



**KADUNA STATE OF NIGERIA**

**WHITE 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 12<sup>TH</sup> AND MONDAY 14<sup>TH</sup> DECEMBER, 2015  
AUGUST 2016**

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### **1.0.0 INTRODUCTION**

Zaria metropolis, which comprises the traditional Capital City of the Zazzau Emirate and its environs, a significant part of Sabon Gari Local Government, and small part of Giwa Local Government Area of Kaduna State, has been a home to many people of diverse ethnic, linguistic, cultural and religious backgrounds for decades and a community where people found solace in pursuing their legitimate educational, occupational, professional, political and business interests.

- 2 Zaria is a notable centre of learning hosting strategic federal tertiary educational, professional, commercial and military institutions. It is a home to the two direct parties involved in the December 12<sup>th</sup> – 14<sup>th</sup> 2015 clashes. Zaria is also the birthplace of the leader and the headquarters of the Islamic Movement in Nigeria (IMN) and a host to many strategic Nigerian Military Units and Institutions, which have contributed to social cohesion, peaceful co-existence and the economic growth of Zaria.
- 3 The principal scene of the commencement of the above clashes between the IMN and the Nigerian Army (NA) is on the most strategic Public Highway, which crosses Zaria, Sabon Gari and Giwa LGAs of Kaduna State and goes all the way to Funtua in Katsina State, goes on to Gusau, the capital of Zamfara State and ends at Sokoto, the capital of Sokoto State. It also connects with Kano/Kaduna expressway around Kwangila area in Sabon Gari LGA, Dan-Magaji and Gwargwaje in Zaria LGA as well as Jos around Kofar Doka.
- 4 Between 12<sup>th</sup> and 14<sup>th</sup> December 2015, there occurred series of clashes between the Nigerian Army (**NA**) and members of Islamic Movement in Nigeria (**IMN**) in Zaria. First it emerged that members of IMN, who were conducting a "hoisting of flag ceremony" at the *Hussainiyya Baqiyyatillah*, had mounted roadblocks at strategic locations on the highway on all approaches to the *Hussainiyya Baqiyyatillah* from Samaru and at PZ Railway Junctions. The convoy of the Chief of Army Staff (**COAS**), that was coming from Dutse, Jigawa State to attend the Passing out Parade (**Pop**) ceremony of the 73<sup>rd</sup> regular recruits at the NA Depot, Zaria, was caught up by the blockade. Officers on the COAS's entourage made attempts to persuade the IMN members to lift the barricade to enable the convoy pass to no avail which led to the forceful clearance of the roadblocks by men of the NA who resorted to the use of lethal force.

- 5 With the blockade cleared, the COAS proceeded to the Emir's palace and subsequently to the NA Depot for the ceremony. Then followed some unfolding events and actions of the IMN members thereafter coupled with the NA's assessment of some perceived threats to the life and safety of the COAS and relying on some actionable intelligence suggesting that the IMN have amassed weapons and were threatening to cause mayhem in Zaria, persuaded the NA to conduct a Cordon and Search (**C&S**) operations to maintain law and order, recover the supposed weapons and arrest the IMN leader. As a consequence, the NA carried out C&S operations during this period at *Hussainiyya Baqiyyatillah*, *Gyallesu* residence of the IMN leader and *DarulRahma* at Dambo village.
- 6 In the wake of these operations several lives were lost, moveable and immoveable properties destroyed. On 14/15 December 2015, the Kaduna State government carried out the burial of the dead in a Mass Grave at a cemetery along Mando Road, Kaduna.

## **2.0.0 APPOINTMENTS AND MANDATE**

- 1 Following the incidents (clashes) between the Nigerian Army (NA) and the Islamic Movement in Nigeria (IMN) at Zaria from the 12<sup>th</sup> -14<sup>th</sup> December, 2015 which resulted in the loss of human lives and destruction of property, the Governor of Kaduna State, pursuant to the powers vested on him by the provisions of Section 2 (1) of the Commission of Inquiry Law, Cap 34, Laws of Kaduna State, 1991, issued an order, creating the Commission, appointing the Chairman and Commissioners; as a Judicial Commission of Inquiry (JCI), to investigate the incidents. By the Judicial Commission of Inquiry (January, 2016 Zaria Clashes) Order, 2016 dated and signed by the Governor, on the 11<sup>th</sup> Day of January 2016 (**Appendix 1 of the Main Report**). The Commission had membership of thirteen (13) notable personalities from various professional endeavours and backgrounds and related to the issue at stake.
- 2.01 The Commission was constituted and inaugurated on 29<sup>th</sup> January, 2016 by the Governor of Kaduna State, Mallam Nasir Ahmad El-Rufai under the Chairmanship of Hon. Mohammed Lawal Garba, JCA.

The Members:-

1.	Hon. Mohammed Lawal Garba, JCA	...	...	...	...	...	...	...	...	...	...	...	Chairman
2.	Prof. Salisu Shehu	...	...	...	...	...	...	...	...	...	...	...	Commissioner
3.	Prof. Umar Labdo	...	...	...	...	...	...	...	...	...	...	...	Commissioner
4.	Dr. Salihu Abubakar	...	...	...	...	...	...	...	...	...	...	...	Commissioner
5.	Prof. Auwalu Yadudu	...	...	...	...	...	...	...	...	...	...	...	Commissioner
6.	Prof. Ibrahim Gambari	...	...	...	...	...	...	...	...	...	...	...	Commissioner
7.	Maj. Gen. A. A. Mshelbwala (Rtd)	...	...	...	...	...	...	...	...	...	...	...	Commissioner
8.	Mr. Afakriya Gadzama	...	...	...	...	...	...	...	...	...	...	...	Commissioner
9.	Brig. Gen. Aminun-Kano Maude (Rtd)	...	...	...	...	...	...	...	...	...	...	...	Commissioner
10.	Dr. Jibrin Ibrahim	...	...	...	...	...	...	...	...	...	...	...	Commissioner
11.	Mrs. Khadijah Hawaja Gambo	...	...	...	...	...	...	...	...	...	...	...	Commissioner
12.	Mr. Bilya Bala	...	...	...	...	...	...	...	...	...	...	...	Commissioner
13.	Mrs. Desire Diseye Nsirim CP (Rtd)	...	...	...	...	...	...	...	...	...	...	...	Commissioner

Dr. Bala Babaji was appointed as the Secretary, while Yusuf O. Ali, SAN was appointed as the Lead Counsel to the Commission. Yunus Ustaz Usman, SAN, was subsequently appointed Associate Lead Counsel to the Commission.

**3.0.0 TERMS OF REFERENCE:**

- a. To determine the immediate causes of the clashes;
- b. To determine the historical circumstances, surrounding and contributory factors and remote causes of the clashes;
- c. To ascertain the number of persons killed, wounded or missing during the clashes;
- d. To identify all property alleged to have been damaged or destroyed during the clashes, the owners or occupiers of such property and the values claimed by them for such damage or destruction;

- e. To identify acts of commission and omission of relevant persons, traditional and religious institutions, non-governmental, Federal and State actors and emergency response agencies before, during and after the clashes;
- f. To determine whether the acts of commission and omission identified in sub-paragraph (e) above were necessary, appropriate and sufficient in the circumstances in which they occurred;
- g. To determine the evolution of the Islamic Movement in Nigeria, its legal status, organization, structure, membership, growth, assets, resources, culture and practices, and how any or all of these contributed to any engagement with the community, constituted authorities and the security agencies;
- h. To review all other factors, issues or matters, including the alleged involvement of foreign and domestic actors or their influence or instigation, that may have contributed to the incident or may conduce to such incidences in the future and make recommendations thereto;
- i. To make recommendations to the Kaduna State Government and the Federal Government as to direct or indirect responsibility for any acts of commission or omission identified in sub-paragraph (e) above;
- j. To make recommendations as to actions to be taken to ensure that administrative or criminal responsibility is further determined by the appropriate administrative or judicial authorities for any identified acts or omissions;
- k. To make recommendations as to 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;
- l. To recommend any matter for prosecution, further investigation or the convening of a separate inquiry to the appropriate Law Enforcement Agency, Government Department or Prosecutor regarding the conduct of a certain person or persons; and

- m. To investigate any other matter incidental or relevant to these Terms of Inquiry which, in the Commission's view, should be investigated and make any other pertinent recommendations that it deems necessary for the purpose.

#### **4.0.0 METHODOLOGY**

The Methodology adopted by the Commission in discharging its assignment was as follows;-

- i. Members undertook a review of all memoranda relevant to its Terms of Reference (TOR) which were presented at the public hearing in sworn testimonies and which were subjected to cross examination and considered various views and data derived from the informal interaction with stakeholders.
- ii. The Commission also benefitted from recourse to analyses made, views expressed and conclusions and recommendations offered by the resource persons appointed by the Commission. Based upon such rigorous analyses and synthesis, the Commission made findings and recommendations pertaining to each TOR in the subsequent Chapters.

#### **5.0.0 CONSTITUTION OF THE WHITE PAPER DRAFTING COMMITTEE**

On receipt of the Commission's Report, the Kaduna State Government appointed a White Paper Drafting Committee on the Report vide letter No. SSG/KDS/508/VOL.T4/100 dated 22<sup>nd</sup> July, 2016 with the following Membership:-

- 1. Adamu Mohammed Mansur,  
Permanent Secretary,  
Ministry of Education, Science and Technology,  
Kaduna. ... .. Chairman
- 2. Hajiya Hawwa Umar,  
Permanent Secretary,  
Ministry of Environment and Natural Resources,  
Kaduna. ... .. Member
- 3. Mrs. BariátuY. Mohammed,  
Permanent Secretary,  
Ministry of Works, Housing and Transport,  
Kaduna. ... .. Member

4.	Ibrahim Sambo, mni, Permanent Secretary, Ministry for Local Government, Kaduna. ... ..	Member
5.	Jaáfaru Ibrahim Sani, Permanent Secretary, Cabinet Affairs and Special Services, Kaduna .... ..	Member
6.	Aisha K. Mohammed, Solicitor-General and Permanent Secretary, Ministry of Justice, Kaduna. ... ..	Member
7.	Jonah Adze Ambisa II, Permanent Secretary, Civil Service Commission, Kaduna. ... ..	Member
8.	M. I. Aliyu, Esq., Ministry of Justice, Kaduna. ... ..	Member
9.	Alexander K. Sule, Office of the Secretary to the State Government, Kawo – Kaduna. ... ..	Secretary.

**6.0.0 TERMS OF REFERENCE OF THE COMMITTEE ARE AS FOLLOWS:-**

- a. To study the recommendations of the Report of the Judicial Commission of Inquiry into the Clash between a Detachment of the Nigerian Army (NA) and Members of the Islamic Movement in Nigeria and produce a White Paper on the Report;
- b. to make any other recommendation(s) that will assist Government in addressing issues raised in the Report.

