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## RESPONSES TO INFORMATION REQUESTS (RIRs)

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15 February 2005

### NGA43276.E

Nigeria: Situation of homosexuals and their treatment under sharia (August 2004 - February 2005)

Research Directorate, Immigration and Refugee Board, Ottawa

This update of NGA42748.E of 14 July 2004 on the situation of homosexuals and their treatment under sharia reviews publicly accessible information from August 2004 and February 2005. Although new information on legislation could not be found, current reports on the enforcement of laws and state protection (*Vanguard* 28 Nov. 2004; *ibid.* 31 Oct. 2004; *This Day* 16 Jan. 2005; *ibid.* 28 Oct. 2004; 365Gay.com 29 Nov. 2004; HRW Sept. 2004), and societal attitudes (*Sex Education* Apr. 2004; BTM 30 Sept. 2004; *Daily Champion* 20 Sept. 2004; EAS 2 Nov. 2004; ACN 2 Nov. 2004) were found among the sources consulted.

### Enforcement of Laws and State Protection

Two sources reported that a sharia court in Keffi, Nasarawa State, had issued a bench warrant against Mr. Michael Ifediora Nwokoma for allegedly engaging in homosexual relations with Mallam Abdullahi Ibrahim (*Vanguard* 28 Nov. 2004; 365Gay.com 20 Nov. 2004). Nwokoma had reportedly escaped arrest, but Ibrahim was detained by authorities (*Vanguard* 28 Nov. 2004). According to media reports, neighbours accused the two men of "homosexuality," a crime punishable by stoning under sharia, and handed Ibrahim to the authorities who nearly "lynched" him while trying to force a confession (*ibid.*; 365Gay.com 20 Nov. 2004). The court ruled that since the two must be tried together Ibrahim must remain in jail until Nwokoma is arrested (*ibid.*).

In another story, *This Day* reported on the escape of Yusuf Tajudeen Olawale from a jail in the northern state of Kano, where he had been awaiting trial for allegedly having sex with another man (16 Jan. 2005). The news article explained that Tajudeen, who had escaped from prison on 13 May 2004, had been added to the wanted list by sharia state authorities, but remains in hiding (*This Day* 16 Jan. 2005).

A Human Rights Watch (HRW) report entitled "*Political Shari'a*?" *Human Rights and Islamic Law in Northern Nigeria*, which examines sharia

in the sphere of criminal law as it is applied in the northern states of Nigeria, identifies specific aspects of the legislation and practices that have led, or are likely to lead, to violations of human rights (Sept. 2004). In the section on use of the death penalty, HRW explains that various states classify homosexual relations as sodomy, defined in their penal codes as the "carnal intercourse against the order of nature with any man or woman," and, if convicted, a person faces the penalty of death by stoning, by flogging, or by "any other means decided by the state" (HRW Sept. 2004). HRW claims, however, that the study found no evidence that anyone has ever been sentenced to death for sodomy with an adult (ibid). Instead, HRW learned that "[i]n practice, most of the sodomy cases which have come before the Shari'a courts have not been about consensual, sexual activity between adults but rather allegations of adults sexually abusing children" (ibid).

In a January 2005 report, HRW reports that the number of sentences handed down by sharia courts "has decreased and there appears to be a reluctance on the part of the authorities to carry them out". While a number of people have been sentenced to death, there have been no executions since early 2002 (HRW Jan. 2005). However, HRW claims express concern about the sharia courts lack of respect for international standards for fair trials and due process "even as defined by shari'a legislation; defendants rarely have access to a lawyer, are not informed about their rights, and judges are poorly trained" (ibid).

Reports of the federal government's enforcement of the section of Nigeria's criminal code that criminalizes homosexuality and calls for a jail term of 14 years upon conviction, could not be found among the sources consulted. In correspondence to the Research Directorate, a representative of Alliance Rights Nigeria (ARN), a non-governmental organization promoting the interests of lesbian, gay, bisexual and transgendered persons in Nigeria (BTM n.d.), said that the "Nigerian penal code is more strict on paper than [it is] practically" (9 Feb. 2005). He further claimed that in Lagos, for example, gays and lesbians can live freely as long as they do not impinge upon the rights of others (ARN 9 Feb. 2005). He cautioned, however, that gays and lesbians residing in Nigeria's northern states are not as free since sharia is "more serious" (ibid.).

