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Rejoinder to President Buhari’s Response to UN report on violence in Nigeria

This rejoinder is written to address President Buhari’s response¹ and rebuttals to the United Nation’s Special Rapporteurs report² on the situation in Nigeria and encourage him to take responsible action. President Buhari’s response to the Special Rapporteur’s report diminishes the current state of violence in Nigeria, especially towards the Christian community, and fails to recognize the Nigerian Government’s complicity to what has become a genocide. Through this rejoinder we urge President Buhari to take genuine actions to address the issues rather than deflect the facts.

The primary purpose of the Special Rapporteur’s visit was to examine the violations of the right to life by both State and non-State actors. The situation in Nigeria in 2019 gave the Special Rapporteur grave concern. Particularly, the Special Rapporteur pointed out that the farmer-herder conflict will become Nigeria’s gravest security challenge if it is left unaddressed – which it has been. As the Rapporteur noted this is due to the number of casualties involved, the extent of, and rapid spread of the violence and killings, the religious and ethnic dimension to the violence, “toxic” rhetoric that explains and justifies the killings, the reach of the conflict into other countries in the region, and potential for greater conflict because of greater accessibility of weapons.³

President Buhari’s response, published in 2019, counters the Special Rapporteur’s “grave concern” over the situation in Nigeria by claiming that while violence has occurred between

¹ Wale Odunsi, *Buhari reacts angrily to UN Report on violence in Nigeria*, 20 September 2019, dailypost.ng/2019/09/20/buhari-reacts-angrily-un-report-violence-nigeria/.

² Agnes Callamard, *End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria*, 2 September 2019, www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E.

³ *Ibid.*

farmers and herders, “calm has virtually returned to all parts affected by the peculiar violence.”⁴ The President’s response critiqued the Special Rapporteur’s findings by stating that:

1. The Rapporteur failed to recognize that most casualties result from community violence;
2. The Federal and State authority’s response has made a difference and “calm has virtually returned to all parts of Nigeria affected by the peculiar violence;”
3. Inter-ethnic conflict and cattle rustling are the key causations of conflict;
4. The Special Rapporteur failed to address violence occurring everywhere;
5. National peace and security is community based and a collective responsibility; and
6. That expecting that arresting and putting people in prison to be the only credible response to violence is a mistake.

Ultimately, the President criticized the Special Rapporteur for blaming the federal government for their handling of the conflict and that the report was not truthful or “even-handed.”⁵ This response will show that President Buhari’s claims are false and will address these six main propositions set forth in his critique of the Special Rapporteur’s report. Further, it provides information illustrating that if anything, the Special Rapporteur gave the President and government of Nigeria more credit than is actually deserved considering the extent of the violence perpetrated by Fulani against the Christian community in Nigeria.

Most of the casualties result from intra-group, inter-group and community violence

While President Buhari recognized that violence in Nigeria is a concern, he accused the Special Rapporteur of failing to consider that most casualties in Nigeria result from intra-group, inter-group and community violence.

In contrast to this critique the Special Rapporteur had specifically noted that violence had been perpetrated by both state security agencies and non-State actors. In regards to state actors, members of the army have participated in the violence, as noted by the Rapporteur, by firing rockets at the villages of Lawaru, Dong, Kodomti, Shafaron and Nzuruwei.⁶ These attacks were supposed to serve as warnings against communal violence but in of themselves caused dozens of civilian deaths.⁷

Addressing the issue of community violence, the rapporteur made effort to point out that grievances had developed between communities such as the religious community – specifically between the Christian farmer and Muslim herder community.

⁴ Wale Odunsi, *supra* note 1.

⁵ *Ibid.*

⁶ Agnes Callamard, *supra* note 2.

⁷ *Ibid.*

As reported by Christian Solidarity Worldwide to the Human Rights Committee in 2019 “[w]hile there is undoubtedly a long history of disputes between nomadic herders and farming communities across the Sahel as a result of competition for resources occasioned by desertification, land encroachment and other factors, the weaponry used during these attacks were generally sticks, stones, machetes and locally made Dane hunting guns. However, the current attacks are not witnessed in neighbouring states with similar climatological and population challenges, and their frequency, organisation and asymmetry render characterisation as ‘farmer-herder clashes’ obsolete. Armed with increasingly sophisticated weaponry, including AK-47s, and in some cases chemicals and rocket launchers, the Fulani militia is believed to have been responsible for more deaths since 2015 than Boko Haram as militia men have destroyed, overrun and seize property, displacing tens of thousands and occupying their land.”⁸

The effectiveness of the Federal and State authority’s response has made a difference and calm has virtually returned to all parts affected by the peculiar violence

President Buhari recognized that there has been an increase in violence between the Christian farmers and Fulani herder community. However, his claim that efforts by the Federal and State authorities has made a big difference and that calm has returned to all virtually all areas affected by this violence is blatantly false.