**Government Decision:**  
Government Notes the Introduction.



## CHAPTER TWO

### TOR (A): TO DETERMINE THE IMMEDIATE CAUSES OF THE CLASHES (PP. 22 – 31 SECTION 2.3 OF THE COMMISSION'S REPORT)

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
2.2.1	<p><b>Immediate Causes</b> Available records before the Commission indicate that the most immediate cause of the clashes of 12 - 14 December, 2015 between the Nigerian Army and IMN was the road barricade mounted by the IMN on a very busy highway leading to PZ junction en route to the NA Depot at what is popularly referred to as Hussainiyya Baqiyatillah. This was reportedly on the occasion of the “hoisting of the flag ceremony” at the venue, which resulted in the ensuing verbal altercations, the "alleged" assassination attempt on Chief of Army Staff (COAS), the forceful clearance of the blockade and shootings. The Commission found that:</p> <p>a. When the COAS convoy ran into the blockade some NA officers, the Nigeria Police and other security agents took steps and turns to persuade the IMN members to allow passage which yielded no results.</p>	<p>(i) The IMN members should primarily be responsible for the clash and its liabilities.</p> <p>(ii) Cordon and Search Operations Order as per the provisions above cannot be issued orally. It is recommended that all such orders in future should be written and lawfully procured in accordance with the law.</p> <p>(iii) Cordon and Search Orders should always be accompanied by the issuance of the “Rules of Engagement” to all officers and men involved.</p> <p>(iv) Operational use of the Armed Forces in dealing with civil disturbances should be very sparingly employed or ordered only in exceptional, extreme or</p>	<p>Government Accepts the recommendation.</p> <p>Government Notes the recommendation but observes that there is a subsisting Internal Security Operation - Operation MESA Nationally and Operation Yaki in Kaduna State.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>b. It was in evidence from the testimonies of some of the officers and a video clip trying to persuade the IMN to remove the blockade; that the NA officers noticed that they were being encircled and that there were suspected gunshots sound heard.</p> <p>c. Based upon its threat assessment, the NA felt apprehensive of the safety and security of the COAS and his convoy. Consequently, they, as the testimony of one officer stated, “shot their way through the blockade”. This resulted in casualties of 7 deaths and 10 injured IMN members as stated by the Acting Provost Marshal when testifying under cross examination before the Commission.</p> <p>d. Following the incidence of the 12<sup>th</sup> December, 2015 there was a perceived threat to the breach of law and order by the NA which</p>	<p>specified circumstances to provide the necessary and required support to the police, and other civil security agencies and institutions as provided for in Section 217(c) of the Constitution.</p> <p>(v) The Police and other security agencies should be well trained and equipped to deal with civil disturbances so that the Armed Forces are not regularly dragged into law enforcement activities.</p> <p>(vi) All future Cordon and Search Operations should be filmed to ensure there is video evidence on how it was conducted.</p>	<p>Government Notes the recommendation.</p> <p>Government Rejects this recommendation. as the circumstances of some of the Operations make it impossible to film them. More so that the Army has provided still pictures of the Operation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>in their assessment necessitated the ordering of a C&amp;S operation as well as the arrest of the IMN leader.</p> <p>e. The oral order for the Cordon and Search Operation issued by the GOC 1 Div which led to the deployment of officers and men of the NA for operational use, was in contravention of the provisions of Section 8 of the Armed Forces Act, No. 24 of 1994 which provides as follows:</p> <p><b><i>Operational Use of the Armed Forces</i></b></p> <p>1. <i>The President shall determine the operational use of the Armed Forces, but may, under general or specific directives, delegate his responsibility for day to day operational use:</i></p> <p>(a) <i>of the Armed Forces to the Chief of Defence Staff;</i></p>				

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p><i>(b) of the Army to the Chief of Army Staff;</i></p> <p><i>(c) of the Navy to the Chief of Naval Staff; and</i></p> <p><i>(d) of the Air Force to the Chief of Air Staff.</i></p> <p><i>2. It shall be the duty of the Chief of Defence Staff, Chief of Army Staff, the Chief of Naval Staff and the Chief of Air Staff, as the case may be, to comply with any directive given to them by the President under sub-section 1 of the Section.</i></p> <p><i>3. In this Section, "Operational use of the Armed Forces" includes the operational use of the Armed Forces in Nigeria for the purpose of</i></p>				

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p style="text-align: center;"><i>maintaining and securing public safety and public order.”</i></p> <p>f. There is no evidence before the Commission that the order for the Cordon and Search Operation deploying members of the Armed Forces for the alleged purpose of maintaining and securing public safety and peace, was derived from any delegation of authority by the President and/or the Chief of Army Staff, as provided by these provisions.</p> <p>g. In addition, Section 218(1) and (3) of the 1999 Constitution (as amended) vests power to determine the operational use of the Armed Forces of the Federation, in the President and the discretion to, by directions in writing, delegate such power to any member of the armed forces relating to the</p>				

S/N	2.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>operational use of the armed forces. There was no evidence that there was the requisite delegation by the President to the Officer who issued the oral order for the deployment of the Officers and Men of the Nigerian Army (N.A) for the C and S operation.</p>				

## CHAPTER THREE

### TOR (B): TO DETERMINE THE HISTORICAL CIRCUMSTANCES ,SURROUNDING AND CONTRIBUTORY FACTORS AND REMOTE CAUSES OF THE CLASHES. (PP 32 – 55 SECTION 3.3 OF THE COMMISSION'S REPORT)

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
3.2	<p><b>3.2.1 Historical Circumstances</b> From the available evidence received by the Commission, especially the Memo submitted by the Nigerian Army, that of Kaduna State Command of the SSS, Commissioned Research Papers by Professors M. S. Umar and M. U. Bunza, A. R. Mustapha and Baffa A. Umar the following historical circumstances were adduced:</p> <p>(i) The IMN has been steadfast and deliberate in refusing to recognise the legitimacy, authority and the Constitution of the Nigerian State. They have operated outside the laws of the State and the Funtua Declaration is their flagship enunciation of the ideology of confrontation with the Nigerian State, its legal system and its security agencies. The result has been a long tradition of IMN refusal to respect, observe and comply with the laws of the country.</p>	<p>(1) The State and its law enforcement agencies should investigate all persons allegedly breaking the law even when such persons belong to powerful religious groups. All those found to have engaged in illegal activities must be prosecuted and if found to be guilty punished appropriately.</p> <p>(2) The IMN is notorious for engaging in hate and dangerous speech that provoke other Muslims. The National Assembly should initiate the establishment of a law against hate and dangerous speech and once enacted the law should be enforced.</p> <p>(3) Ecumenical groups in Nigeria, the JNI and CAN in particular should be all-inclusive and resist</p>	<p>Government Accepts the recommendation.</p> <p>Government Notes the recommendation and observes that:- (i) There is a subsisting Law regulating religious preaching in the State which is being updated by the Kaduna State House of Assembly.</p>	<p>Kaduna State Government.</p> <p>Federal and State Governments * Ministry of Justice * National Assembly; AG/Minister of Justice Bureau of Interfaith;</p>	

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(ii) The IMN also has a long tradition of confrontation with its immediate community and in particular the Sunni Muslim community. They show disrespect to the Companions, Sahaba of Prophet Muhammad (PBUH), engage in preaching routines other Muslims find insulting and provocative and engage in activities seeking to take over mosques built and operated by other Muslim groups.</p> <p>(iii) Evidence adduced before the Commission depicts the fact of recurrent confrontational stance of the IMN to political and military authorities, law enforcement and security agencies as well as traditional rulers and community leaders in Zaria metropolis and other parts of Kaduna State and beyond. The cause for this confrontational stance is founded on the political ideological peculiarity of the Iranian Shiite adherents, including the leadership and members of IMN. As already cited above, the commissioned research papers by Prof. Bunza and Umar attested to this.</p>	<p>the temptation of excluding those they disagree with. They should prioritise the culture of civility and tolerance in their relationships.</p> <p>(4) Intelligence agencies should improve their capacity to study and follow the activities of all groups likely to engage in acts of violence or the destabilisation of constituted authorities in Nigeria.</p> <p>(5) Nigeria needs to invest more in the education of its youth, expanding employment opportunities and reducing the level of poverty affecting citizens.</p>	<p>Government Notes the recommendation. The Secretary to the State Government to convey the directive accordingly.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation and observes that the State Government has allocated 35% of its 2016 Budget on Education.</p>	<p>and * Security Agencies The Secretary to the State Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	



S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(iv) The clash was facilitated by a history of poor management of religious pluralism, rising intolerance and extremism by political, traditional and religious leaders at all levels of governance in Nigeria. Evidence adduced before the Commission indicate that this serious lapse on the part of constituted authorities breeds unhealthy rivalry and competition between Muslims and Christians, on the one hand, in trying to imprint their values and interests on the Nigerian State; on the other hand, this lapse promotes unhealthy competition between the Shiite IMN religious minority and the majority Sunni Muslims, consequently resulting into mutual suspicion, mistrust, distrust and intolerance, at times degenerating into conflict and violence that threaten the corporate existence, peace and security of the Nigerian Federation.</p> <p>(v) Lack of decisive and proactive action/measures by constituted authorities to address series of complaints (both oral and written) by residents of Zaria metropolis in respect of alleged acts of</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>lawlessness and flagrant violations of the rights of fellow Nigerians by the IMN Sect. Available records with the Commission indicate a historical trend of IMN's engagement in illegal road traffic functions, illegal road blocks, imposition of illegal curfews and checkpoints in and around Gyallesu area, where the IMN leader resides, which hinders the freedom of movement for innocent residents of the area; causing obstruction of traffic for commuters and other road users. Had constituted authorities nipped these actions in the bud by the diligent prosecution of offences, IMN members would not have had the confidence to continue with their illegal activities.</p> <p>(vi) Evidence was also adduced to demonstrate the IMN members' perpetual conflict with local communities and forceful takeover or appropriation of mosques not belonging to them has been a major trigger of conflicts. For example, the encounter between IMN with non-members over the use of a mosque that did not belong</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>to them at Gabari village, Zaria LGA, Wanka, Soba LGA, Ahmadu Bello University, Main Campus, Samaru Central Mosque in Kaduna State and Rogo town in Kano State which occurred in the days preceding the December 12<sup>th</sup>-14<sup>th</sup>, 2015 clashes, were the most poignant cases in point in Zaria and environs. These were supported by testimonies to show how the IMN forcefully took over from the Imam of a Tijjaniyya mosque at Wanka in Soba LGA of Kaduna State about how the community and him struggled with IMN who took over their mosque and all the conciliatory efforts facilitated by the District Head were spurned and disregarded by the IMN members. In a memo and during his testimony, by Prof. Abdullahi Mahdi, narrated how authorities at ABU, Zaria experienced in the eighties the invasion of the mosque on the main campus by IMN members. The lapse on the part of constituted authorities in treating complaints and taking actions decisively on culprits aggravates the agony, frustration and</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
3.2.2	<p>helplessness of Zaria residents, and heightens the level of lawlessness in the affected communities.</p> <p><b>REMOTE CAUSES</b></p> <p>(i) Widespread and habitual acts of lawlessness and defiance of constituted authorities across the nation by IMN members such as takeover of highways and blockades, besieging of police posts, invasion of court premises, refusal to submit to ordinary security checks to which all other members of society are subject.</p> <p>(ii) The Commission notes that Section 38 (1) and 41 (1) of the 1999 Constitution of the Federal Republic of Nigeria (as amended) provides guarantees for the Freedom of Religion and Freedom of Movement respectively, however with limitations as provided for under S.45. In their activities, IMN members show no respect for such limitations.</p> <p>(iii) The frequent local and countrywide processions,</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>ceremonies and other forms of activities, which are unregulated, held without permission and in total disregard to law and order cause grave hardship and inconveniences to members of the public and bring the IMN members into conflict with the communities they live with.</p> <p>(iv) The failure, reluctance or sheer inability of the State and its security agencies to maintain law and order or hold the IMN members to account for recurring and widespread acts of lawlessness, disobedience to constituted authorities is an important factor leading to the clash of December 12<sup>th</sup> to 14<sup>th</sup> 2015.</p> <p>(v) The social conditions in society, poverty, the youth bulge and unemployment played a role in creating the conditions for violent conflict. In the Commissioned Research Paper by Prof. A. R. Mustapha, he specifically stated that there is an economic dimension to the generation of crises and conflicts in Nigeria. Citing Governor Kashim Shettima</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>of Borno State who said that in Northern Nigeria as a whole, there is a direct correlation between the ethno-religious strife and the closure of Textile Mills, between the closure of Tin Mines in Jos and the ethno-religious conflicts on the Plateau. Even the cattle rustling have a direct link with the economic realities on the ground and the sooner Nigeria wakes up to these challenges, the better for all of us. The Multi-Dimensional Poverty Index (MPI) calculated by the Oxford University shows that poverty is more pronounced in many Northern States. The rapid and extensive growth and the development of the IMN in Northern Nigeria might have benefitted from the pull factor of youth becoming disenchanted with the way the modern governments have been unable to address their needs and their consequent search for an alternative system.</p> <p>(vi) The IMN has grown from a small group of young men to a mass organisation openly defying constituted authorities in full public</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>view without any challenge by government and its security agencies is an indicator of State failure. It is that deficit of State authority that gave the IMN the confidence to force a former Governor of Kaduna State, the Chief Security Officer of the State, to get down from his car and walk on orders of the IMN Hurras security outfit. Nature abhors a vacuum and when the State does not exercise its authority, non-State organs take over. In addition to State failure to exercise its authority, the State also failed to engage the IMN constructively. Submissions by Zauren Hadin Kan Malamai (Coalition of Ulama and Civil Organizations Kano State), the Gyallesu Community, Zaria; and the testimony of Isa Adamu all point to numerous reports and calls for government intervention in attacks, intimidation and sometimes murders of members of such communities without government taking any proactive steps either to stop the menace of the IMN or engaging them in a more constructive manner.</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(vii) State failure to address the confrontation and illegal activities of the IMN is particularly grave because of the alleged foreign indoctrination, political, financial support and instigation that have accompanied the development of the organisation. Publications such as the Echo of Islam, Mahjubah, Sakon Musulunci (Hausa Version of Mahjubah) have over time reported on the significant flow of Nigerian students into Iranian religious institutions in Qum and other places in the country. Our interaction with a former Nigerian Ambassador to Iran also revealed the presence of numerous Nigerian students in Iran with long-term scholarships from various Iranian religious institutions. While young Nigerians have the right to receive foreign scholarships from foreign religious institutions, the fact that some of the said institutions in Iran have been widely reported to be training the youth for “revolutionary action” similar to what had happened in</p>				



