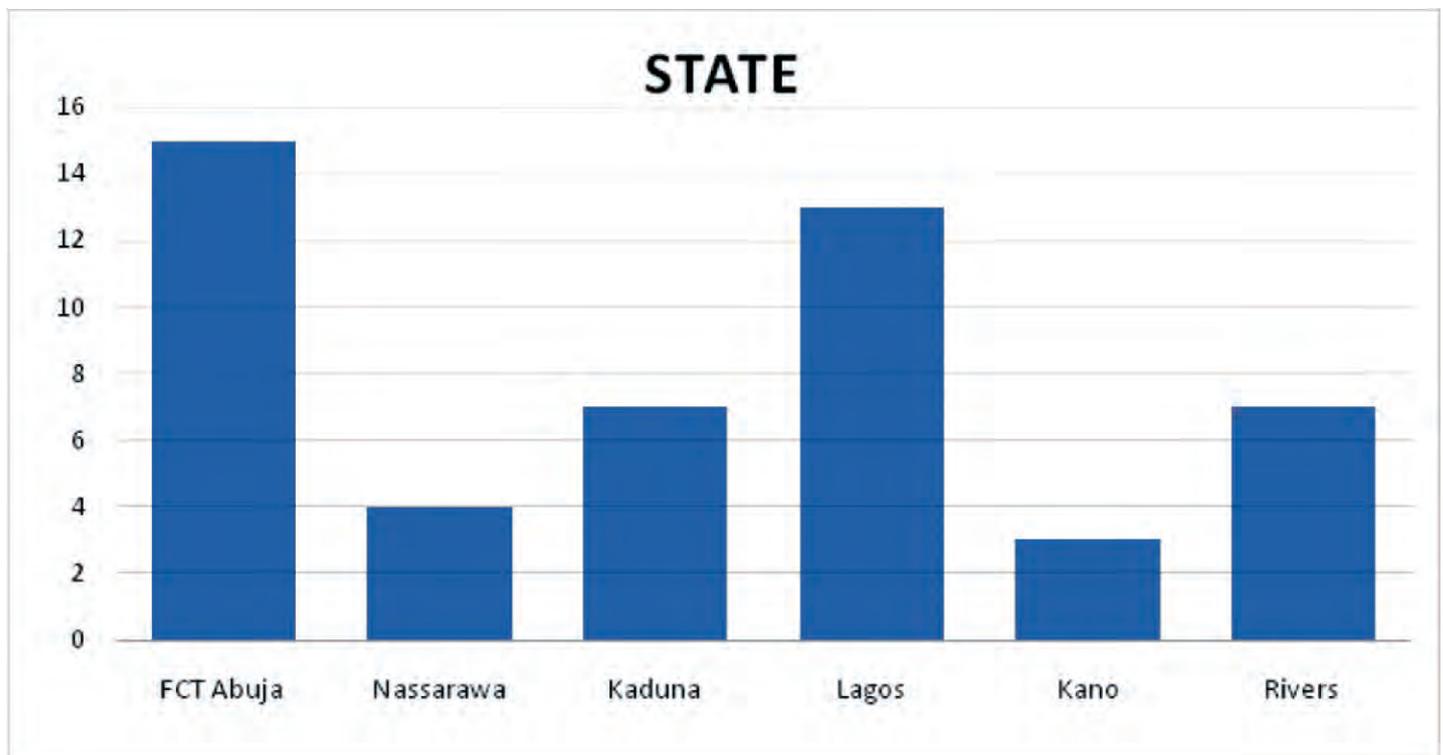
In developing this indicator, Nigeria's 36 states were considered, including the Federal Capital Territory. 28% of the incidences captured were in Lagos and Abuja. A combined 14% of the incidences captured occurred in Kaduna and Rivers States, both key states in the North and the South respectively. These are states with strategic economic and political institutions (Kaduna



State, reputed as a home for the key political players in the North of Nigeria) and economic interests (Rivers State, for its oil and gas deposits).

The tables below detail the incidence levels of closing spaces in selected Nigerian States.

State with the Highest Incidences	Frequency
FCT Abuja	15
Nassarawa	4
Kaduna	7
Lagos	13
Kano	3
Rivers	7