It is interesting to note the Nigerian president's comments on homosexuality and same-sex marriages in a speech at the African Anglican Bishops Conference, held in Lagos from 26 October to 1 November 2004 (*Vanguard* 31 Oct. 2004; *This Day* 28 Oct. 2004). Addressing more than 300 bishops, President Olusegun Obasango reportedly stated:

I have followed, with keen interest, your principled stand against the totally unacceptable tendency towards same-sex marriages and homosexual practice...such a tendency is clearly unbiblical, unnatural and definitely unAfrican. Surely the Lord who created us male and female

knew exactly what he was doing. To my understanding of the Scripture, any other form of sexual relationship is a perversion of the divine order, and a sin" (*Vanguard* 31 Oct. 2004).

## Societal Attitudes

Current evidence of Nigerian society's long-standing intolerance of homosexuality (UPI 25 Feb. 2004; see also *Religion in the News* Fall 2003), particularly among religious communities, was found among the sources consulted (EAS 2 Nov. 2004; ACN 2 Nov. 2004; *Vanguard* 31 Oct. 2004; *This Day* 28 Oct. 2004; *Daily Champion* 20 Sept. 2004; *Sex Education* Apr. 2004; ARN 9 Feb. 2005).

The Rt. Rev. Dr. Emmanuel Chukwuma, the bishop of Enugu diocese, announced to the media that approximately 85 bishops of the Church of Nigeria (Anglican Communion) had gathered for a four-day meeting in Enugu, chaired by the primate, archbishop of the Church of Nigeria, The Most Rev. Dr. Peter Jasper Akinola, and had "condemn[ed] homosexuality in its entirety" (*Daily Champion* 20 Sept. 2004). Rev. Chukwuma reportedly stated that the Church of Nigeria would sever ties with any of its member churches or affiliates who supported homosexuality (ibid.).

Participants at the African Anglican Bishops Conference, mentioned earlier, discussed ending their relationship with the Church of England over the issue of the ordainment of gay clergy (EAS 2 Nov. 2004). Referring to the Church's counterparts in the United States and Britain, primate Peter Akinola reportedly said "[t]hey have a new theology and a new religion [and] we feel it would be dangerous for the future of our church to continue to send our own future leaders to those institutions" (ibid). According to the *East African Standard*, the African church leadership would accept theological independence in order to maintain its rejection of homosexuality and same-sex marriages (2 Nov. 2004).

Referring to homosexuality, the representative of ARN said that "[r]eligion is the big problem here as priests/pastors and [i]mams talk about it as satanic" (9 Feb. 2005).

In a paper entitled *Notions of Sex, Sexuality and Relationships Among Adolescent Boys in Rural Southeastern Nigeria*, Dr. C. Otutubikey Izugbara, a professor of sociology and anthropology at the University of Uyo, presents the findings of an in-depth study of 120 Igbo-speaking boys from the Ngwa ethnic group between the ages of 10 and 21 (*Sex Education* Apr. 2004). Views on homosexuality were one aspect of the study which dealt with images of sexuality and notions of relationships with girls (ibid). According to Dr. Izugbara, when asked about their knowledge of homosexuality, the participants agreed that the practice was a perversion (ibid.). One 18-year-old reportedly said that he had heard "[m]ost of the men and women who engage in this behaviour are witches

and wizards" (ibid.). Another boy, 19 years of age, commented that the church preaches about the dangers of homosexual relations since the practice is "ungodly" and related to witchcraft (ibid.). Izugbara concluded with the following statement:

Emerging results, though not conclusive or representative of the entire population of adolescents in Nigeria, highlight a number of issues, which support the notion of the *cult of the male*. This overarching aspect of gender relations in many world cultures comprises a 'heady mixture of paternalism, aggression, systematic subordination of women, fetishism of women's bodies, idolization of male sexual capacity, and violence against women coupled with a rejection of homosexuality' (ibid).

Despite what they viewed as African society's intolerance of homosexuality, human rights organizations reported that two lesbians from Nigeria had attended a meeting of the Coalition of African Lesbians (CAL), formerly known as the African Lesbian Alliance (ALA), in Windhoek, Namibia, in August 2004 (IGLHRC 19 Nov. 2004; BTM 30 Sept. 2004). The Nigerian delegation, which included a member of the Support Project in Nigeria (SPIN), an advocacy group for lesbians, gays, bisexual and transgendered persons, and a representative of an organization called the International Centre for Reproductive Health and Sexual Rights (INCREASE), were among women from 14 African countries, including Sierra Leone, Ghana, Liberia, Rwanda, Kenya, Uganda, Tanzania, Zimbabwe, Botswana, South Africa, and Mozambique, who met to develop the vision, objectives and structure of the newly formed organization (ibid; IGLHRC 19 Nov. 2004).

As well, the ARN representative wrote to the Research Directorate that gays and lesbians regularly organize parties and frequent a "very gay friendly" night club in Lagos (9 Feb. 2005).

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.