Indeed, since the release of the report the situation in southern Kaduna is getting worse. In May, 2020, Fulani militants attacked several Christian households killing 23 and injuring tens of others, including children.⁹ In August 2020, new Fulani militant attacks were reported on five communities in the Atypa Chiefdom in Zangon Kataf Local Government Area (LGA), southern Kaduna State, on 5 and 6 August killing 33 despite 24-hour curfew.¹⁰

In contrast to President Buhari’s claims, the Special Rapporteur noted that there has been an increase in the attacks and killings over the last five years. Worse, there has been a failing by the authorities to investigate and hold those perpetrating violence accountable, even in the case of

⁸ Christian Solidarity Worldwide, *HUMAN RIGHTS SITUATION IN THE FEDERAL REPUBLIC OF NIGERIA, Submission to the 126th Human Rights Committee session by CSW (Christian Solidarity Worldwide)*, June 2019, paragraph 15, https://tbinternet.ohchr.org/Treaties/CCPR/Shared%20Documents/NGA/INT_CCPR_CSS_NGA_35125_E.pdf.

⁹ “Alton, / David. “IMPORTANT NEW REPORT FROM JUBILEE CAMPAIGN ABOUT RECENT DEADLY ATTACKS IN NIGERIA’S KADUNA STATE.” *David Alton*, 29 May 2020, davidalton.net/2020/05/29/important-new-report-from-jubilee-campaign-about-recent-deadly-attacks-in-nigerias-kaduna-state/ ; Campaign, Jubilee. “‘Atmosphere of Anarchy and Despair’: Recent Attacks in Kaduna State, Nigeria Leave At Least 23 Nigerian Christians Dead and Many More Wounded.” *Jubilee Campaign, USA*, 29 July 2020, jubileecampaign.org/atmosphere-of-anarchy-and-despair-recent-attacks-in-kaduna-state-nigeria-leave-at-least-23-nigerian-christians-dead-and-many-more-wounded/.

¹⁰Nigeria: At Least 33 Killed in Southern Kaduna State despite 24-Hour Curfew. CSW, 7 Aug. 2020, www.csw.org.uk/2020/08/07/press/4755/article.htm.

mass killings. Specifically, the Special Rapporteur noted that in 2018 the violence involving Fulani herdsmen and Christian farmers had become six times deadlier than the Boko Haram insurgency with over 1,300 individuals killed within six months.¹¹ At the time of the Rapporteur's report in 2019; 300,000 individuals had been forced to flee their homes because of the extent of the violence.¹² If this is what President Buhari believes "calm" looks like, it would be disastrous to see Nigeria experience what he would consider violence.

Additionally, President Buhari's claim that the state's authority has made a difference is contrary to reports that members of the state military were complicit in attacks against farmers. For instance, the Rapporteur notes that in a 2017 attack of Mkievowro in Plateau soldiers that were present were bribed by Fulani Herdsmen.¹³ As a result, 29 people who had sought refuge in a school were killed. At the time of the Rapporteur's report, the soldiers who failed to protect vulnerable individuals under attack had been arrested but there was no evidence that a trial had occurred.¹⁴ Again in 2018, 86 people were killed in multiple attacks in the State of Plateau while members of the military were present and refused to engage with attackers.¹⁵ This failure of the Nigerian government security forces to protect targeted communities when they are aware of an impending attack is a pattern repeatedly reported on by survivors of attacks in Nigeria.

Reports by the Global Terrorism Index further refutes the President's claims that violence has calmed in Nigeria. In 2018 a Fulani Militant attack in Kaduna - which killed 58 individuals - was ranked the 11th deadliest terrorist attack in the world of 2018 by the Global Terrorism Index.¹⁶ Further, from 2017 to 2018 the total number of deaths caused by terrorist attacks in Nigeria rose by 33% - 2,040 deaths - with the number of attacks attributed to Boko Haram decreasing and attacks attributed to Fulani Militants increasing by 261%.¹⁷ The increase in terror incidents in Nigeria has been attributed to the increased instances of violence by Fulani Militants and apparent considering that of terror related deaths in Nigeria 1,158 were attributed to Fulani

¹¹ Agnes Callamard, *supra* note 2.