S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
3.2.3	<p>Iran should have raised serious security concerns and a coherent national policy response to ensure that the strategic interests of Nigeria are not compromised.</p> <p><b>OTHER CONTRIBUTORY FACTORS</b></p> <p>(i) There is a core religious factor that contributed to the clash of December 2015. We have already referred to the IMN espousal of the doctrine or posture, which dictates and glorifies rejection of the Sunni Islam. The memoranda by Zauren Hadin Kan Malamai (Coalition of Ulama and Civil Organizations Kano State); Jama'atu Tajdidil Islamiy; Statements of Yakubu Yahaya from video clip wherein the leader was seen to disparage some companions of the Prophet calling them cowards and alleging that they had poisoned the Prophet Muhammad (SAW); the testimony of Muhammad Habibu Sabari of the Department of Accounting ABU Zaria, in which he testified that IMN members, in a very provocative manner, were in the habit of portraying Aisha, the wife of the Prophet, during their</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>processions as a bitch dressed in black attire; (see video clip admitted as exhibit 31 and 31 A) in which El-Zakzaky disparaged some companions of the Prophet as cowards who had abandoned the Prophet by deserting him at the battle fields also confirmed some of the doctrines preached by the IMN which all point out to the possible intensification of intra-Muslim conflicts, which is very worrying. The core issue the testimonies draw attention to is the manifest disrespect of the belief and practices of Sunni Islam.</p> <p>(ii) There is an international dimension to the Commission's findings. Interactions with some diplomats and other stakeholders has drawn attention to circumstantial, although not verified, allegations that the IMN has been in close association with militant Shiite movements - in particular the Hezbollah group in Lebanon and has enjoyed financial and political support from a foreign power, Iran. Evidence was adduced to point out that the Iranian President had sought to</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>directly intervene in the internal affairs of Nigeria by calling President Buhari to demand for the release of Sheikh Ibraheem El-Zakzaky. The Iranian Ambassador to Nigeria was reported to back up such demand through the issuance of Press Statements in the days following the events of December 12 – 14, 2015. The Commission has viewed a video clip showing provocative and inciting statements about Nigeria by Sheikh Nasrullah, the leader of the Hezbollah in Lebanon. The Memo by Jama'atu Tajdidilslamiy; and Zauren Hadin Kan Malamai (Coalition of Ulama and Civil Organizations), Kano catalogued series of incidents to demonstrate suggestions and allegations of foreign involvement in the activities of the IMN.</p> <p>(iii) The NA has alleged that there was a build-up of mammoth crowd of IMN members who trooped into Zaria from across the country to "defend" Hussainiyya, residence of the IMN leader at Gyallesu and Darul Rahma at Dambo, The Nigerian Army asserted that it</p>				

S/N	3.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>received intelligence that the IMN has been amassing weapons to carry out a major attack on security agencies and citizens, the justification for the cordon and search. The cordon and search however did not reveal significant quantities of weapons found. While the search revealed bows and arrows, catapults, sticks and a few dane guns, The assumption that the IMN in Zaria was heavily armed was not verified.</p> <p>(iv) The clashes between the NA and the IMN in July 2014 during the Quds day processions which resulted in the death of over 30 members of the IMN, including three sons of Sheikh Ibraheem Yakubu EL-Zakzaky remained a grudge in IMN circles that antagonised them to the NA. The continuing tensions between the NA and the IMN arising from the above incident, which have caused serious apprehension and distrust in minds of the IMN regarding the presence of NA whose intentions they have come to consider as ominous and confrontational.</p>				

## CHAPTER FOUR

### TOR ( C ) TO ASCERTAIN THE NUMBER OF PERSONS KILLED, WOUNDED OR MISSING DURING THE CLASHES (PP 56 - 60 SECTION 4.3 OF THE COMMISSION'S REPORT)

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
4.2.1	<p><b>Dead Persons.</b></p> <p>(i) The evidence before the Commission from the Kaduna State Government's Memo dated 26<sup>th</sup> February, 2016 states "that from the bodies provided by the Army, there were 347 corpses made up of 156 evacuated from the Ahmadu Bello University Teaching Hospital, Shika and 191 from the Nigerian Army Depot, Zaria. The actual counting of the corpses by Kaduna State Government officials during the burial confirmed this number.</p> <p>(ii) The memorandum submitted by the Nigerian Army dated 9<sup>th</sup> February, 2016 revealed that NA lost one (1) soldier, 98NA/46/29100 Cpl. Dan Kaduna Yakubu. Also, oral</p>	<p>(1) Members of the Nigerian Army found to have been involved in the killings should be brought to trial before a Court of competent jurisdiction.</p>	<p>Government Notes the recommendation and is assured that the Federal Government will not condone unlawful killing of any citizen and that this will be further investigated and the culprits identified will be subjected to court martial followed by civil prosecution. It also observes that:-</p> <p>(i) the Judicial Commission of Inquiry failed to take into account the years during which the activities of the IMN in Gyallesu had threatened peace and security;</p>	<p>Federal and State Governments.</p>	

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>evidence before Commission by the Nigerian Army Acting Provost Marshal showed that seven (7) people died at the scene of the blockade near the Hussainiyya Baqiyatillah along Sokoto road, Zaria on the 12<sup>th</sup> Day of December, 2015.</p> <p>(iii) The Medical Officer of the Nigeria Prisons Service also confirmed that one of the IMN members in their custody (as a result of the clash) died in the hospital.</p> <p>(iv) The Commission's finding is that a total number of 349 persons lost their lives during the clashes. The Commission could not ascertain whether out of the said 349 who lost their lives, the seven people who died at the road blockade were included in the 347 buried in a mass</p>		<p>(ii) for all intent and purpose, the IMN is an insurgent group and ought to be treated as such;</p> <p>(iii) the sheer numbers of IMN members congregating from across the country that night, with many bearing arms, was such that the NA was in no position to accurately determine how armed and organised they were and had to be concerned on what their intention (for Zaria) was;</p> <p>(iv) the Armed Forces Act Cap A20, Laws of the Federal Republic of Nigeria 2004, mandates the Army to suppress insurrection in aid of civil authority with a view to</p>		

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
4.2.2	<p>grave by the Kaduna State Government. It is unfortunate that the Medical Officer in charge of the Nigerian Army Depot Health Centre who took custody of some of the corpses was not forthcoming in giving evidence that would have enabled the Commission to ascertain the actual number of people killed. The Officer said he didn't even ascertain the gender of both the adult and children corpses that were deposited in his Medical Centre.</p> <p>(v) Had the IMN submitted a Memo and appeared before the Commission, it might have been able to shed light on the number of their members who might have lost their lives in the clashes.</p> <p><b>The wounded:</b></p> <p>(i) The same Memo of Kaduna State Government revealed that, “a</p>		<p>restoring Law and Order, thus necessitating its actions, guided by clearly outlined Rules of Engagement in line with Global Best Practices; The Rules of Engagement further provides:-</p> <p>(a) the principle of minimum force that whenever operation situation permits, every reasonable effort should be made to control the situation through measures short of using force, including personal contact and negotiations which the Nigerian Army fully explored;</p> <p>(b) That the decision to open fire shall be made only on orders under the control of an on - the scene</p>		

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>total of 66 IMN members (53 males and 13 females) were injured. They were sent to the Ahmadu Bello University Teaching Hospital, Shika. Letters from the ABUTH, Shika and St. Luke Anglican Hospital, Wusasa, Zaria where they were treated and discharged confirmed this number. It was also in the evidence of the Medical Director, ABUTH that some of the injured either left on their own or taken by relatives. Therefore, the Commission could not with certainty determine the number of those wounded.</p> <p>(ii) It was also in evidence from memorandum submitted by the Nigerian Army and the testimony of one Senior Army Officer, Col. M. F. Babayo that he the said Col. Babayo who led the C&amp;S operations at Dambo was seriously injured and</p>		<p>commander. Unless there is insufficient time to obtain such order;</p> <p>( c) A soldier could open fire if his life or any law abiding member of the public and or property is in grave danger;</p> <p>(d) the use of lethal force can only be resorted to by the Armed Forces if all other means to control the situation fail or in case of un expected attacks or suspected IEDs attack which a delay could lead to loss of lives or serious injuries to personnel, which is applicable u n d e r t h e circumstances;</p> <p>(e) In the guide for the use of force by</p>		



S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
<p>4.2.3</p> <p>4.2.4</p>	<p>rendered unconscious in the process by members of the IMN.</p> <p><b>Missing Persons</b> There was no evidence before the Commission to confirm if there were any missing persons from the clashes.</p> <p><b>Others</b> (i) The Cordon and Search Operation should have been based strictly on the Rules of Engagement in order to reduce the number of casualties.  (ii) The force used by the Nigerian Army resulting in the death of the 349 IMN members was disproportionate.  (iii) The Officers of the Nigerian Army who testified before the Commission were not forthcoming</p>	<p>2. The members of the IMN found to have been involved in the killing of Cpl. Dan Kaduna Yakubu should also be tried before a Court of competent jurisdiction.</p> <p>3. The Nigerian Army should intensify efforts in ensuring</p>	<p>the Armed Forces, a soldier can resort to force to defend himself and colleagues against hostile act or intent, resist attempt to abduct and detain him or his colleagues and protect law abiding citizens from imminent threat or physical violence;</p> <p>(v) the number of civilians in Gyallesu that were evacuated to safety by the Army;</p> <p>(vi) Members of the IMN were given the opportunity to vacate the place but they refused;</p> <p>(vii) All officers and soldiers deployed in Operation MESA are instructed to ensure strict adherence to a set of 36 Code of Conduct, one of</p>	<p>Kaduna State Government.</p>	