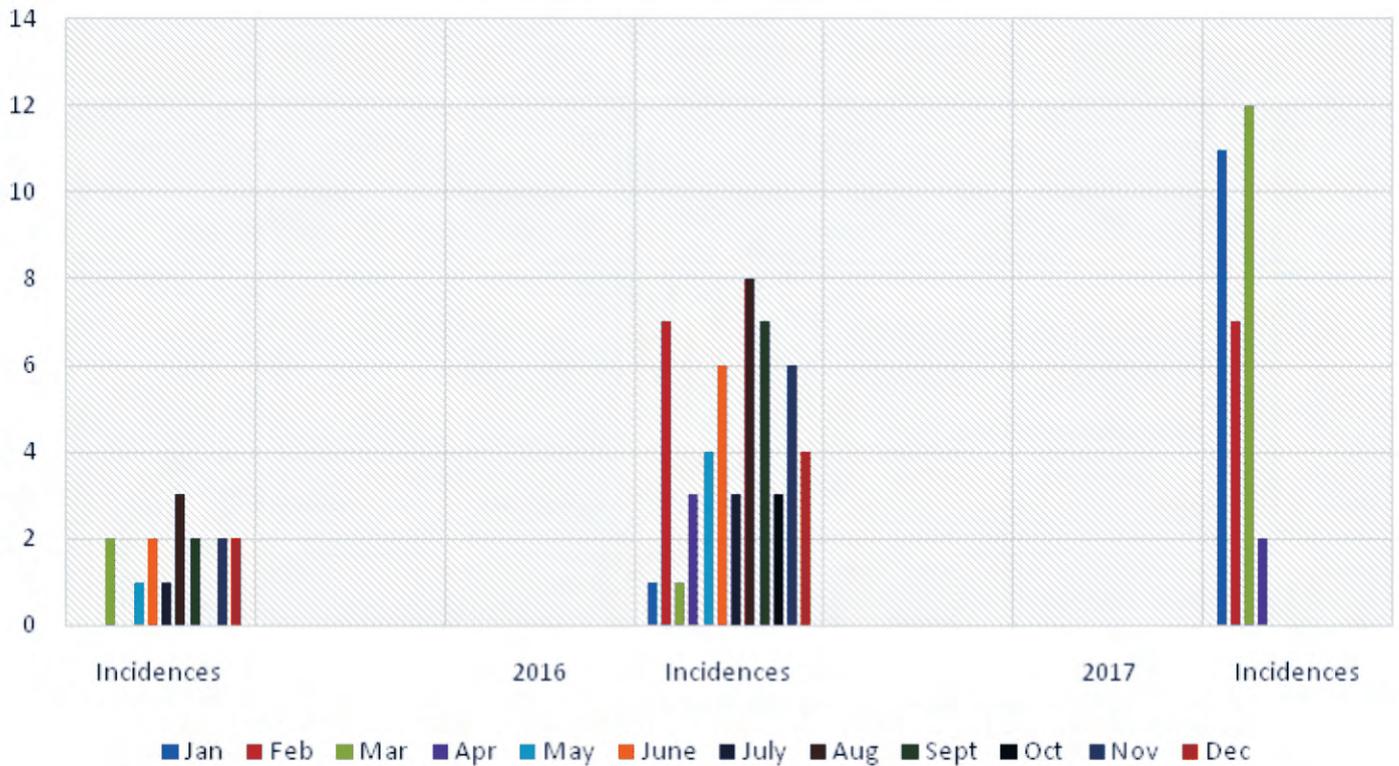
Months with the Highest Incidences

We plot a graph comparing the month and year of incidence to the number of incidents of closing spaces. This relationship is important. Firstly, it helps to understand trend(s), if any, which can be analysed based on the prevailing political situation in Nigeria. Secondly, it helps in clarifying the periods where state repression is the highest, enabling researchers to examine the underlying factors. We create a table of the number of incidences per month and year of occurrence. The graph shows a steady increase in occurrence from 2015 to 2017, with incidences peaking in January and March 2017 and lowest in 2015. We recorded the highest number of incidences in 2016, especially in February and September.

2015	Incidences		2016	Incidences		2017	Incidences
Jan			Jan	1		Jan	11
Feb			Feb	7		Feb	7
Mar	2		Mar	1		Mar	12
Apr			Apr	3		Apr	2
May	1		May	4		May	
June	2		June	6		June	
July	1		July	3		July	
Aug	3		Aug	8		Aug	
Sept	2		Sept	7		Sept	
Oct			Oct	3		Oct	
Nov	2		Nov	6		Nov	
Dec	2		Dec	4		Dec	



YEARS VS INCIDENCES



The Federal Capital Territory, Abuja, leads with the highest incidences of closing spaces. Lagos State, Nigeria's former capital territory and commercial centre is second with 13 incidences of closing spaces during the period under review: January 2015 to April 2017. The study concludes with the observation that the higher the strategic importance placed on states, the higher the incidence of closing spaces that may be witnessed there.





Chapter 5

Citizenship, Civic Spaces and Civil Society in Nigeria

CONTEXT

Spaces for group action, citizen engagement and organization are crucial, and central to democracy, including civil society operations. Thanks to the advancement in technology, online and offline spaces are increasingly, not only transforming into centers of democratic expression, but also have become catalysts for social and political change. In corresponding pace, governments have initiated steps to either regulate or restrict these spaces, with implications on human rights and freedoms, particularly the freedom of expression, public assembly, conscience and thought. The civil society plays an important role in democracy promotion and the realization of human rights. Restrictive regulation of the spaces for human and civic interaction significantly limits the ability of the civil society to effectively undertake these roles.

In May 2016, the Nigerian civil society successfully pushed back the Bill Prohibiting Frivolous Petitions, popularly known as the Social Media Bill, designed to regulate communications and use of the social media. Barely two months after the Bill was rested, another bill -- A bill to provide for the Establishment of Non-Governmental Organizations Regulatory Commission -- designed to restrict civil society operations in Nigeria has passed second reading in the Nigerian parliament. If passed into law, the bill, popularly known as the NGO Bill, will empower the Nigerian government, through various bodies to regulate, monitor and interfere with the funding and operation of non-governmental organizations (NGOs) and civil society groups (CSOs). At the state level, the Deputy Speaker of Imo State legislature also initiated a bill designed to gag media freedom in the state. The bill which set out to define the standard of operations for media houses in the state passed the second reading before intense resistance from civil society stakeholders led to its withdrawal.