¹² *Ibid.*

¹³ *Ibid.*

¹⁴ *Ibid.*

¹⁵ *Ibid.*

¹⁶ Global Terrorism Index 2019, *Measuring the Impact of Terrorism*, pg. 10, [visionofhumanity.org/app/uploads/2019/11/GTI-2019web.pdf](https://www.visionofhumanity.org/app/uploads/2019/11/GTI-2019web.pdf). This attack has been attributed to Fulani "extremists" although no group has claimed responsibility for the attack.

¹⁷ *Ibid.* at pg. 12.

Militant terror activities.¹⁸ This is in contrast to the 589 deaths attributed to designated Foreign Terrorist Organization Boko Haram's acts of terror in 2018.¹⁹

While overall, Nigeria's attacks and deaths attributed to terrorism improved in 2018, this is due to a 35% decrease in Boko Haram attacks, while Fulani Militant attacks have increased by 75%.²⁰ The fatality of the highest ranking Fulani attack that took place in Kaduna was only surpassed by terrorist attacks conducted by groups such as the Taliban and the Khorasan Chapter of the Islamic State in Afghanistan and Pakistan in 2018.²¹

Further, International Society for Civil Liberties & Rule of Law, a Nigerian civil society organization, has released a 2020 report which has predicted that "no fewer than 32,000 defenseless Christians [will] have been hacked to death by Nigeria's main Islamic Jihadists in the past eleven years or 2009 to [the] end of 2020."²²

The existence of internally displaced persons camps – which now often contain permanent structures – is further evidence proffered by the Special Rapporteur that refutes the President's claim that peace has returned to Nigeria.²³ IDP camps noted by the Rapporteur had very little evidence that those living in the camps would be able to return home anytime soon.²⁴ Communities that people fled from due to violence have reportedly been taken over by Herdsmen who have built permanent structures in these communities – making the displacement of victims of violence closer to being permanent displacement.²⁵ If peace has truly returned to the areas affected by Fulani violence, these individuals should be home and no longer in IDP camps.

Intra ethnic conflicts and cattle rustling as key elements in herder/farmer conflicts

¹⁸ *Ibid.* at pg. 21.

¹⁹ *Ibid.*

²⁰ *Ibid.* at pg. 40.

²¹ *Ibid.* at pg. 10. The Fulani Militant attack ranked as the 11th worse attack of 2017 only outranked by 9 terrorist attacks in Afghanistan and one attack in Pakistan.

²² International Society for Civil Liberties & Rule of Law, *Special Report: 620 Christians Hacked to Death By Nigerian Jihadists in 4 Months And 15 Days Of 2020*, 14 May 2020, intersociety-ng.org/site-administrator/downloads/category/4-intersociety-advocacy-news?download=802:620-christians-hacked-to-death-by-nigerian-jihadists-in-4-months-and-15-days-of-2020.

²³ Agnes Callamard, *supra* note 2.

²⁴ *Ibid.*

²⁵ *Ibid.*

President Buhari accused the Special Rapporteur of not noting that the key elements of the “herder/farmer” conflict is ethnic conflict and cattle rustling. This critique is in line with the governments projected narrative of the cause of the violence and its continued excuse for perpetrators of violence. The Special Rapporteur notes this narrative as “rhetoric” that seeks to explain and “justify the killings.”²⁶

For instance, the alleged killing of 10,000 cattle was stated to justify an attack by Fulani herdsmen that took place in Agatu in 2016.²⁷ This type of justification for attacking primarily Christian farmer communities has been repeatedly given by Fulani militants and Nigerian government officials.²⁸

It is disturbing that these reported cattle rustling/killings are being used to justify the mass murder of individuals and vulnerable groups such as women, children, and the elderly. For instance, Alheri Bawa Magaji, a representative of the Adara tribe and daughter of a tribal elder, stated that from February to mid-April of 2019, about 400 Adara people, mostly women, children, and the elderly, were killed in Fulani militant raids. About 13,000 others were displaced.²⁹ She said, “[w]e have 2-month-old babies, 6-month-old babies, babies in the bellies torn from their mothers’ wombs and slaughtered like animals.”³⁰ If the violence perpetrated against these communities is really about cattle rustling why would women, children, and the unborn be targeted for revenge? This reality does not fit President Buhari’s critique of the Special Rapporteur’s report nor the justifications given for the attacks against the primarily Christian farming communities in Nigeria.