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>in providing full disclosure on the number of the dead, wounded and missing persons.</p> <p>(iv) The Commission was unable to determine the causes of death of the deceased victims owing to the mass burial conducted by the Kaduna State government without any autopsy.</p> <p>(v) The Burial of all the corpses male and female Muslims in one grave violated Islamic traditions and other relevant burial laws of Kaduna State and Rule 115 of the Geneva Convention.</p>	<p>compliance with the Rules of Engagement and other legal standards in Cordon and Search operations at all times.</p>	<p>which is the Rules of Engagement.</p> <p>Government Notes the recommendation. The accused persons suspected to be responsible for the killing of the Corporal are being prosecuted before a Court of Law.</p> <p>Government Notes the recommendation. The memorandum submitted by the Nigerian Army confirmed compliance with the Rules of Engagement.</p> <p>Government Notes the recommendation but observes that the</p>	<p>F e d e r a l Government.</p>	

S/N	4.2 FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
			<p>Nigerian Army complied with the Rules of Engagement:-</p> <p>(i) by making every reasonable effort to control the situation through measures short of using force , including personal contact and negotiations;</p> <p>(ii) resorted to force only when it became necessary in order to protect the lives of soldiers and civilians who were in grave danger; and</p> <p>(iii) the Cordon and Search was carried out in line with the Rules of Engagement and Guidelines to Use of Force stipulated for Operation MESA and other Internal Security Operations.</p>		

CHAPTER FIVE

**TOR (D) TO IDENTIFY ALL PROPERTY ALLEGED TO HAVE BEEN DAMAGED OR DESTROYED DURING THE CLASHES, THE OWNERS OR OCCUPIERS OF SUCH PROPERTY AND THE VALUES CLAIMED BY THEM FOR SUCH DAMAGE OR DESTRUCTION (PP 61 - 67 SECTION 5.3 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS ON PROPERTIES DESTROYED, DAMAGED THEIR OWNERS AND CLAIMS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
5.3	<p>(a) Properties belonging to 19 persons valued at N74,373,652.30 were destroyed.</p> <p>(b) 6No properties of members of the IMN were destroyed which value could not be ascertained in view of the fact that they did not appear before the Commission.</p> <p>© Assorted vehicles, belonging to 25 persons valued at N78,957,055.63 were destroyed.</p> <p>(d) 2No Toyota SUVs, 30 motorcycles and 65No vehicles belonging to the members of the IMN were recovered from the Hussainiyya Baqiyatillah site to the Motor Traffic Division (MTD) Zaria.</p>	<p>The Kaduna State Government should appoint professional valuers to re-evaluate properties reported to have been destroyed or damaged and take appropriate steps to provide necessary compensation to the claimants.</p>	<p>Government Notes the recommendation. That property destroyed had already been valued for the purpose of payment of reasonable compensation to circumstantial victims.</p>	<p>Federal and State Governments.</p>	
5.2.1	<p><b>OBSERVATIONS</b></p> <p>(i) While some of those whose properties were affected during the clashes gave the estimated values of their property and the amount of</p>				

S/N	FINDINGS ON PROPERTIES DESTROYED, DAMAGED THEIR OWNERS AND CLAIMS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>compensation claimed, others did not state the cost implications of the damage or destruction done to their property let alone lay any claim.</p> <p>(ii) The Commission could not authenticate or assign values to the landed property damaged or destroyed and the damaged motor vehicles found in the premises of the IMN. Since the IMN members neither appeared before the Commission nor submitted written memoranda, the Commission could not ascertain the values of their property either destroyed or damaged.</p>				

**CHAPTER SIX**

**TOR (E): TO IDENTIFY ACTS OF COMMISSION AND OMISSION OF RELEVANT PERSONS, TRADITIONAL AND RELIGIOUS INSTITUTIONS, NON-GOVERNMENTAL, FEDERAL AND STATE ACTORS AND EMERGENCY RESPONSE AGENCIES BEFORE, DURING AND AFTER THE CLASHES (PP 68 - 82 SECTION 6.3 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.1	<p><b>Federal Government</b></p> <p>(i) Testimonies of witnesses and stakeholders who appeared before the Commission point to reasonable conclusions that there was lack of political will on the part of the Federal Government to take proactive steps against seemingly dangerous groups/organizations. Many witnesses pointed to the non-implementation of recommendations of reports of previous Commissions of Inquiry relating to this group and others who have posed grave threats to peace and harmonious living. Of particular relevance have been the reports of Galtimari and Sheikh Lemu Presidential Commissions pertaining to Boko Haram insurgency;</p> <p>(ii) Failure or inability to equip and provide proper and adequate training for the Law Enforcement Agencies to develop capacity and</p>	<p>The Commission has made appropriate recommendations in respect of this TOR under TOR (i) in Chapter Ten of the Report.</p>	<p>Government Notes the various observations made under this Term of Reference.</p>	<p>Federal and State Governments.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>commensurate capabilities to deal with incessant civil disorders, insurgencies, subversions by elements who have demonstrated the capacity to undermine national security, harmonious community interactions and the maintenance of law and order generally. This lack of capacity was further buttressed during the cross examination of Deputy Superintendent of Police (DSP), Kenneth Dika, by the Police Counsel, Assistant Superintendent of Police (ASP) Leo Martins in the dialogue below;</p> <p><i>ASP Leo Martins: Please tell this Commission whether if by international standards the Nigeria Police Force is properly equipped.</i>  <i>DSP Kenneth Dika: No, it is not.</i>  <i>ASP Leo Martins: Thank you.</i></p> <p>(i) There is evidence to suggest that the relevant federal authorities, and officials such as Diplomats, National Intelligence Agency (NIA), Immigration, Customs, etc. have not been diligent in keeping a watch on the</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.2	<p>threats posed by the IMN, its external connections, financing, statements and general surveillance.</p> <p>(ii) The responses from the foregoing agencies to attend to requests for information by the Commission were not encouraging at all, with the result that there was a huge deficit in the availability of information to the Commission to enable it make informed decisions or come to firm findings on issues based on credible data that is not in public domain.</p> <p><b>Kaduna State Government</b></p> <p>(i) Testimonies of witnesses and stakeholders who appeared before the Commission point to reasonable conclusions that there was lack of political will on the part of some previous Kaduna State Governments to take proactive measures against seemingly dangerous groups/organizations.</p> <p>(ii) Various officials of the Kaduna State Government testified before the Commission to confirm that,</p>				



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>aside from the ground of Public health and safety, they carried out the demolition of the Hussainiyyah Baqiyatillah, the residence of Sheikh Ibraheem El-Zakzaky (leader of the IMN), the fence and some structures at Darul Rahma in Dambo, the premises at Jushi housing the graves of El-Zakzaky's mother and sister, the Fudiyya School and Media Centre at Danmagaji, were constructed, without recourse to due process of law and in contravention of the KASUPDA Law.</p> <p>(iii) Other acts of commission and omission pertain to the government's inability, failure or reluctance to enforce building codes, regulations and building permits in a timely manner. Various letters written by concerned and affected communities to the Kaduna State Government received no visible or responsive action to assuage public concerns and agitations pointed out in these letters. Of significance and efforts calling for attention were letters contained in the Memo submitted by</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>the Gyallesu Community, Letters to: District Head of Gyallesu and the Emir of Zazzau, letter by the Voice of Gyallesu to Governor of Kaduna State on the blocking of Governor Yero's entourage from entering Gyallesu received quite some resonance; Blockade and attack on the convoy of the Emir of Zazzau as reported by the Daily Sun of 5<sup>th</sup> June, 2015 as well as the Memo by Jama'atu Nasril Islam Zaria Branch attested to all these.</p> <p>(iv) An official of the State Government stated that he, in collaboration with officers and men of the NA carried out the burial of 347 bodies in a mass grave on December 14<sup>th</sup>-15<sup>th</sup>, 2015 without conducting proper inquest to ascertain the cause and circumstances of the death or even establishing the proper identities of the deceased persons. This amounted to non-compliance with the Coroner's Law of Kaduna State, 1991. The whole processes of the burial would similarly seem to violate certain provisions of relevant International Conventions.</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.3	<p><b>Nigerian Army (NA)</b></p> <p>(i) Having regard to the strength of the IMN members or crowd, they confronted at Hussainiyya Baqiyyatillah, and the assorted weapons wielded and/or recovered, there appeared to be a disproportionate use of force by the NA to deal with the situation. In particular, the actions were contrary to Rules 3 and 4 of the Rules of Engagement, which was supplied to the Commission by the NA. The actions of troops of the Nigerian Army were also found to be contrary to Rules of Proportionality by International Standards.</p> <p>(ii) While the NA might have made a convincing case for the conduct of the Cordon and Search (C&amp;S) operations, but it could not justify the high casualty figures sustained on the part of the IMN. That the Nigerian Army totally depended on the oral orders to carry out the C&amp;S operations was found to be unacceptable to the Commission; oral orders issued by commanders should be immediately followed by written orders to ensure compliance</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>to the Rules of Engagement and Ethics.</p> <p>(iii) Although the NA made available a copy of the Rules of Engagement to guide their C&amp;S operation, there was no reliable evidence to establish that officers and men who carried out the C&amp;S operations were sufficiently sensitized to observe them. The NA failed or refused to disclose or record the exact or estimated number of casualties on the part of IMN as a result of its operations at Hussainiyya Baqiyatillah, Gyallesu and Dambo. This must be contrasted with its disclosure of the exact casualties of its officers and men who suffered from the same operations.</p> <p>(iv) There were indications of intelligence failure in the overall assessment of the threats posed by the IMN to national security and in particular, the potential for conflict on December 12, 2015 when the COAS was being expected in Zaria for Passing Out Parade (POP) of recruits at the NA Depot and would</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.4	<p>pass by the Hussainiyya Baqiyyatillah.</p> <p><b>Nigeria Police</b></p> <p>(i) There were repeated and undisputed reports and claims from communities in Zaria and other places of the inability, failure and/or omission by the Police to conduct thorough investigations of cases of gross disregard of or disobedience to law and order, or even alleged murder of citizens, including assaults on its officers by the IMN. The memorandum submitted by the SSS, NPF, Hon. Muhammad Ali and the Commissioned Research Paper by Prof. Baffa all bore testimony to this.</p> <p>(ii) Police failure to hold to account, members of IMN, particularly its leader, for brazen acts of disrespect of laws and non-recognition of constituted authorities as regards answering to summons, releasing suspects, etc. Many members within Gyallesu and other communities in Zaria have voiced the allegation that the Police often ignored complaints reported to</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>them and even encouraged self-help measures to deal with the menace of the incessant activities of IMN. The testimony of ACP Dalijan on a traffic accident involving the IMN where a Deputy Superintendent of Police was molested by IMN members and a motorcycle belonging to an IMN member forcefully recovered by IMN. An incident in Goronyo, Sokoto State, as disclosed in a memo, showed how the Police took steps to effect arrest, but the outcome of the case is still unknown to this very day. Similarly, in connection with the Gabari incident where attempts to take over a mosque by IMN members, the testimony of ACP Dalijan disclosed how, on the orders of the IMN leader, Hamza Yawuri, a commander of the <i>Hurras</i>, directed IMN members to shun a conciliatory meeting with Gabari residents. Testimonies and memos have revealed the IMN total disregard of constituted authorities and the helplessness or inability of the Police to take action to deal with the matter effectively. The memos</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.5	<p>of Sabon Gari Community; Samaru Central Mosque; Jama'atu Nasril Islam (JNI) and the Commissioned Research Paper by Umar Baffa, pages 16 and 17 also confirmed these.</p> <p>(iii) The testimony of the Area Commander, Zaria that he and the Dandarman Zazzau i.e. District Head of Gyallesu went to see the IMN leader at his residence, but they were denied audience showed the ineffectiveness of investigation that permeates the Nigeria Police.</p> <p><b>SSS and Intelligence Community</b></p> <p>(i) Reluctance on the part of the Security and Intelligence agencies to provide vital information sorely needed by the Commission but which is unavailable in the public domain and not disclosed or gathered from public hearing.</p> <p>(ii) Intelligence failure or inadequacy appears to permeate these agencies having regard to their threat assessment of the activities, growth and local and domestic connections of IMN with foreign powers and organs.</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
6.2.6	<p>(iii) The oft-repeated allegations from the public and boasts by the IMN of its infiltration of these agencies which suggestions may well have compromised service delivery, proactive interventions, interdiction and degrading of their activities or minimizing the menace they pose, may have affected the capacities of these agencies.</p> <p><b>Islamic Movement in Nigeria (IMN)</b></p> <p>(i) Failure of the IMN leadership to simply instruct its followers to remove the roadblock and allow passage to the convoy of the COAS was an act of commission.</p> <p>(ii) Failure of the IMN leadership to halt the trooping to its residence in Gyallesu of members even with the cordon and search in place by the Nigerian Army. The testimony of SSG to Kaduna State revealed that a Phone call was made by Kaduna State Governor to IMN leader to persuade him to prevail on his members to remove the road blockade to no avail. Similarly, the testimony of the State Director of</p>				