One single thread running through the plethora of restrictive regulations is the cyclic premise on national security or the national interest. The lead paper in support of the NGO Bill emphasizes the need “to regulate CSOs on matters relating to their funding, foreign affiliation and national security, and ... to check any likelihood of CSOs being illegally sponsored against the interest of Nigeria.” In simple parlance, these arguments reecho increasingly popular sentiments suggesting that NGOs are “vulnerable to terrorist abuse” or are “enablers for funding terrorist groups.” Prior to its revision in 2016, these sentiments find support in Recommendation 8 of the



CONFRONTING CLOSING SPACES FOR CIVIL SOCIETY IN NIGERIA



Financial Action Task Force, the global standard-setter for anti-money laundering and countering financing of terrorism. Perception is growing that domestic efforts to comply with these international standards may have opened the door for human rights abuses, providing the government with further grounds to crush dissent and impose restrictions on civil society.

Under the auspices of the organization's research project on Confronting Closing Spaces for Civil Society Operations in Nigeria, supported by the Open Society Initiative for West Africa (OSIWA), SPACES FOR CHANGE has been conducting an advanced legal research in order to critically appraise government's arguments for proposing restrictions on CSO activities in the name of “national interest and security”. The

ongoing research project seeks to establish whether the existing spaces for civic engagement, including civil society operations, are expanding or contracting under the current democratic dispensation. The February 28, 2017 public forum forms part of a broader strategy for gathering information from a wide spectrum of stakeholders in order to gauge public responses to the multiplication of oversight regimes regulating the civil society and non-profit organizations (NPOs) in Nigeria. This report sums up the proceedings at the forum.

SPACES FOR CHANGE convened a one-day public forum on Citizenship, Civic Spaces and Civil Society in Nigeria, on February 28, 2017, in Abuja, Federal Capital Territory of Nigeria. The forum brought together a unique diversity of participants primarily drawn from social movements and civil society organizations recently affected by the overbroad application of official measures or policies enforced in furtherance of national interest and security. Along this line, an assemblage of the most popular voices of political dissent and group agitations—such as the Indigenous People of Biafra (IPOB), the Shi'ites (Islamic Movement in Nigeria (IMN)), the Movement against Fulani Occupation, the indigenous people of Agatu and Southern Kaduna, the Christian Association of Nigeria, Jama'atu Nasril Islam, including activists and citizen advocates incarcerated and prosecuted for their social advocacy activities in Nigeria—came together under one roof to have a constructive dialogue on the state of civil society in the country. Not left out of the dialogue are representatives of the National Human Rights Commission (NHRC), the media, local and international non-governmental organizations.

In a keynote address, Dr. Tony Ojukwu of the National Human Rights Commission underscored the importance of civic space and the civil society in Nigeria, highlighting some of their influential interventions that helped restore democratic rule in 1999. Civil societies facilitate different voices by enlarging rights and empowering citizens, thereby scaling up participation which is both an individual and collective right. The civic spaces are extension of community spaces where people interact with one another and with their government. The spaces for civil society engagement shrink when state actors attempt to



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Ojukwu observed that the restriction of civic spaces is often triggered by a number of international regulations and treaties that Nigeria has either ratified or submitted to its implementation. An interesting example is the Financial Action Taskforce (FATF), Standards. In the light of the heightened global efforts spearheaded by the FATF toward combating money laundering and financing of terrorism, Nigeria has faced increased scrutiny and legal constraints. In a bid to comply with FATF's standards, Nigeria has rolled out several laws, regulations and guidelines applicable to corporate persons which have had the effect of imposing greater obligations on such corporate persons including incorporated non-profits. The Money Laundering (Prohibition) Act, the Terrorism (Prevention) Act, the Special Control Unit against Money Laundering ("SCUML") Regulations, and the Central Bank of Nigeria AML/CFT Guidelines are among major legislation enacted in compliance with FATF requirements. Acknowledging that threats to national interest or security are indeed real, but however, blanket restrictions must be avoided to ensure democracy promotion is not threatened and the very communities they seek to help are not alienated.

After the keynote, follow-on discussions empaneled into four sessions addressed four broad themes affecting the media community (Contracting Media Spaces), the indigenous communities (Indigenous Communities under Threat?), the religious community (Between Religious Freedoms and the Right to Self Defence) and the civil society community of actors (Beyond FATF: Perspectives from the Local and International Non-Governmental Organizations). Simultaneously tweeting and sharing the forum conversations on social media enlarged participation from wider audiences, both online and offline. As the meeting progressed, the forum's hashtag, #ClosingSpaces, trended on Twitter. According to Trendinalia Nigeria, 127 users and 250 tweets (147 RTs) in 23 hours made #closingspaces a Trending Topic in Nigeria, reaching over 38,300 people since its 1st mention.





Session One: Contracting or Expanding Media Spaces?

Chairing the session, Inibehe Effiong of the Coalition of Human Right Defenders (CHDR) stated that freedom of expression is not a gift from government; rather it is a constitutionally-protected human right. According to him, Nigeria is presently drifting towards a culture of intolerance. Beginning from 2015, arbitrary arrests, detentions and human right violations of bloggers and journalists have become commonplace. There are various instances to boot. In August 2016, Abubakar Usman, a blogger, was arrested and detained by the Economic and Financial Crimes Commission (EFCC) for making comments on social media alleged to have contradicted sections of the Cyber Crime Act. His alleged crime was christened, 'cyberstalking'. The Nigeria Army declared Ahmed Salkida, a journalist, wanted in September 2016 for alleged links to Boko Haram. Musa Babale nAzare was arrested for criticizing Bauchi State Governor in August 2016. In September 2016, Jamil Mabai was detained for 22 days for criticizing Katsina State Governor Aminu Masari's purchase of metal coffins. In April 2016, Jacob Dickson was arrested for writing a report critical of Nasir El-Rufai, Governor of Kaduna State.