Failure of the Special Rapporteur to address incidents of violence everywhere

President Buhari criticized the Special Rapporteur’s report for not being inclusive of violence occurring everywhere in the country. Specifically, the President stated, “Ignoring the salient issues will not help to solve the problem. If you are going to address violence and the general insecurity in Nigeria, incidents everywhere should be part of the narrative. Not addressing this might make it easier to blame the Federal Government, but national peace and security is community based and a collective responsibility.”³¹

²⁶ *Ibid.*

²⁷ Eugene Enahoro, *Fulani Herdsmen – What’s Their Beef?*, 8 March 2016, www.pressreader.com/nigeria/daily-trust/20160308/282183650146499.

²⁸ Seyi Gesinde, *Don’t treat Fulani herdsmen as Jonathan treated Boko Haram – Soyinka warns Buhari*, 10 January 2018, tribuneonline.com/126497-2/.

²⁹ Onize Ohikere, “*Nigerian Christians seek U.S. Intervention*,” June 18, 2019, https://world.wng.org/content/nigerian_christians_seek_us_intervention.

³⁰ *Ibid.*

³¹ Wale Odunsi, *supra* note 1.

Contrary to the President's critique, the Special Rapporteur made effort to point out country-wide patterns of violence across Nigeria which has resulted in thousands of deaths. For instance, the Rapporteur was concerned over the military conflict in North Nigeria against Boko Haram, conflict in the Middle Belt between Fulani herdsmen and farming communities, criminal gang violence in the oil-producing South States, militias that are engaged in mining and cattle rustling in the North West, repression of groups such as the Movement for the Survival of the Ogoni People (MOSOP), the "mass expulsion" of slum dwellers in Lagos, and the policies and interventions that are resulting in killings across Nigeria.³² The Rapporteur took care to note that these country wide patterns of violence include "police and military excessive use of lethal force in violation of applicable international standards, the lack of effective investigations, the absence of meaningful prosecution, the militarization of policing" combined with the breakdown of confidence in state security agencies.³³

In addition to the widespread violence in Nigeria noted by the Special Rapporteur, incidents of violence perpetrated by Fulani militants against communities that are primarily Christian has occurred across Nigeria and has not been isolated to a single state or community. In just one state, Benue State, over 500 churches were reportedly destroyed by Fulani militants between 2011 and 2018.³⁴ In 2019, the year of the President's response to the Special Rapporteur's report, there were a rising number of attacks against the Adara tribe in southern Kaduna, including the following:

- Ungwar Barde in Maro ward was attacked on February 10, 2019 by Fulani militants, resulting in the death of 10, including a pregnant woman. It was attacked again on March 10, 2019, with 17 killed.³⁵
- Karamai village was attacked on February 26, 2019 by Fulani militants, leading to the deaths of 38 victims and 40 homes burned to the ground.³⁶
- A few weeks later, on March 10, 2019, Inkirimi and Dogonnoma villages were attacked by Fulani militants and 52 people were killed, and 100 houses burned.³⁷

National peace and security is community based and a collective responsibility

³² Agnes Callamard, *supra* note 2.

³³ *Ibid.*

³⁴ Christian Solidarity Worldwide, *supra* note 8.

³⁵ Amos Tauna, *Kajuru killings: Adara people tell Buhari to declare state of emergency in Kaduna community*, March 13, 2019, <https://dailypost.ng/2019/03/13/kajuru-killings-adara-people-tell-buhari-state-emergency-kaduna-community/>.

³⁶ *Ibid.*

³⁷ *Ibid.*

President Buhari further claimed that national peace and security in Nigeria is community based and is a collective responsibility in an effort to diffuse the accusations that state actors have turned a blind eye or simply failed to address the violence or protect communities affected. Particularly the President claimed that “arrests, prosecution and locking people up are only small parts of National Security and Safety strategy.”³⁸

However, according to the account of the Special Rapporteur and other reports on the violence against the Christian community these “small parts of National Security and safety strategy” are ineffective at best and at worst non-existent. The Special Rapporteur noted that individuals in Nigeria repeatedly shared that either government Security forces had killed their family members or that they had failed to protect them where there was warning of coming attacks.³⁹ Further, there are often no investigation or prosecution of those who perpetrated the violence and killings.⁴⁰

Additionally, the Special Rapporteur raised the issue of involvement of victims or family members of victims in the justice process. It has been claimed that in relation to 90 attacks that took place between 2017 and 2019 190 people have been arrested, 179 prosecuted, 76 convicted, and 103 were awaiting trial.⁴¹ However, of the community members and victims who spoke with the Special Rapporteur – none had been a part of the alleged investigation or prosecution of these perpetrators and had not been given access to remedies or reparations.⁴² If justice is a community and collective effort – as the President claims – why are those most affected by the attacks and violence left out of the justice process?