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>the SSS indicated that he did contact an SSS officer at Hussainiyya Baqiyatillah to persuade the IMN to allow passage for the COAS convoy to no effect.</p> <p>(iii) Testimonies by various witnesses before the Commission pointed out how the IMN has been operating outside the ambit of law, by refusing to register the IMN with the official registering bodies/authorities, borne out of IMN's defiance or rebellion against the Nigerian state. The Testimony of Hon. Muhammad Ali said he conducted a search at Corporate Affairs Commission and discovered that the IMN is not officially registered. In addition, Counsel to the Commission confirmed that the IMN is not a registered organization.</p> <p>(iv) An assessment of the various testimonies of witnesses showed the character of the IMN as an organization that persistently breaks the laws of the land and/or takes the law into their hands to prevent arrest, abort legal</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>proceedings and/or to execute their will or plan at any time and place, as the case may be and also the persistent and recalcitrant defiance and rebellion against constituted authorities.</p> <p>(v) The memorandum and testimonies and exhibits referred to made serious allegation of possession of illegal assorted weapons and threats/breaches to public peace and security.</p> <p>(vi) Members of the public who reside in the vicinity of the residence of the IMN leader, at Hussainiya and Dambo all have portrayed the regular acts by IMN members of mounting illegal road blocks, check points and unjustifiably restricting movement of innocent citizens thereby creating serious inconveniences and tension in these communities.</p> <p>(vii) There were allegations of the creation of a para-military guard brigades called 'HURRAS' with whom law abiding people that insist on exercising their rights (rights of</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>way, right to differ in opinion or action, etc.) are terrorised.</p> <p>(viii) There were also various testimonies, which revealed acts of aggression and violence against individuals or communities that have often led to deaths, grievous bodily harm and loss of property. There were reported cases of unlawful intimidation, killings or suspected murder of individuals in their communities by IMN members.</p> <p>(ix) Many exhibits were tendered before the Commission of video and audio clips showing the IMN had established paramilitary outfits, instituted security outfits and performed paramilitary ceremonies and combat exercises and inspection by the IMN leader reminiscent of a State.</p> <p>(x) Illegal construction of different sorts of structures (shrines, residential buildings, cemeteries, etc.) without recourse to established laws and procedures, contrary to KASUPDA Law.</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(xi) Appropriation of public infrastructure such as total ransacking of the Polo area in Zaria and schools along their path during their 'tattaki' (Long distance trekking).</p> <p>(xii) Provocative preaching aimed at inciting members against non-members.</p> <p>(xiii) Deliberate refusal of the IMN to register as an association in Nigeria so that it can sue or be sued.</p>				

**CHAPTER SEVEN**

**TOR (F): TO DETERMINE WHETHER THE ACTS OF COMMISSION AND OMISSION IDENTIFIED  
IN SUB-PARAGRAPH (E) ABOVE WERE NECESSARY, APPROPRIATE AND SUFFICIENT IN  
THE CIRCUMSTANCES IN WHICH THEY OCCURRED  
(PP 83 - 105 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
7.2.1	<p><b>Nigerian Army</b>                      The Commission had listened to the testimonies of the various officers of the Nigerian Army, among whom were Army Chief of Administration-Major-General A. B. Abubakar, General Officer Commanding (GOC) 1 Division, Kaduna, Major-General A. Oyebade, Acting Provost Marshal- Brigadier-General A. T. Hama, Commandant Nigerian Army Depot- Brigadier-General C. G. Musa, Colonels M. F. Babayo, A. U. Abdul, S. K. Usman, A. K. Ibrahim, W. D. Nasir and Major Uche Agulana, a Medical Doctor attached to the Nigerian Army Depot in Zaria. The Commission also considered submissions made by other stakeholders such as the Ahmadu Bello University Teaching Hospital, Zaria, the Police in Zaria, residents of both Sabon-Gari and Gyallesu, groups and individuals before it came to its findings in section (e) of the Terms of Reference. Where</p>				

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	<p>issues were not clear, it had sought clarification from witnesses, Counsel and other relevant stakeholders.</p> <p>The Commission, as reflected in TOR (e) above has been able to establish certain acts of commission or omission by the Nigerian Army in its clash with the members of the Islamic Movement in Nigeria. Some of those acts identified amongst others were:</p> <ol style="list-style-type: none"> <li>1. Disproportionate use of force contrary to the Army's own Rules of Engagement and the International Standard of Proportionality.</li> <li>2. The high number of casualties cannot be justified.</li> <li>3. Conducting such operation totally based on oral orders is unacceptable. Such orders should have subsequently been confirmed in writing so as to ensure compliance with the Rules of Engagement and higher commander's intentions.</li> </ol>				

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	<p>4. No evidence has been shown to substantiate the notion that the Army followed its own Rules of Engagement.</p> <p>5. The Army failed to keep record of recovered casualties on the side of the Islamic Movement in Nigeria; even as it kept accurate record of its own.</p> <p>6. Knowing that the Chief of Army Staff was to attend the Passing out Parade at the Depot on that day, there was indication of intelligence failure in the assessment of the threat posed by the Islamic Movement in Nigeria to National Security as epitomized by the blockade of the road the COAS was to pass through in Zaria Township.</p> <p><b>Constitutional Responsibilities of the Armed Forces of Nigeria.</b></p> <p>Section 217 of the 1999 Constitution of the Federal</p>				

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	<p>Republic of Nigeria (as amended) mandates the Armed Forces of Nigeria with the following:</p> <ul style="list-style-type: none"> <li>(a) Defending Nigeria from external aggression.</li> <li>(b) Maintaining its territorial integrity and securing its borders from violation on land, sea and air.</li> <li>(c) Suppressing, insurrection and acting in aid of civil authorities to restore order when called upon to do so by the President, but subject to such conditions as may be prescribed by an Act of the National Assembly.</li> <li>(d) Performing such other functions as may be prescribed by an Act of the National Assembly.</li> </ul> <p>The Commission, therefore, based its observations on the above constitutional provisions to determine whether or not the Nigerian Army acted outside its constitutional mandate.</p>				



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	<p>By its own memorandum dated 9<sup>th</sup> February, 2016 and Enclosure 1 (Rules of Engagement and Code of Conduct for troops deployed for Operation Mesa and other internal security Operations) particularly paragraph 4 thereof, and the physical observation of the sites (locus in quo) of the clashes together with the number of casualties (347), who were buried in a mass grave, the Commission was of the view that the Nigerian Army had used excessive and disproportionate force in its clashes with the members of the Islamic Movement in Nigeria from the 12<sup>th</sup> - 14<sup>th</sup> December, 2015.</p> <p>Going by the memo submitted by Nigerian Army, the Board of Inquiry instituted by the General Officer Commanding, 1 Division, Kaduna and another by the Chief of Army Staff; it did appear that the Nigerian Army did not adhere strictly to the provisions of its Rules of Engagement and the Code of Ethics during the operation.</p> <p>It would be recalled that the Nigerian Army spokesman, as far</p>				

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	<p>back as 12<sup>th</sup> November, 2015; exactly one month before the clashes, clarified the Army Rules of Engagement in Internal Security Operations in these words:</p> <p><i>“the principle of minimum force and for proportionality must be applied at all times; whenever operational situation permits, every reasonable efforts shall be made to control the situation through measures short of using force, including personal contact and the negotiations; the use of lethal force shall only be resorted to, if all other means to control the situation have failed or in case of unexpected attack or suspected Improvised Explosive Device (IED) attack during which a delay could lead to loss of life or serious injury to personnel; and that, any force applied must be limited in its intensity and duration; it must be commensurate with the level of threat posed”.</i></p>				

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	<p>It is, therefore, the opinion of the Commission that these guidelines were not strictly adhered to, resulting in the use of excessive and disproportionate force, which precipitated the large loss of lives and destruction of property during the encounter.</p> <p>The Army has not been able to convince the Commission that the killings of the 13<sup>th</sup> and 14<sup>th</sup> December 2015 at Gyallesu and Dambo were necessary, appropriate or justified, considering the calibre and number of weapons recovered from the group.</p> <p>The Army's (Enclosure 8 of its memorandum) Handover of Exhibits letter to the Kaduna State Commissioner of Police, with reference number DEPOT/ PROV/ G1/300/08 and dated 22<sup>nd</sup> December, 2015; indicated that only one firearm (a locally made pistol) was recovered from the house of the leader of the Islamic Movement in Nigeria, Sheikh Ibraheem El-Zakzaky; while the other weapons recovered were catapults, knives, swords and bows</p>				

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	<p>and arrows. These could hardly justify the force and intensity of the two days army show of superior fire power.</p> <p>It is the opinion of this Commission, however, that the Army has shown enough reason for the conduct of the Cordon and Search operation in the areas mentioned, as its intelligence source revealed the trooping of the IMN members from all over the country to those areas with possible intent to breach the peace and cause harm.</p> <p>The Commission noted that the persons killed and recovered by the Nigerian Army were either deposited at the Nigerian Army Depot Health Centre as revealed by Major Agulana in his testimony or at the ABUTH Shika, Zaria where the Army initially took the bodies to as revealed by the hospital's memorandum to the Commission number: ABUTH/CMD/04.10 dated 5<sup>th</sup> February, 2016 until the Kaduna State Government requested to bury the 347 corpses, made up of</p>				

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	<p>191 from the Nigerian Army Depot and 156 from ABUTH respectively, in a mass-grave.</p> <p><i>In the memorandum the ABUTH said: "On the 13<sup>th</sup> December, 2015 a military truck containing military officers came into the hospital and drove directly to the Hospital mortuary. None of our staff knew what was in the truck. The truck drove to the back-side of the mortuary where the military officers came down and drove everybody away... On Sunday 14<sup>th</sup> December, 2015, the military truck came into the hospital again and went to the back-side of the mortuary...On the 15<sup>th</sup> December, 2015 military officers came into the hospital at about 11.00pm and went to the mortuary where the military officers and Police were on guard...After about 30 minutes the military truck left the Hospital containing all the military officers and</i></p>				