Furthermore, in September and December 2016, Emeka Iroegbu and Aku Obidinma were arrested by state security operatives in Abia and Imo State for criticizing government policies. In September 2015, Emmanuel Ojo was arrested on the orders of the Ogun State governor because of his Facebook posts that was critical of the governor's wife, Olufunke Amosun. The said post accused the Governor's wife of being quizzed in London for money laundering. These and many more related incidents are among the latest attempts to stifle the freedom of expression and information by government authorities and agents in the name of national or state security. Confronting the culture of intolerance and executive arrogance using every available platform has now become imperative. The human rights community must do something strategic to end the erosion of civic spaces, Inibehe urged.

Aku Obidinma of Imo Bilie Initiative shared the story of his arrest and detention on the orders of Imo State government. He was arrested and detained because of his bold questions regarding public procurement, contract executions and unpaid workers' salaries in Imo State. He was arrested on the November 24, 2016 by four armed operatives of the Department of State Security (DSS) after a radio show. They whisked him



away in a Sports Utility van. At the DSS office, Obidinma was tagged a 'social media terrorist', while his Facebook page and comments were painstakingly screened. Four days after his arrest, he was taken to a Magistrate Court, where he was slammed with a two-count charge: criminal defamation and breach of public peace. He spent 57 days in prison custody, and was initially prevented from having access to his lawyer and family. While in incarceration, what he particularly found shocking was the reaction from the media and civil society spaces in Imo state. According to him, these spaces were largely silent. When approached, they stated that 'they don't want trouble'.

Another member of the panel, Femi Adeyeye, a student of the University of Lagos (UNILAG) who was rusticated in August 2016 also shared his own experiences. In a critique of the anti-student policies in UNILAG contained in a Facebook post, he condemned the university authorities for their insensitivity to the deteriorating conditions in which students study. On a particular occasion, he posted a picture depicting the deplorable living conditions of students of Obafemi Awolowo University on his Facebook page, captioned, "see where the leaders of tomorrow are living." The photos went viral on the internet which led to his name being blacklisted on a national security report that he was inciting students against the government.



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As with the Southern part of the country, media freedoms are contracting even further in the northern part of the country. Gloria Ballason of the House of Justice and MIVE LEGALS chronicled the state of civic engagement in Kaduna State. Anarchy looms when citizens live in a state where it is either the governor's way or the highway. Shutting down civic spaces and voices that do not sound like that of the Governor not very good options especially when the seat of the Governor is a democratic chair and not a throne, she said.

Gloria Ballason is a human rights activist and anchor of a radio programme, 'House of Justice' in Kaduna State. Her radio programme was forcefully taken away from her and reassigned to another person because the state authorities found her comments 'troubling' and 'upsetting'. At a fact-finding mission organized by the Nigerian Bar Association (NBA) in the state, the State Governor, Nasir El-Rufai, reportedly announced that he would 'arrest and prosecute' Ballason for the 'dossier of her work which the government is compiling, including her article titled 'When the Government Kills'" published in the Blueprint Newspaper of 28th November, 2016. Ms. Ballason has filed a 'fundamental rights enforcement' lawsuit against Governor El-Rufai of Kaduna State.



The testimonies of Aku Obidinma, Femi Adeyeye and Gloria Ballason give deep insights into how the mantra of state and national security has been broadly applied in violation of the freedoms of expression, association, and religion or belief. It has also provided justification for surveillance of vocal critics and advocacy organizations working to hold leaders accountable. Consequently, citizens and media organizations, gripped with fear, are now holding back from speaking up or reporting certain issues that may have a sensitive content. When people don't feel able to speak, the implication is that information needed to hold the government accountable is withheld.

The three panelists had divergent views regarding the factors responsible for weak media response(s) to growing state repression. Adeyeye argues that there is hardly any media outfit in Nigeria that is not owned, sponsored or affiliated to a politician. Therefore, the infiltration of the media space by politicians is the biggest threat to the civic space in Nigeria. Ballason contends that the people who benefited from the social media are now working against the social media. Aku Obidinma opined that media silence in the face of repression is even more injurious to the society because it emboldens the oppressor. However, they all agree that the media and civil society spaces have an important role to play in challenging state repression and shrinking spaces. As such civil society stakeholders and organizations must stand up and work together to confront the closure of civic spaces.





Session Two: Indigenous Communities under Threat?



Are indigenous communities under threat? Answering this question is imperative considering the scale and pattern of attacks carried out by rampaging herdsmen and armed bandits in indigenous communities across the Middle-belt and South-Eastern parts of the country. Attacks in Agatu, Nimbo, Ode-Magaji, Ekiti and Southern Kaduna are particular reference points. More tellingly, the pattern of governmental responses to them largely fails to resolve them. Instead, governmental action has, as the panel discussions will demonstrate, led to considerable contraction of the spaces for cohesive interaction among communities, leading to the proliferation of group agitations for secession, for regional autonomy and for true federalism.

The question of threats to human life and social security faced by indigenous communities was the focus of the second panel session chaired by Henri Paul Etiokpah of Centre for Leadership, Strategy and Development, Abuja. Discussants on this panel were Comrade James Idu, Agatu indigene and Desk Officer of National Emergency Management Authority (NEMA) in Agatu Local Government, Benue state; Barr. Solomon Musa, President of the Southern Kaduna's People Union; Rev Dave Ogbole of the Movement against Fulani Occupation, and Charles Ogbu who delivered a commentary on the Indigenous People of Biafra (IPOB).

