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Nigeria: Whether authorities in Sharia states can execute their warrants, make arrests and lay charges in non-Sharia states
Research Directorate, Immigration and Refugee Board, Ottawa

In correspondence to the Research Directorate, a solicitor at the International Centre for Nigerian Law (ICNL) said that authorities in Sharia states cannot enforce laws in other Sharia or non-Sharia states (17 June 2005). Moreover, he claims that authorities in Sharia states have never attempted to execute their warrants in other states (ibid.).

Similarly, the Executive Director of the CLEEN Foundation, a Lagos-based (CLEEN 28 June 2005a), non-governmental organization that promotes co-operation between civil society and law enforcement agencies in Nigeria (CLEEN 28 June 2005b), said that he was "not aware of any cases where authorities in Sharia states executed their Sharia law-based warrants in non-Sharia states" (20 June 2005).

In an interview with representatives of the Danish Immigration Service and the British Home Office during their joint fact-finding mission to Nigeria in 2004, Zakaria Mohammed, an imam in Abuja, said that those who escape punishment following a conviction by a Sharia court or who flee a state while awaiting trial will not be pursued (Denmark Jan. 2005, 52). Instead, according to Mohammed, they risk being considered as "incomplete" Muslims (ibid.). In a separate interview with the fact-finding mission, Kabiru A. Yusuf, the Editor In-Chief of the Abuja-based *Daily Trust* newspaper, also agreed that Sharia courts do not pursue individuals who run from the law (Denmark Jan. 2005, 52). Instead, according to Yusuf, punishment is a last resort and individuals are encouraged to repent (ibid.).

In their *Report From a Fact-Finding Trip to Nigeria (Abuja, Kaduna and Lagos) 23-28 February 2004*, the Norwegian Directorate of Immigration and Immigration Appeals Board said that although Sharia legislation is comparable among the 12 states that have adopted it since 1999, "there is no cooperation to speak of among the Sharia court systems in the different states-i.e. breaking Sharia law in Kano state will not mean legal persecution under Sharia law in Sokoto" (Norway, Oct. 2004, 9). Furthermore, those who have fled a state in which they have been convicted of a Sharia-related offence will not be arrested and returned by the police (ibid.). According to the Norwegian report, since the Nigerian Police Force (NPF) is a federal institution (ibid.), and the only police force in Nigeria as stipulated by the 1999 constitution (Nigeria 1999, Chapter VI), the police have no responsibilities for courts outside of the federal law system (ibid.).

The solicitor at the ICNL noted that the execution of warrants and criminal proceedings across state boundaries is governed by the Criminal Procedure Act in the southern region, and the Criminal Procedure (Northern States) Act in the northern

region of Nigeria (ICNL 17 June 2005). Neither of these Acts recognizes Sharia criminal jurisdiction (ibid.).

However, two of the sources referenced above claim that the *hisbah*, an Islamic vigilante group, has assumed responsibility for enforcing Sharia laws and imposing punishments, often without bringing the accused before a Sharia court (CLEEN 20 June 2005; Denmark Jan. 2005, 52). The CLEEN Foundation has apparently received reports of women being flogged by *hisbah* groups for wearing trousers in predominantly Islamic neighbourhoods of non-Sharia states (20 June 2005). Although the CLEEN Foundation's Executive Director claimed that the *hisbah* illegally enter non-Sharia states to administer Sharia punishments (ibid.), the Norwegian Directorate of Immigration suggested that the groups generally do not have the resources to follow people across state borders (Oct. 2004).

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

References

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