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	<p><i>Police...In summary, on 13<sup>th</sup> and 14<sup>th</sup> December, 2015 military officers probably brought something into the hospital which they kept at the back-side of the mortuary strictly under their protection...On the 15<sup>th</sup> December, 2015 the military officers probably took away what they kept and guarded in the hospital.”</i></p> <p>Based on the above and the testimony of Professor A. Ahmed, it is safe to conclude that at all times, the persons killed during the operations were in the custody of the Army and would therefore know the exact number of the bodies they recovered.</p> <p>There is a serious omission on the part of the Nigerian Army who failed or refused to disclose or record the exact number or even estimated numbers of casualties on the part of the IMN in its operations at Hussainiyya Baqiyyatillah, Gyallesu and Dambo village when contrasted with its disclosure of the exact number of casualties its</p>				

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	<p>officers and men suffered in the same operations.</p> <p>Perhaps, such failure or refusal by the Army could best be seen in the following dialogue that ensued between Major Agulana, the medical doctor attached to the Nigerian Army Depot Health Centre, Zaria and the Commission:</p> <p><b>Commission:</b> Did you play any role in what happened between 12<sup>th</sup> to 14 December, 2015?</p> <p><b>Major Agulana:</b> Yes. As a Medical Doctor at the Depot, I was receiving casualties at the Medical Centre.</p> <p><b>Commission:</b> How many casualties did you receive in those three days?</p> <p><b>Major Agulana:</b> I can't give any figure.</p> <p><b>Commission:</b> How many at the last count?</p> <p><b>Major Agulana:</b> I separated casualties.</p> <p><b>Commission:</b> How many dead?</p>				

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	<p><b>Major Agulana:</b> I don't know.</p> <p><b>Commission:</b> Don't you keep records?</p> <p><b>Major Agulana:</b> Yes we do.</p> <p><b>Commission:</b> Then how many did you record?</p> <p><b>Major Agulana:</b> I did not keep record.</p> <p><b>Commission:</b> Estimates?</p> <p><b>Major Agulana:</b> We don't give estimates.</p> <p><b>Commission:</b> What happened to the bodies between the 12<sup>th</sup> and 14<sup>th</sup>December, 2015?</p> <p><b>Major Agulana:</b> The bodies were taken to the mortuary while some others were laid out on the ground outside. Later I was told to liaise with the Kaduna State Director-General (DG), Interfaith to bury them.</p> <p><b>Commission:</b> How many bodies did you handover to the DG?</p> <p><b>Major Agulana:</b> I don't know.</p> <p><b>Commission:</b> Did you handover 2,000 bodies to him?</p>				



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	<p><b>Major Agulana:</b> I don't know Sir.</p> <p>And the dialogue between the Commission and the Major went on like that with the Major not admitting he knew anything at all. From the above, it can be seen that the army was hedging, did not care or the officer was not competent. The Commission is, therefore, of the view that the Nigerian Army needs to enforce the adherence to its own Rules of Engagement and professional conduct and ethics in its officers and men.</p> <p><b>Whether the actions or inactions of the NA as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>Based on the review of the sequence of events that occurred between 12<sup>th</sup> - 14<sup>th</sup> December, 2015; and having regard to the testimonies of the Nigerian Army on the incidents at the Hussainiyya Baqiyatillah and the subsequent decision by the Nigerian Army to</p>				

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	<p>conduct Cordon and Search operations, the Commission attempted to provide answers to the above mentioned questions viz:-</p> <p>(i) Based on its assessment of the threats posed to the safety and security of the COAS and his convoy on account of the barricade mounted by the Islamic Movement in Nigeria, it was necessary for the Nigerian Army to clear the highway of the barricades to enable the COAS to pass.</p> <p>(ii) However, “shooting its way” through the blockade, which according to the Acting Provost Marshal, Brigadier General A. T. Hamma, resulted in the killing of seven (7) and injuring of 10 members of the IMN; was uncalled for and therefore considered to be an inappropriate response.</p> <p>(iii) In view of the failure of the Nigerian Army to disclose</p>				

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	<p>how it conducted the Cordon and Search operation, the disproportionate high casualties sustained on the part of the Islamic Movement in Nigeria, the Commission condemns the unjustifiable resort to the use of such force by the Nigerian Army.</p> <p>(iv) The Commission considered as inappropriate such resort to the use of lethal force, which has left open the question of the proportionality of the force used.</p> <p>(v) The Commission observed that the Nigerian Army had not followed its own Rules of Engagement and its actions would seem to be contrary to international standards, which must be strictly observed in carrying out such internal security operations.</p> <p>(vi) Under the circumstances, the operation was sufficient in that the goals of clearing</p>				

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7.2.2	<p>the highway for the Chief of Army Staff and the subsequent arrest of the leader of the Islamic Movement in Nigeria were achieved.</p> <p><b>Islamic Movement in Nigeria</b>  The previous TOR (e) identified numerous acts of commission and or omission carried out by the IMN. It was unfortunate that IMN refused to present any memorandum before the Commission. However, from the various memoranda submitted to the Commission, it is clear that the Islamic Movement in Nigeria and its leadership have, over the years, committed acts in breach of peace, against national interest and against good neighbourliness. Some of these acts of commission include but not limited to the findings below.</p> <p>(I) Unprovoked attacks on other citizens, illegal occupation of mosques, public and private buildings. Examples of such attacks and illegal occupation of mosques and other private and public buildings abound. In a memorandum (Page 4) sent in by M. S. Garba of Tudun Wada, Zaria</p>				

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	<p>he had this to say as regards unprovoked attack by the members of the IMN on ordinary citizens: <i>“Musa Sahabi of Tudun Wada Zaria...was delivering a Tafsir at night around 9:00pm when somebody raised his hand portraying that he has a question unknown to the students (of Musa Sahabi) that he is a member of the shi'ites until when one of them... stabbed this scholar in the middle of his head...and Musa Sahabi collapsed when some of the students rushed him to the hospital...” (P.4)</i> Similarly, Garba narrated how the residents of Dan-Daji, in the outskirts of Tudun Wada, were attacked by the members of the IMN on the flimsy reason that someone in the neighbourhood had thrown stones at the house of the IMN leader. In the fracas that ensued they stabbed and killed one Ibraheem Isma'il of No. 112 Anguwan Malamai, Tudun Wada, Zaria.</p> <p>As regards occupation of other people's mosque, Imam Musa Sahabi of Markazus Salafiyyah, 46 Alhaji Maje Road, Tudun Wada,</p>				

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	<p>Zaria had this to say in a memorandum (see page 2) he submitted under oath to the Commission:</p> <p><i>“The Shiites never build mosques but consider it a duty to annex other people's mosques as a ploy to coax them into becoming Shiites. One of such case that affects us was the attempt...to take over the mosque attached to No. 42, Maje Road, Zaria. They actually took over the mosque, used it as a forum to desecrate the exalted status of the Prophet...” (P.2)</i></p> <p>(ii) Total disregard to constituted authorities such as contempt towards the Rule of Law and Security Forces - Police, Army, NSCDC, FRSC, etc.</p> <p>In his Funtua declaration in 1980, Sheikh Ibraheem El-Zakzaky repudiated his allegiance to the Nigerian Constitution and called upon his followers to follow suit. Instances were cited in many of the memoranda submitted to the Commission where such disregard for the constituted authorities was clearly shown. In a video clip shown to the Commission, Malama</p>				

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	<p>Zeenat, wife of the IMN leader was heard to clearly berate those who alighted from their motorcycles at the military check-points. She incites people to disobey all such military impositions, as they were not laws made by Allah. Indeed the popular saying amongst the IMN members in Kano as regards the coming down of one from one's motorcycle at a military check-point is "<i>Ku bi Turi ko kuyi turi.</i>" Playing on the word '<i>Turi</i>', roughly translated it means: "You must follow <i>Turi</i> (the name of the second in command to the IMN leader who lives in Kano) else you will perpetually have to be pushing your motorcycles at check-points."</p> <p>(iii) They illegally mount road blocks, check-points and unjustifiably restricting the movement of innocent citizens thereby creating serious inconveniences and tension in the communities during their processions and other activities. The blocking of the Sokoto road in Sabon Gari, Zaria by the IMN members precipitated the current incident the Commission is enquiring into.</p>				

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	<p>(iv) Illegal possession of dangerous weapons and threatening and or breaching public peace and security at will.</p> <p><b>Whether the actions or inactions of the IMN as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>(i) The blockade of the Public roads and Highways on the 12<sup>th</sup> December, 2015 by the IMN was unnecessary, inappropriate and provocative because it was in gross violation of traffic laws and the right to free movement.</p> <p>(ii) The refusal of the IMN leader to cooperate with appropriate Authorities to direct his followers to grant access to the COAS was unnecessary, inappropriate and confrontational in the circumstances.</p> <p>(iii) The trooping into Zaria, by IMN members from various parts of the country from 12<sup>th</sup> to 14<sup>th</sup> December 2015 to protect their leader, whose life they thought was being</p>				



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7.2.3	<p>threatened by the Nigerian Army, was necessary for the purpose of the defence of their leader but inappropriate in relation to a threat to public peace and order in Zaria.</p> <p>(iv) Forceful takeover of mosques and other public and private properties by the IMN is inappropriate.</p> <p>(v) Attacking and or killing of innocent citizens by the IMN members are inappropriate criminal acts.</p> <p>(vi) Provocative preaching aimed at inciting their members against other religious sects, government and its various arms is unnecessary, inappropriate and condemnable.</p> <p>(vii) Incessant breaking of laws of the land and taking of the law into their hands to prevent arrest, abort legal procedure and or to execute their will or plan is inappropriate and unjustifiable acts.</p> <p><b>Kaduna State Government</b> During and in the aftermath of the 12<sup>th</sup> – 14<sup>th</sup> December, 2015 Nigerian Army/Islamic Movement in Nigeria</p>				

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	<p>clashes, as identified in TOR (e) earlier, Kaduna State Government was found to have committed certain acts of commission and or omission. For example, submissions by Zauren Hadin Kan Malamai (Coalition of Ulama and Civil Organizations Kano State), the Gyallesu Community, Zaria; and the testimony of Isa Adamu and other stakeholders confirmed the numerous reports and calls made for government's intervention in the attacks, intimidation and sometimes murders of innocent citizens without the government taking any proactive steps either to stop the menace of the IMN or even engaging them in a more constructive manner.</p> <p>(i) Lack of political will by the successive Kaduna State Governments in taking proactive measures over the years against the dangerous activities of the Islamic Movement in Nigeria.</p> <p>(ii) Mass burial of 347 persons in a mass grave without conducting proper inquest to ascertain the reasons of death or even the identification of the bodies.</p>				

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	<p>(iii) Destruction of the Hussainiyya Baqiyyatillah, residence of the IMN leader, Ibraheem El-Zakzaky, in Gyallesu, the cemetery in Dambo village, the premises of the grave of El-Zakzaky's mother and sister as well as the Foudiyya School at Dan-Magaji without recourse to due process. The Commission however noted that the Kaduna State Government gave the excuse of 'weakened structure' due to fire and Army bombardment as a reason for the demolition of Hussainiyya Baqiyatillah, the Gyallesu residence of the IMN leader and the Dambo cemetery and shrine but not for the other two destroyed buildings at Jushi and Dan-Magaji. However, the Commission noted that the Nigerian Army, in its memorandum (see page 12), categorically stated that at the Hussainiyya Baqiyatillah only the gate leading into the compound was demolished to enable it have access and not any other structure.</p> <p>(iv) Removal/destruction of all forensic and other material evidence of what happened at the</p>				