Speaking on behalf of the Agatu community in Benue state, James Idu said that the Agatu people from Benue State are hospitable and peace-loving people. Strangers and visitors to their community have unduly exploited the hospitality that Agatu people is known for, to the detriment of indigenous populations. Today, Agatu community is riddled with crisis over land for farming, grazing and for occupation. About 27 communities have been wiped away by the recurrent violent crises between indigenes and the predominantly-herdsmen settlers.



Idu claims that the crisis in Agatu is an insurgency, and not just a farmer–herdsmen conflict. The conflict which took on a new dimension in February 2013, has witnessed large scale destruction of lives and properties. Armed-to-the-teeth herdsmen invade communities so routinely, unleashing mayhem for hours, massacring women, children and the aged in their numbers with limited security restraints. The government has deployed security to major roads or highways, but this has yielded little results as the herdsmen now utilize the alternative unpoliced bush-paths across the Nassarawa–Benue boundary to launch their attacks on natives.

Communities that have been destroyed and sacked in Southern Kaduna have now been taken over by cattle-rearers ~ Musa

As human rights violations persist and the bloodshed continues, Spaces for Change is the only organization that has given the Agatu people a platform to tell their story, Idu remarked. Glaring differentials in the handling of similar conflicts across regions fuel accusations of discrimination and neglect. For instance, the Federal Government introduced a plethora of initiatives designed to reconstruct villages and rehabilitate residents of communities in North-Eastern Nigeria ravaged by the Boko Haram crisis. He wants the Federal Government to extend the same gesture of reconstruction and rehabilitation to Agatu people.

Dave Ogbole of the Movement against Fulani Occupation (MAFO) agrees with Idu. Economic and religious considerations underlie the cattle trade in Nigeria. Ogbole is the spokesperson of a non-violent pan ethnic group that seeks to protect the indigenous communities across the middle belt against invidious and unwarranted occupation of their ancestral homelands. Acknowledging a century-long relationship between the people of Benue state and Fulani herdsmen, Dave Ogbole posited that the relationship between them has now assumed a bloody dimension where they (the Fulanis) have preferred that the grasses of the places they graze be watered by the blood of the people who own the land and the grasses be manured by the carcasses of the people who own that land.



Ogbole's presentation also harped on the strikingly different manner state authorities handle security issues affecting farmers and herdsmen, which ostensibly favors the latter. In a situation whereby a joint military taskforce would be deployed to prevent and checkmate cattle-rustling affecting herdsmen, yet that joint military taskforce would neither be constituted nor deployed to Agatu community to protect lives during crisis periods speaks volumes about where the government's sympathy lies. In other words, emphasis has been placed on the protection of cows than on human lives.

In harmony with the views expressed above, Solomon Musa, President of the Southern Kaduna People's Union (SOKAPU), decried the intensification of revisionism in Kaduna State especially since April-May 2016. He attributes the





In harmony with the views expressed above, Solomon Musa, President of the Southern Kaduna People's Union (SOKAPU), decried the intensification of revisionism in Kaduna State especially since April-May 2016. He attributes the revisionist trends to the culture of political correctness wherein critical security issues demanding serious action are avoided or sugar-coated to avoid disputation. As attacks on Southern Kaduna became fiercer during these periods, Southern Kaduna communities were shocked by glaring state inaction. To make matters worse, communities that have been destroyed and sacked in Southern Kaduna have now been taken over by cattle-rearers.

Cattle theft is a major security challenge facing most northern states, said Solomon Musa. In early 2016, a joint military taskforce launched by the Kaduna government in conjunction with the governments of Kebbi, Zamfara, Sokoto, Katsina and Niger States to end cattle rustling in Kamuku Forest Reserve (which borders the five states) successfully ended the menace in those states. Likewise in July 2016, a military taskforce codenamed "Operation Harbin Kunama" was set up in Zamfara State to root out the menace of cattle-rustling and armed banditry. Why is the same military firepower used to quell cattle-rustling not being deployed to end the killings in Southern Kaduna? When attackers invade Southern Kaduna communities, they operate for hours without any form of restraint by security operatives. There is special protection for cattle, but none for human beings in Southern Kaduna. For the SOKAPU Leader, the search for answers to these confounding questions must not be wished away.

Delivering a commentary on the IPOB, panelist Charles Ogbu informed that IPOB is fighting for the self-determination rights of the people of the old Eastern region, which make up the present South-Eastern States of Nigeria. Questioning Nigeria's democratic foundations and credentials, he highlighted some of the findings of a recent Amnesty International report regarding the massacre of IPOB protesters in Onitsha and



Aba in the South-Eastern region of the country. According to a November 2016 Amnesty report, Nigerian security forces committed gross human rights violations and killed about 150 peaceful protesters on Biafra Independence Day in Onitsha on May 30, 2016. Similar mass killings, mostly affecting Christian minorities and members of the El-Zakyzaky-led Shi-ite movement continue unabated in Southern Kaduna. Ogbu argues that democracy loses its taste when human freedoms are denied arbitrarily, when state actors act lawlessly without consequences and when taxpaying citizens are killed unjustly in exercise of their constitutionally-guaranteed freedoms of expression, association and assembly and their bodies sprayed with chemical substances by the same security forces that are

trained and equipped to protect human lives and property. Put in another way, security operatives in the South Eastern part of the country seem to be saying – 'we can kill and get away with it'. Not only that, we have a government that seems to be saying – 'the lives of citizens don't matter.





Eastern part of the country seem to be saying – 'we can kill and get away with it'. Not only that, we have a government that seems to be saying – 'the lives of citizens don't matter.