## References

365Gay.com. 29 November 2004. "Man Faces Death by Stoning for Gay Sex." <<http://www.365gay.com/newscon04/11/112904nigeria.htm>> [Accessed 11 Feb. 2005]

Alliance Rights Nigeria (ARN). 9 February 2005. Correspondence received from a representative.

Anglican Communion Network (ACN). 2 November 2004. "Communique from the African Anglican Bishop's Conference."

<<http://www.anglicancommunionnetwork.org/news/dspnews.cfm?id=96>>  
[Accessed 7 Feb. 2005]

Behind the Mask (BTM). 30 September 2004. Victor Mkhize. "Lesbian Visibility."

<[http://www.mask.org.za/SECTIONS/AfricaPerCountry/ABC/nigeria/nigeria\\_9.htm](http://www.mask.org.za/SECTIONS/AfricaPerCountry/ABC/nigeria/nigeria_9.htm)> [Accessed 6 Jan. 2005]

\_\_\_\_\_. n.d. "Sagba's Organise in Nigeria Alliance Rights."

<<http://www.mask.org.za/sections/AfricaPerCountry/nigeria/nigeria.html>> [Accessed 15 Feb. 2005]

*Daily Champion*. [Lagos]. 20 September 2004. Nkiru Okeke. (Behind the Mask) "Anglicans Decide on Gays."

<[http://www.mask.org.za/SECTIONS/mind%20body%20spirit/christianity\\_24.htm](http://www.mask.org.za/SECTIONS/mind%20body%20spirit/christianity_24.htm)> [Accessed 7 Feb. 2005]

*The East African Standard* (EAS). [Nairobi]. 2 November 2004. Samuel Rambaya and Bbc. "African Bishops May Quit Anglican Church."

<<http://allafrica.com/stories/printable/200411030469.html>> [Accessed 7 Feb. 2005]

Human Rights Watch (HRW). January 2005. "Country Summary: Nigeria."

<<http://www.hrw.org/english/docs/2005/01/13/nigeri9883.htm>> [Accessed 15 Feb. 2005]

\_\_\_\_\_. September 2004. Vol. 16, No. 9 (A). "'Political Shari'a'? Human Rights and Islamic Law in Northern Nigeria."

<<http://www.hrw.org/reports/2004/nigeria0904/nigeria0904.pdf>> [Accessed 7 Feb. 2005]

International Gay and Lesbian Human Rights Commission (IGLHRC). 19 Nov. 2004. "Standing up for their reights: Coalition of African Lesbians formed in Windhoek."

<<http://www.iglhrc.org/site/iglhrc/section.php?id=5&pos=0&print=1&detail=53>> [Accessed 8 Feb. 2005]

*Religion in the News* [Hartford]. Fall 2003. Vol. 6, No. 3. Matthews A. Ojo. "The View From Lagos." (Leonard E. Greenberg Center for the Study of Religion in Public Life, Trinity College).

<<http://www.trincoll.edu/depts/csrpl/RINVol6No3/viewfromlagos.doc.htm>> [Accessed 8 Feb. 2005]

*Sex Education*. [London]. 1 April 2004. Vol. 4, No. 1. C. Otutubikey

Izugbara. "Notions of sex, sexuality and relationships among adolescent boys in rural southeastern Nigeria." p. 65-79.

*This Day*. [Lagos]. 16 January 2005. Sunday Adigun. "Family in Search of Fleeing Sharia Offence Suspect."

<<http://allafrica.com/stories/printable/200501180214.html>> [Accessed 7 Feb. 2005]

\_\_\_\_\_. 28 October 2004. Moses Jolayemi and Andrew Ahiente. "Gay Ordination: Obasanjo Backs African Bishops."  
<<http://allafrica.com/stories/printable/200410280695.html>> [Accessed 7 Feb. 2005]

United Press International (UPI). 25 February 2004. Elizabeth Bryant. "In Africa, Homophobia Goes Beyond the Church."  
<<http://www.aegis.com/news/upi/2004/UP040208.html>> [Accessed 7 Feb. 2005]

*Vanguard* (Lagos). 28 November 2004. Ise-Oluwa Ige. "Sharia court declares man wanted over alleged homosexual act."  
<<http://www.vanguardngr.com/articles/2002/nationalx/nr228112004.html>> [Accessed 20 Jan. 2005]

\_\_\_\_\_. 31 October 2004. Sam Eyoboka. "African Anglicans Bishops' Bold Statement on Gay Marriages."  
<<http://allafrica.com/stories/printable/200411010468.html>> [Accessed 7 Feb. 2005]

### **Additional Sources Consulted**

**Internet Sources:** AllAfrica.com, International Lesbian and Gay Association

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