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	<p>residence of the IMN leader in Gyallesu where most of the casualties occurred in the conduct of the Cordon and Search operation.</p> <p>(v) Inability, failure or reluctance to enforce building codes, regulations and building permits in a timely manner.</p> <p>(vi) Although the Commission noted that the State Government made available copies of Prohibition Notices given to the IMN to stop developments without obtaining appropriate permission, there is no evidence to show that these notices were ever served and if served, what action was taken to ensure compliance.</p> <p>(vii) The Commission noted the Kaduna State Governor's personal call to the IMN leader in which he asked Sheikh Ibraheem El-Zakzaky to call upon his followers to remove barricades at Sokoto Road and allow the Chief of Army Staff access. Though it was not necessary for the Governor to have to do that, it was however</p>				

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	<p>commendable, appropriate and sufficient in the circumstances.</p> <p><b>Whether the actions or inactions of Kaduna State Government as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>(i) The Commission therefore concludes that the Kaduna State Government's lack of political will to check the menace of the IMN over the years was inappropriate and insufficient in the circumstances.</p> <p>(ii) Its burial of 347 dead persons without proper inquest, though necessary due to health risk it posed if they were not buried, it was however inappropriate.</p> <p>(iii) The demolition of the Foudiyya School and the Jushi grave-yard of El-Zakzaky's mother and sister, which did not pose any danger to the public was unnecessary and inappropriate.</p> <p>(iv) Likewise, the Government's inability to impose its own building</p>				

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7.2.4	<p>prohibition notice to the Movement was insufficient in that the Movement went ahead to erect the said structures.</p> <p><b>Federal Government</b></p> <p>The Federal Government has the overall responsibility for the well-being of every Nigerian. The Constitution of the Federal Republic of Nigeria guarantees certain fundamental rights of every citizen and it is the duty of the Federal Government to protect these rights.</p> <p>The activities of any person, group or community that pose serious threat to national security, unity and peaceful co-existence and curtails the rights of the other members of the society should be of more than passing interest to the Government. As observed in other parts of this report, the IMN has grown over the years to be a very powerful organization that has been conducting its activities in full public glare.</p>				

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	<p>From the testimonies of the State Security Service, the Nigeria Police, groups such as the Jama'atu Nasril Islam (JNI), communities such as Gyallesu Community, Sabon-Gari Community and host of others, including individuals, it is clear that the menace of the IMN activities had been going on (seemingly unchallenged) for quite a long time. Its external relationship with other countries, such as the Islamic Republic of Iran and Lebanon, has also been touted. In all these, the Government was silent.</p> <p>It is therefore in this light that certain acts of commission and or omission were observed in the last TOR (e) which this section would identify as to whether they were necessary, appropriate and sufficient in the circumstances.</p> <p>(i) From the evidence presented by witnesses before the Commission, there has been failure on the part of the Federal Government to act on the excesses of such groups and this has emboldened them.</p>				

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	<p>(ii) The Federal Government has not done enough in monitoring Nigerians who travel abroad in the guise of studies and other endeavours but end up for Paramilitary training and other unwholesome activities inimical to the country's national interest.</p> <p>(iii) There is failure on the part of the Federal Government to keep track of the funding of members and leadership of the IMN.</p> <p>(iv) The Federal Government has under estimated the source of foreign funding to IMN and its leadership.</p> <p>(v) Lack of an early warning system and a proactive approach to managing conflicts in Nigeria is a serious omission on the part of Government.</p> <p>(vi) Groups, Movements or individuals who break the law are hardly prosecuted for their actions. This act of omission on the part of Government encourages groups or movements such as the IMN to test its resolve to maintain law and order in the society.</p>				



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7.2.5	<p><b>Whether the actions or inaction of Federal Government as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>The Federal Government's failure to be proactive in its dealing with the IMN may have been a major reason that emboldened the Movement to behave with utter disrespect to law and order over the decades. It gave it a sense of being untouchable and above the law. <b>In this regards therefore, the Federal Government Agencies' acts of commission and omission identified above are inappropriate. Its inability to fully equip and train its security agencies is also found to be inappropriate.</b></p> <p><b>Nigeria Police Force</b></p> <p>The Nigeria Police, under normal circumstances, has the primary responsibility of maintaining law and order in Nigeria. It is expected that before trouble rears its head,</p>		<p>Government Notes these observations and urge the Federal Government to make adequate provisions for the equipping, training and funding of Security Agencies.</p>	<p>F e d e r a l Government and Kaduna S t a t e Governments.</p>	

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	<p>the Police would have nipped it in the bud. No operation of this nature should be conducted without the involvement of the Police. The Police investigation department should be aware of all nefarious activities of individuals and or groups in the society. It is in this belief that the Commission enquired into the participation of the Police in the events of 12<sup>th</sup> -14<sup>th</sup> December, 2015 in Zaria. It is also in that light it looked at the acts of commission and or omission committed by the Service.</p> <p><b>(i) Series of complaints were laid before the Commission of seeming helplessness of the Security Agencies, particularly the Nigeria Police Force. Having regards to the memorandum of the Nigeria Police Force, dated 26<sup>th</sup> February, 2016; the Commission found with dismay the helplessness of the Nigerian Police Force in handling the excesses of the IMN members. This view is reinforced by the</b></p>				

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	<p>memorandum of the Gyallesu Community, submitted to the Commission in February, 2016 where they highlighted the refusal or inability of the Police to arrest the leadership and members of the IMN even in situations where serious cases of breach of peace or commission of crime, such as murder, arson and destruction of property were committed. The Police were reported to have severally sent back the complainants with the advice that they should go and defend themselves.</p> <p>(ii) The Nigeria Police was aware of the many excesses of the IMN including cases of murder which were reported to them but they failed to effect arrests and prosecution of perpetrators before the Courts of Law.</p> <p>(iii) The Commission also observed that from its Memorandum submitted to and testimony before the Commission, the Police acknowledged that members of the</p>				

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	<p>IMN have no regard for constituted authorities, do not respond to Police invitations and resist arrest; yet they failed to take any measures such as to protect innocent members of the public against the menace of the IMN members.</p> <p>(iv) In addition, there is a clear indication that the Nigeria Police deliberately stayed clear of engaging the members of the IMN even when there were brazen violations of the Law, such as blockages of public roads to the detriment of other road users and illegal occupation of roads, schools, mosques etc.</p> <p>(v) The Area Commander, Zaria reported that, "Zaria Police Stations are filled with murder cases against Shi'ites"...The reports and pictures of their victims have been forwarded to the Inspector-General of Police...They told a victim that Nigerian Law does not operate in their territory before killing him."</p> <p>(vi) Exhibits handed over to the Police by the Nigerian Army Depot Zaria were as follows:</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<ul style="list-style-type: none"> <li>(i) Locally made pistol - 1</li> <li>(ii) IEDs – 2 pieces</li> <li>(iii) Swords – 70 pieces</li> <li>(iv) Arrows - 21 pieces</li> <li>(v) Bows - 17 pieces</li> <li>(vi) Catapult - 40 pieces</li> <li>(vii) Assorted MTN SIM cards - 1,200 pieces</li> <li>(viii) Cell phones - 40 pieces</li> <li>(ix) Unexpended live ammunition - 1</li> <li>(x) Ceremonial uniform - 3 pairs</li> <li>(xi) Uniform Jacket - 1</li> <li>(xii) P-caps - 2 pieces</li> <li>(xiii) Wet loose boot - 2 pairs</li> <li>(xiv) White GD belts - 57 pieces</li> <li>(xv) Reflective jackets - 5 pieces</li> <li>(xvi) Searches - 3 pieces</li> <li>(xvii) Line yards- 2 pieces</li> <li>xviii) Communication handsets - 18 pieces</li> <li>(xix) Communication handsets chargers - 17 pieces</li> <li>(xx) Eye glasses - 7 pieces</li> <li>(xxi) Signal Communication Control with an External Antenna</li> </ul> <p>It was observed that the Nigeria Police did not deem it necessary to</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>tender these exhibits before the Commission which were alleged to have been recovered from IMN members at the premises of the residence of the IMN leader at Gyallesu.</p> <p><b>Whether the actions or inactions of Nigeria Police as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>(i) It is clear from the findings above that all the acts of commission and omission by the Nigeria Police as regards their inability to contain the IMN's acts of aggression against innocent citizens were inappropriate and grossly insufficient in the circumstances.</p> <p>(ii) In the circumstances of the exclusive nature of the operations by the Nigerian Army, withdrawal by the Nigerian Police to protect their Police Stations only was necessary but inappropriate and insufficient. Having regards to the constitutional and statutory responsibility of the Police to maintain law and order at all times, the top echelon of the</p>		<p>Government Notes the observation.</p> <p>Government Notes the observation.</p>		

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
7.2.6	<p>Service should have reached out to the Army with the view to assisting in the Cordon and Search operation as well as maintenance of law and order within Zaria and its environs.</p> <p><b>Other Security Agencies:</b> <b>(SSS, NSCDC, FRSC, IMMIGRATION, etc.)</b></p> <p>(I) The Commission found with dismay the seeming helplessness of the Security Agencies in handling the excesses of the group. Each of the security agencies presented Memo to the Commission and called witnesses to testify. Unfortunately, the security agencies failed to be forthcoming with relevant pieces of evidence that would have been of immense help to the work of this Commission. The State Security Services in particular ought to have thrown some light on the funding and alleged military training of members of the IMN in the country and abroad.</p> <p>(ii) Intelligence failure or inadequacy among the agencies curtailed their IMN's threat assessment.</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(iii) The Agencies appear to have abdicated their responsibilities to the IMN in respect of traffic control and management of public highways, especially during their programmes.</p> <p>(iv) From the testimonies of those who appeared for the Police, Nigerian Security and Civil Defence Corps (NSCDC) and other Security Agencies, the Commission noted that generally, Security Agencies are thinly spread and poorly equipped.</p> <p>(v) That professionalism seems to have declined within the strata of the security Agencies.</p> <p><b>Whether the actions or inactions of Security Agencies as highlighted above were necessary, appropriate and sufficient in the circumstances?</b></p> <p>The Security agencies' inability to properly assess the threat of the IMN on that fateful date could not be excused. It was insufficient under the circumstances.</p>				



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>There was not much the religious and traditional institutions could do under the circumstances except to report the activities of the IMN to the authorities. This they have done appropriately and sufficiently.</p>		<p>Government Notes the observations.</p>	<p>F e d e r a l Government.</p>	

CHAPTER EIGHT

**TOR (G): TO DETERMINE THE EVOLUTION OF THE ISLAMIC MOVEMENT IN NIGERIA, ITS LEGAL STATUS, ORGANIZATION, STRUCTURE, MEMBERSHIP, GROWTH, ASSETS, RESOURCES, CULTURE AND PRACTICES, AND HOW ANY OR ALL OF THESE CONTRIBUTED TO ANY ENGAGEMENT WITH THE COMMUNITY, CONSTITUTED AUTHORITIES AND THE SECURITY AGENCIES.**  
**(PP 106 - 143 SECTION 6.3 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
8.2	<p><b>FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN</b></p> <p>(i) The origins of the Islamic Movement in Nigeria (IMN) can be traced to students' activism within the Muslim Students Society in Ahmadu Bello University in 1979. Subsequently the organization transformed into an ideologically focused mass religious movement. The IMN emerged out of the changing national and global contexts of the evolution of Islamic Movements that have been proliferating in Nigeria and many Muslim Societies around the world since the 1970s. Some of these movements were focused on religious issues such as reform of doctrines and rituals, moral regeneration and increased piety.</p> <p>Others however were more engaged in political activism, including demands for replacing the modern secular state with an Islamic polity to be governed</p>	<p>(i) Nigeria has a number of religious movements and practices, many of which are relatively new and have introduced new beliefs and practices. There should be regular studies of new religious movements by research institutions for improved understanding of their nature and activities.</p> <p>(ii) Nigeria's Constitution guarantees religious freedom and belief, which must be respected. Nonetheless, security agencies should closely monitor religious movements to ensure their practices and actions and ensure that those that conflict with our laws are contained.</p> <p>(iii) The Nigerian State should commit itself to transparency, accountability and good governance to create within citizens a sense of belonging to a</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation. At the State level, the weekly Security Council's Meeting appropriately monitor developments.</p> <p>Government Notes the recommendation. The Kaduna State Government is already committed to</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government and All State Governments.</p>	