FATF and GIABA's October 2016 Report on Terrorist Financing in West and Central Africa finds that the scale and nature of terrorist groups within the region have changed and this has had an impact on financing strategies as well. Threats and vulnerabilities that are specific to the region, and the possible funding sources identified particularly in relation to Boko Haram and groups linked to Al-Qaeda, include the prevalence and profitability of cattle-rustling as a key feature of rural and cross-border criminality. As the panel discussions accentuate, the measures adopted by the Nigerian government to end cattle-rustling may primarily be aimed at combatting terrorist financing in the region. However, also noteworthy is how these measures have been applied discriminately in a way that further stokes violent conflicts between communities, overwhelmingly targeting and violating the rights of indigenous communities. The same can be said of government security initiatives, such as Operation Python Dance, designed to crush surging local discontent and secession campaigns in South-East Nigeria.

Session Three: Between Religious Freedoms and the Right to Self-Defence

Just as security threats to indigenous communities have escalated, so also has religious tension between adherents of different faiths soared, forcing some religious movements to react in self-defence. The third panel, chaired by Dr A.N Ekpunobi, featured an array of religious leaders comprising Abdulrahman



AbubakarSalihu, Chairman of the #FreeZakzaky Campaign Committee of the Islamic Movement in Nigeria (IMN), Imam Shamwilu Nasir of the Jama'atuNasril Islam, and Reverend Dave Ogbole who stood for Reverend Sunday Ibrahim, Secretary of the Christian Association of Nigeria (CAN), Kaduna Chapter.

Freedom of religion is considered by many people and most of the nations to be a fundamental human right. The right of self-defense (also called, when it applies to the defense of another, alter ego defense, defense of others, defense of a third person) is the right for persons to use reasonable force or defensive force, for the purpose of defending one's own life or the lives of others, including, in certain circumstances, the use of

deadly force. International law provides for these two rights in the international bill of rights. The freedom of thought, conscience and religion can be found in Article 18 of the Universal Declaration on Human Rights, 18 of International Covenant on Civil and Political Rights (ICCPR), 9 of European Convention on Human Rights, 8 of African Charter on Human and Peoples' Rights and Article 30 of Arab Charter on Human Rights. The right to self-defence can be found in Article 51 of the UN Charter and in consequence, the principle finds practical application e.g. in international humanitarian law, where a civilian may



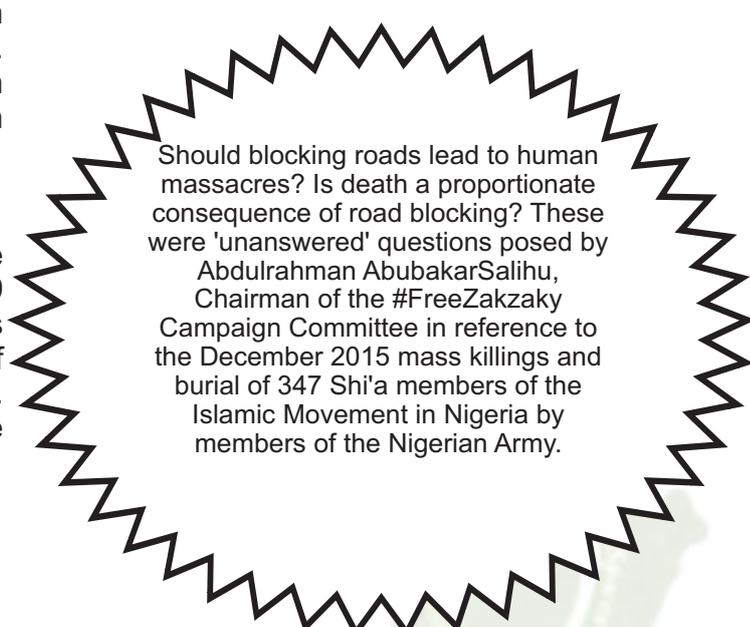


the defense of another, alter ego defense, defense of others, defense of a third person) is the right for persons to use reasonable force or defensive force, for the purpose of defending one's own life or the lives of others, including, in certain circumstances, the use of deadly force. International law provides for these two rights in the international bill of rights. The freedom of thought, conscience and religion can be found in Article 18 of the Universal Declaration on Human Rights, 18 of International Covenant on Civil and Political Rights (ICCPR), 9 of European Convention on Human Rights, 8 of African Charter on Human and Peoples' Rights and Article 30 of Arab Charter on Human Rights. The right to self-defence can be found in Article 51 of the UN Charter and in consequence, the principle finds practical application e.g. in international humanitarian law, where a civilian may exercise personal self-defence against atrocities without being considered a direct participant in hostilities. In human rights law, personal self-defence (and defense of others) against an imminent threat to life constitutes the only justification for law enforcement agents to use deliberately lethal force. It should be noted here that while freedom of thought conscience and religion is a natural right accruing to every human irrespective of the circumstance, the right to self-defence only exists as a responsive right, in that, it is only activated in response to an armed attack or an imminent threat to life and properties.

Where religious freedom clashes with the right to self-defence, which one should take preeminence? When and where does self-defence apply? To what extent should the force of self-defence go? These were questions that were at the front burner during the panel discussions on religious freedoms and right to self defence. Should blocking roads lead to human massacres? Is death a proportionate consequence of road blocking? These were 'unanswered' questions posed by Abdulrahman Abubakar Salihu, Chairman of the #FreeZakzaky Campaign Committee in reference to the December 2015 mass killings and burial of 347 Shi'a members of the Islamic Movement in Nigeria by members of the Nigerian Army. The massacred adherents of the Shi'a were alleged to have blocked the road during a religious procession which prevented military officials from accessing the road. The result was deadly use of force. Military forces sprayed bullets on them, leading to the death of hundreds of worshippers.