Further, community and collective efforts to secure peace are only effective if there is rule of law and support by the government in these efforts. As the Special Rapporteur noted with concern, there has been a general breakdown of the rule of law in Nigeria,⁴³ which has manifested in the lack of accountability for violence against the Christian community and the failure of the state to provide protection to targeted communities.

Additionally, government actors such as Governor El Rufai have threatened victims who advocate for their community to defend themselves with charges of hate speech. He remarked that people in the community who were encouraging others to defend themselves were taking

³⁸ Wale Odunsi, *supra* note 1.

³⁹ Agnes Callamard, *supra* note 2.

⁴⁰ *Ibid.*

⁴¹ *Ibid.*

⁴² *Ibid.*

⁴³ *Ibid.*

part in hate speech, claiming that “[y]ou can’t defend yourself if there is a government.”⁴⁴ He promised to arrest and prosecute those who were speaking such a message of self-defence.⁴⁵ How can peace and security be community based when individuals are threatened with being charged with hate speech, arrested, and prosecuted for speaking about self-defence? Perpetrators of violence – not victims – should be arrested and prosecuted by the Nigerian Government.

Expectation that arresting and putting people in prison is the only credible response to violence is a mistake

President Buhari further criticized the Special Rapporteur as making a mistake by expecting that arresting and putting people in prison to be the only credible response to violence.⁴⁶

Contrary to the President’s critique, the Special Rapporteur urged the Nigerian government to take several actions, in addition to arresting those responsible, to address the pervasive violence. For instance, the Rapporteur urged the Nigerian government to develop a plan to implement its Livestock Plan, investigate attacks and killings, give populations that have been displaced because of violence the chance to return to their land, and provide security, reparation, and remedies to those who have been displaced.⁴⁷

While arresting and putting individual’s responsible for killings in jail alone would not be an effective strategy for addressing the violence in Nigeria, it would be a start and more effective than what some government officials have done. For instance, Governor El-Rufai of Kaduna paid Fulani attackers for their “loss” instead of arresting them or bringing them to justice. He explained in an interview with Premium Times, that he tracked down attackers and told them that “there is a new governor who is Fulani like them and has no problem paying compensations for lives lost.”⁴⁸ He then stated that “they [the attackers] have forgiven the death of human beings, but want compensation for cattle. We said no problem, some we paid.”⁴⁹ Perpetrators of violence should be arrested and held accountable for violence committed, not placated and paid off by the government.

Conclusion:

President Buhari’s response to the Special Rapporteur’s report on violence in Nigeria attempts to veil the government’s failure to address violence that is being perpetrated by Fulani Militants

⁴⁴ Garba Muhammad, *Interview: Our actions to resolve Shiite IMN, Southern Kaduna crisis – El Rufai*, 8 December 2016, www.premiumtimesng.com/news/headlines/217355-interview-our-actions-to-resolve-shiite-imm-southern-kaduna-crises-el-rufai.html.

⁴⁵ *Ibid.*

⁴⁶ Wale Odunsi, *supra* note 1.

⁴⁷ Agnes Callamard, *supra* note 2.

⁴⁸ Garba Muhammad, *supra* note 42.

⁴⁹ *Ibid.*

against the Christian community in Nigeria. The President and the Nigerian government, through inaction, are failing to uphold their obligations under Article 6 of the International Covenant on Civil and Political Rights.⁵⁰ Although the violence has been perpetrated by seemingly private actors and not the government, the government has failed to take minimum action to prevent the violation of the right to life because of violence perpetrated by Fulani militants. President Buhari and other members of the Nigerian government must cease excusing and justifying the violence of the Fulani Militants, work to hold them accountable, and provide protection and justice for victims of violence.

Organizations:

Advocates International

Christian Solidarity International

Coptic Solidarity

European Centre for Law & Justice

Mission Africa International

International Christian Concern

International Committee on Nigeria

Jubilee Campaign

REDEEM!

Save the Persecuted Christians

Stefanos Foundation

Swedish Evangelical Alliance

Individuals:

Dr. Sayo Ajiboye, Director Mission Africa International

Dr. William Devlin, CEO, REDEEM!

Frank Wolf, Member of Congress 1981-2014, retired.

⁵⁰ *International Covenant on Civil and Political Rights*, Art. 6. “Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”