RESPONSES TO INFORMATION REQUESTS (RIRs)

2 September 2005

NGA100486.E

Nigeria: Whether in the southern states of Nigeria (non-Sharia states) the police arrest and/or detain homosexuals when they are informed of homosexual activities between consenting adults (August 2005)
Research Directorate, Immigration and Refugee Board, Ottawa

The following information was obtained from a clergyman within the Metropolitan Community Church Lagos, who is also gay (17 Aug. 2005).

> Sharia Law is not legally practised in the Southern part of Nigeria, [and] the implications for homosexuals who escape the [draconian] ruling of Sharia law, usually or may well fall in to the brutality of the police force. In the south as with most other parts of Nigeria, the evidence mostly relied upon are insecure and unsafe to convict, such as a report of sexual activity between two males which sometimes can be fuelled following disagreement of any kind, sometimes gay people can also be malicious through blackmailing or revenge.
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> [...]
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> Neighbours don't report homosexual acts to police. [M]ost Nigerians do not trust the police to deal with any case appropriately. [T]hey more often will take the law into their own hands, [and] these could be in a form of public humiliation, bullying or even worst death (ibid.).
>
> Those affected and unable to relocate simply have to face the problem in the neighbourhood, which often leads to ugly scenes.
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> Due to the lack of security, homosexuals become vulnerable and insecure and are often easy targets or prey to bad press and/or criminals. The Nigerian police force is very weak and inadequate to offer any protection for [Lesbian, gay, Bisexual and Transgender] LGBT communities (ibid.).
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> [...]
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> Most crimes against homosexuals in Nigeria are often not reported, due to an inefficient and untrained police force in matters concerning homosexuality. [I]t is impossible to guarantee the safety of a homosexual against criminality in Nigeria.
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> If a case is reported the police will attempt or make an arrest. [T]he lack of evidence makes these cases difficult to prove in court. Most of the evidence [is] based on hearsay. [T]he lack of forensic evidence is a worry. [T]here is a serious lack of investigation. [V]ital evidence [is] lost or ignored. The court in a few instance will have to rely on the evidence of a prosecution witness who may have also been engage in homosexual practise but [who is] giving evidence for the prosecution due to [a] plea bargain.

> The corruption enters from the onset: [T]hose reporting the crime also may have to pay the police a bribe to bring a case. [T]he accused may have to pay the police [a] bribe to reject the case. [E]ven when a court case is unavoidable the case may fail or succeed depending on who is able to pay a higher bribe to the police. This is the reality people have to face in Nigeria.

Enumerating the problems members of the homosexual community experience in Nigeria, the clergyman listed the following:

- The prevalent crime against homosexuals is blackmail;
- Homosexuals are subjected to unnecessary exorcism;
- Male to male rape or sexual abuse;
- A case of loneliness, rejection, isolation may often result or culminate into mental disorder;
- Gay prostitution;
- Death;
- Homophobic violence;
- Discrimination on the grounds of sexual orientation;
- Ostracised from ...society and family (17 Aug. 2005).

For additional information on the situation of homosexuals in Nigeria, please consult NGA43276.E of 15 February 2005, NGA42748.E of 4 July 2004 and section 3. 7 of the joint British-Danish fact-finding mission to Nigeria conducted in 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 additional sources consulted in researching this Information Request.

Reference

Metropolitan Community Church, Lagos. 17 August 2005. Correspondence from a clergyman.

Additional Sources Consulted

Oral sources: The Executive director of the Lagos-based Centre for Law Enforcement Education (CLEEN) foundation and the Executive director of the Enugu-based Africana Research Center did not respond to a request for information request within time constraints.

Internet Sources: AllAfrica.com, Amnesty International, BBC Africa, Behind the Mask, European Country of Origin Information Network, GayLawNet, International Gay and Lesbian Human Rights Commission, International Lesbian and Gay Association (ILGA), Joint British-Danish fact-finding mission to Abuja and Lagos, Nigeria.

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