Following the attack, their properties, especially learning centers were equally destroyed by the Kaduna State government. Over 200 members of the IMN are still in prison in Kaduna State. The head of the Islamic Movement of Nigeria, Sheik Ibrahim Zakzaky and his wife, Malama Zeenatudeen were released by a court order in December 2016, but have still remained in 'protective custody' of the Nigerian government. These are issues that were raised by Abdulrahman Salihu on behalf of the Islamic Movement in Nigeria.

The second panelist, Imam Shamwilu Nasir of the Jama'atu Nasril Islam argued that while the 1999 Nigerian Constitution guarantees religious freedoms, there are limitations to the exercise of that especially in matters relating to public peace. Accordingly, religious freedoms should be exercised within the ambit of the law.



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The plethora of legislative efforts to restrict the civic space flows from poor understanding of FATF standards and overzealous implementation –
LotannaNwodo, SPACES FOR CHANGE

Session Four: Beyond FATF: Perspectives from the Local and International Non-Governmental Organizations (NGOs)

Is the growing restriction of fundamental freedom and shrinking of civic spaces triggered by international regulations and standard-setting frameworks that Nigeria has either ratified or submitted to its implementation? How does the implementation of these standards affect civil society operations in Nigeria? These were the issues discussed in the last session chaired by civil rights activist, Natasha Akpoti.

This panel kicked off with the presentation of SPACES FOR CHANGE's advanced legal research examining the (in)adequacy of Nigeria's legal framework for countering terrorism-financing and money laundering in order to determine whether a proper evidential link exists between the enforcement of FATF standards and the broadening state endeavours to close the spaces for civil society work in the country. The research proceeds upon the premise that the growing restrictions on the fundamental rights and freedoms and civil society interaction are consistent with the physiognomies of state repression. SPACES FOR CHANGE's researcher, Lotanna Nwodo, observed that ever since FATF's Recommendation 8 was issued in 2012, requiring countries to review the adequacy of laws and regulations that relate to entities that can be abused for the financing of terrorism, various legislations seeking to regulate non-profit organizations (NPOs) sprouted in several jurisdictions including Nigeria. Instances of these bills in Nigeria include the bills for an Act to Establish the Non-Governmental Organizations Regulatory Commission which are (Non-Governmental Regulatory Commission (Establishment) Bill, 2016; Civil Society Regulatory Commission (Establishment) Bill, 2016 and Civil Society Commission of Nigeria Bill, 2016). Others include the Frivolous Petitions Bill (Anti-social media bill); the Bill to Regulate the Acceptance and Utilization of Financial/Material Contributions of Donor Agencies to Voluntary Organizations; the Code of Corporate Governance for NGOs and the Cybercrime Act, 2015.

Regarding the proliferation of laws designed to regulate NPO's and NGO's, Nwodo argued that NGOs are already well regulated through various federal financial regulations that could protect them from being used as conduit pipes for illicit purposes or for money laundering. These include Company and Allied Matters Act (CAMA), the Money Laundering Act, the Special Control Unit on Money Laundering (SCUML) and the Nigerian Financial Intelligence Unit (NFIU). NPOs are also regulated through the regulation of other corporate organisations such as banks and other financial institutions. Additional measures adopted to regulate improper use of charitable resources are contained in the provisions of federal policies and legislations with respect to registration and identity of the members of NPOs, regulations of bank transfers and inflows into the country, reports filing, and scrutinizing the use of donations. There is currently no evidence upon which to base





Other financial resources adopted to regulate policies and legislations identity of the members of transfers and inflows into scrutinizing the use of evidence upon which to regulation of NPOs vulnerability or threat corporate entity is not

The media space is facing grave threats. Online and mainstream media spaces have severely come under serious scrutiny and harassment by government authorities...What is now needed to counter these threats to the civic space is a continuously active and ever vigilant civic community that is always ready to ask questions, and demand for answers and hold the government accountable at all times.

institutions. Additional measures improper use of charitable in the provisions of federal with respect to registration and NPOs, regulations of bank the country, reports filing, and donations. There is currently no base the clamor for specific because there is no specific NPOs face that any other similarly exposed to.

Nwodo observed that there exist no express linkages between these FATF and the legislative attempts to regulate the civic space. However, the plethora of legislative efforts to restrict the civic space flows from poor understanding of FATF standards and overzealous implementation. Not only that, while the FATF has not been expressly mentioned in any of the bills proposed or being proposed for the regulation of NPOs, the FATF's Recommendations may have provided an impetus for the current movement against nonprofit organizations (NPO's) in Nigeria.

Continuing from where Lotanna stopped, S4C's Researcher, FisayoAjala, discussed the organization's research methodology for developing the database of civic repression in Nigeria. Through a digital crowdsourcing process that began in November 2015, the database is populated daily with records of the incidents and occurrences around the country involving arbitrary denial of fundamental rights and freedoms in the name of national interest or security. To gather more data demonstrating the increase in exercise of overbearing governmental power, extensive field studies have been carried out in the South East, North West, North-Central and South West zones of Nigeria. Across the five regions examined, S4C found a sealed civic space with varying degrees of closure, resulting in a civic space that has been severely terrorized by state forces in Nigeria.

The research grouped the spaces for civic interaction into four categories: media, community, religious and civil society. In each of the profiled categories, S4C's research found a closed space and increasing hostility for citizen expression in Nigeria. One sordid example is the case of ChinakweFortemose Joachim, who was arrested, detained and imprisoned for naming his dog 'Buhari' purportedly after President Muhammadu Buhari. In another instance, Rukayyatu Usman, a state counsel with the Nassarawa state judiciary was sacked in February 2016 for criticizing the Nassarawa state government's response to Lassa fever in a Facebook post.





Public assemblies which are at the heart of an active civil society and a functioning democracy are not respected. In the South East, S4C finds a "growing evidence of brutal aggression". The spaces for civic engagement in the South-East have been shut down completely. In Benue state, Rev Dave of MAFO noted that "every time we made a move to take a civil action, it has always been resisted. We have always been intimidated and coerced to cancel all of our civil actions." With regard to religious freedoms, the Islamic Movement in Nigeria is a sorry example that remains unresolved, even as the leader of the movement remains in 'protective custody' of the government, despite a court order of December 2016 that ordered his release. Already, the movement has been banned and declared an insurgent group in Kaduna State.

Furthermore, the media space is facing grave threats. Online and mainstream media spaces have severely come under serious scrutiny and harassment by government authorities. Freedom of expression and information is no longer guaranteed. In the community spaces, the situation in Southern Kaduna and Benue reveal deep-rooted tensions over the invasion and territorial occupation of land by Fulani herdsmen. Incessant violent attacks and recurrent cycles of violence in these localities have created a negative atmosphere of peace and undermined civic engagement in the two states. In conclusion, the rate of clampdowns and violations of fundamental freedoms from 2015 to date is hugely alarming. What is now needed to counter these threats to the civic space is a continuously active and ever vigilant civic community that is always ready to ask questions, and demand for answers and hold the government accountable at all times.

How does the domestic implementation of FATF standards affect international non-governmental organizations (INGOs)? A representative of Civilians in Conflict (CIVIC) stated that closing spaces for civil society in Nigeria have had a significant impact on INGO operations, particularly in the conflict zones of the northeast. Cumbersome accreditation and registration processes slow down the pace of work. INGO's working in the northeastern part of Nigeria usually get a 6-month registration status that is renewed periodically. For instance, in December 2016, the Borno State government announced that all NGOs in the state must be accredited by the state government. These processes involved filing a lengthy form and providing sixty-seven supporting documents divulging all kinds of confidential information about NGO operations. These procedures duplicate the registration processes that have taken place with the CAC and the Ministry of National Planning.

The shrinking spaces of civic engagement in Nigeria have also made it difficult for INGOs to carry out their activities. They are sometimes denied access to the Internal Displaced Camps where they work. INGO staff are scrutinized and thoroughly screened before entry. In a particular instance, an INGO staff had her passport with a valid two-year visa to Nigeria, issued in New York, reduced to one-month visa upon arrival. In another instance, the passports of six staff of an INGO were confiscated by Nigerian authorities. INGOs also go through rigorous procedures at





in New York, reduced to one-month visa upon arrival. In another instance, the passports of six staff of an INGO were confiscated by Nigerian authorities. INGOs also go through rigorous procedures at check points before being allowed to bring in healthcare and relief items for displaced persons in the northeast. Some healthcare-focused NGOs have had to wait up to four months in extreme cases. To the hundreds of advocates and millions of people that benefit from non-profit activities, strategic collective action is needed to mobilize a shift in the perceptions and narratives that aim to criminalize and delegitimize charitable activities, consequently, exposing them to recurrent restrictive policies and regulations that undermine the impact and reach of their work.

Adding to the discussions from the national NGO perspective, Victoria Ohaeri, Executive Director of SPACES FOR CHANGE noted that not many non-profits know about Recommendation 8 developed by FATF. Prior to 2016, the Recommendation 8 under the FATF Standards stated that “NPOs possess characteristics that make them particularly attractive to terrorists or vulnerable to misuse for terrorist financing.” Currently, FATF has revised that Recommendation, and now requires a risk-based approach to combating terrorist financing and proof of effective targeted and proportional measures.

Victoria agrees with CIVIC representative's submissions regarding the need to upturn the narratives suggesting that non-profits are used as conduit pipes for money laundering and terrorism financing. The government fears that terrorist organizations may pose as legitimate entities, or exploit legitimate entities as conduits for terrorism financing and escape asset freezing measures. However, there is no evidence yet linking non-profits working in Nigeria to money laundering and terrorism financing. Despite several references to national security and national interest in the NGO bill, the draft legislation does not state clearly how NPO work threatens national security. With the evidence still in doubt, measures often adopted by the government continue to discourage legitimate charitable activities and disrupt the spaces for democratic engagement.

In the light of the FAFT Recommendation 8 revisions, state responses to terrorism financing must be respectful of international human right laws. Accordingly, partnerships between civil society organizations (CSOs) and the involvement of civil society organizations in country-level FATF evaluations are necessary. Outreach and sustained engagement with national and regional-style FATF bodies like Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), Nigerian Financial Intelligence Unit (NFIU) and other national agencies responsible for implementing FATF locally should be integrated into the broader campaigns to reject laws, policies and regulate measures that shrink the civic space. Aligning with this conclusion, Mausi Segun of Human Rights Watch noted that countries are learning and copying

restrictive policies from each other. Civil society has been able to push back, especially when they act early and collectively. Civil society groups should learn how to come together, and form a network which will resist every attempt to close down the civic space in Nigeria. Early Action and vigilance is key.





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