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>according to the Shari'a. Some other Islamic movements embarked upon social projects of establishing Islamic organizations and associations, schools and mosques, and articulating Islamist discourses in print, electronic, digital and social media. The memoranda submitted to the Commission by Professor DahiruYahya and as well as the commissioned Research papers by Professors M. S. Umar, A. R. Mustapha and B. A. Umar attested to this.</p> <p>(ii) Context is very important to the emergence of the IMN. In 1978, the Shari'a became a major bone of contention in Nigerian politics. An acrimonious debate emerged during the 1978 Constituent Assembly over the question of the Shari'a. Specifically, Christian and Muslim members of the Assembly differed over a proposal for the establishment of a Shari'a Court of Appeal. Many Christians saw the suggestion as the first step towards the establishment of an Islamic State in the country. Muslims on the</p>	<p>Nation that provides for their welfare and security as stipulated by the Constitution.</p> <p>(iv) A more deliberate strategy is required to develop in all Nigerians belief and commitment to the Nigerian State. In this context the teaching of civics in all primary and secondary schools in the country is recommended. A National Civics Curriculum should be developed for this purpose.</p>	<p>these principles.</p> <p>Government Notes the recommendation and observes that a National Civics Curriculum already exists.</p>		

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	<p>other hand argued that the establishment of the Appeal Court was a logical extension of the existence of inferior Shari'a courts, which Muslims had been demanding for a long time. In the compromise that emerged, the Shari'a Court of Appeal was established but its appellate jurisdiction was limited to Islamic Personal Law. The young idealists in the MSS were in essence projecting their understanding of the Shari'a debate and engaged in advocacy to defend their rights as Muslims to live under Shari'a. The notion of "Islam Only" emerged at that time as a political demand and it was subsequently reinforced by the Iranian revolution as a road map that could lead to its realization.</p> <p>(iii) The most directly relevant factor for understanding the emergence and development of the IMN has been the Iranian revolution of 1979, the consequences of which have continued to influence events not only in Nigeria but also in many parts of the world.</p>				

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	<p>The Iranian revolution itself was a culmination of several developments that have been building up in most Muslim societies. The decade of the 1970s saw the steady rise of the great disenchantment with the failures of secular nationalism to deliver the key promises of independence from colonialism, most notably economic prosperity, political freedoms and good governance. The Iranian revolution gave Muslims' disenchantment decisive political expressions; in particular the rejection of the national political context of the modern secular state, hostility towards the economic, political and cultural dominance by the United States and Western Europe, and the oppressive role played by Israel in the Middle East. This development has been termed variously as "political Islam", "Islamism", "Islamist Politics" and "Global Jihadism". The core of the Islamist political project is the demand for replacing the secular Westphalian state with the Islamic polity governed by Shari'a. It is a political project that is invested with strong</p>				

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	<p>religious convictions that has been pursued through various tactics and strategies since 1979. The tactics of these movements have included the participation in democratic politics to reform the system from within where possible, withdrawal from conventional politics and the mainstream of the society deemed to be too impure to be reformed from within, active rebellion against the authority of the modern secular state, or waging Jihad to impose militarily the Islamist political project.</p> <p>(iv) The IMN manifests these ripple effects of the Iranian revolution that are still reverberating in many Muslim societies around the world. Student activism within the framework of Muslim Students' Society (MSS) provides the immediate local background for the emergence of IMN. From the late 1970s, members at Ahmadu Bello University, Zaria, began to radicalize the MSS; holding street demonstrations to support their call for "Islam only" and burning</p>				

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	<p>copies of the Nigerian Constitution to protest the secularity of the Nigerian state. At this stage the model for the young activists was the Muslim brotherhood of Egypt from which they got their initial name – Muslim Brothers. After the success of the Iranian Islamic revolution of 1979, the Muslim Brothers started voicing strong support for the revolution, this marked a turning point in the emergence of IMN within the national context of the proliferation of Islamic movements in Nigeria, and the international context of the rise of Islamic political activism. It also marked the movement's deviation from the traditional Sunni belief to the adoption of the Shia creed. The transformation from Sunni Islam to Shi'ism was done under the leadership of Sheikh Ibraheem El-Zakzaky.</p>				
8.3	<p><b>FINDINGS/OBSERVATIONS ON IMN LEADERSHIP</b>  (I) The most important person in the emergence and subsequent evolution of the IMN has been Sheikh Ibraheem El-Zakzaky. He</p>	<p>(i) The Constitution of Nigeria protects the rights of all citizens to religious freedom, belief and proselytization and these rights must be respected and protected</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>was a student at the department of Economics of Ahmadu Bello University, Zaria (ABU) from 1976-1979. While in the institution, he was an active member of the Muslim Students' Society (MSS) at both the campus and national levels. He was elected the MSS National Vice-President for international affairs in 1979. Earlier in 1978 when he became the Secretary-General of the MSS at the University, El-Zakzaky was "the main brain behind the nationwide demonstrations in support of the inclusion of Shari'a in the Nigerian Constitution."</p> <p>The IMN started out as a body of youth in their teens, late 20's and early 30's with lots of zeal, inadequate experience, limited knowledge of Islam and oblivious of the intricacies and consequences of accepting a creed alien to the established Islamic tradition in Muslim circles in Nigeria. At the onset, the core group that was to develop into the IMN expressed its commitment to the 1804 Jihad of Shehu Usman Dan Fodio in Bilad al Sudan. The Jihad, which covered much of the area of the present</p>	<p>bearing in mind that the same Constitution has placed limitations.</p> <p>(ii) When however certain religious organisations and movements abuse these rights by engaging in criminal and illegal acts, the State has a responsibility to investigate and prosecute those who infringe the law.</p> <p>(iii) The State is effective if it has legitimacy and State legitimacy is itself a function of the State carrying out its responsibility of providing for the security and welfare of citizens. The Nigerian State has been losing legitimacy due to a decline of its capacity to provide for the public good. It is important for the Nigerian State to strive to provide more effective legitimate leadership for citizens.</p>	<p>Government Accepts the recommendation. This has been the practice where by suspects are arraigned and prosecuted before a Court of competent jurisdiction by the State.</p> <p>Government Notes the recommendation.</p>	<p>Kaduna State Government.</p> <p>F e d e r a l Government and Kaduna S t a t e Government.</p>	



S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>Northern Nigeria, was in the eyes of some of these young and idealistic Muslims an exemplary, legitimate and acceptable Islamic revolution, which created a society based on justice and religious convictions. It was in furtherance of this perspective that the IMN has been establishing its Fudiyya Schools.</p> <p>It is ironical, however, that when they converted fully to the Shia creed, they not only became less respectful of the Jihad but they repudiated the fundamental Sunni teachings of Shehu Usman Danfodiyo and became abusive of the Caliphate and its leaders, the Emirs.</p> <p>(ii) Following the Iranian revolution of 1979, the influence of the Shiite belief started penetrating some of the leaders of the Muslim Brothers as they were then known and some of them travelled to Iran to celebrate, commemorate and/or participate in the festivities of the Iranian revolution. This participation availed them the opportunity to physically witness</p>	<p>(iv) The family is the key institution for religious indoctrination and education and the capacity of Nigerians to learn and be able to transmit religious values must be enhanced. In general, the quality of religious education within many families is relatively poor and family members, the young ones in particular, look out for external sources for religious education. While many seek for and find improved sources of religious education that enhances piety and improved religious knowledge, others fall astray and get sucked into religious groups run by charlatans and extremists. If families place emphasis on improving the quality of the religious education they provide to their children, the younger generation would be less likely to go astray.</p>	<p>Government Notes the recommendation.</p>	<p>Federal Government and Kaduna State Government.</p>	

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	<p>and appreciate the cultural renewal taking place in the country. Ibraheem Yakubu El-Zakzaky who had a deep admiration of the revolution in Iran made the visit. He had the opportunity to personally meet with the leading figures of the Iranian revolution and was honored to join the prestigious World Assembly of the Ahl Bait. Sharing his personal experience of the visit in the IMN's newsletter, <i>The Struggle</i> (1992, 31), Sheikh Ibraheem El-Zakzaky said: <i>"When I was here (Tehran) during the first anniversary of the victory of the revolution, I could not express what I have seen, but someone was telling me that it was not possible to narrate verbally what one has seen, but the only way to do it was to try and emulate and practicalise it in action so that the people would now see what you have seen rather than hear your voice."</i> The most significant feature of El-Zakzaky's visit was his meeting with the leader and soul of the Iranian revolution, Imam Rouhullahi Masawi Khomeini. From his account of the meeting, it was an opportunity for</p>				

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	<p>inspiration and spiritual rebirth. Following the visit, Sheikh Ibraheem El-Zakzaky became an adherent of Shia Islam although he did not show it clearly until around 1994.</p> <p>(iii) Sheikh Ibraheem El-Zakzaky subsequently engaged in what was to become his life commitment; to plant and grow a Shia informed ideologically committed religious movement, the IMN. Over the past 35 years, Sheikh Ibraheem El-Zakzaky has succeeded in spreading the Shia creed and growing its membership in Northern Nigeria in particular and indeed the whole country.</p> <p><i>The idea of the name Islamic Movement in Nigeria might have benefitted significantly from the ideas and writings of Dr. Kalim Siddiqui, founder of the magazine Crescent International and Director of The Muslim Institute in London. In 1976, he had published a book The Islamic Movement: A Systems Approach. He subsequently became a lifelong supporter of the Iranian revolution and Crescent International became a major</i></p>				

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	<p><i>ideological and mobilization tool for the Iranian revolution all over the world. As the magazine circulated widely in Nigeria, it's easy to imagine adding "in Nigeria" to the propagated concept of "Islamic Movement" to coin the name "Islamic Movement in Nigeria".</i></p> <p>(iv) The rapid growth of the IMN is not due to proselytization alone. Over the period in consideration, Nigeria was saddled with protracted economic recession; corruption and military authoritarianism, which created an atmosphere that, favoured the search for an alternative system. It was in that context that religious mobilization within Islam and Christianity grew and conflicts engendered entered the fray of political contestation. The IMN took advantage of this predicament by critiquing the State and appealing to the general public, especially Muslims to reject what they considered to be an un-Islamic system. The argument was that the Western styled system in practice was not the panacea to the</p>				

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	<p>economic woes the nation was painfully going through. IMN remained dogged in its scathing criticisms against the State. The ideological message spread was that the existing secular policies could not provide jobs, health care, food, education etc to the millions of deprived people in the country. The Commissioned Research Paper by Professor B. A. Umar quoted a 1982 Bayero University undergraduate student thesis of A. M. Yusuf of the Sociology Department, in support of such ideological message of the IMN: "The root of the disturbances were sown around 1973/74 session when palpable disenchantment with Western ideas that promised so much and delivered little...Ahmadu Bello University began to witness riots...where El-Zakzaky and other students were dismissed because of religious activities."</p> <p>(v) One of the important factors that helped IMN to gain initial acceptability and begin to attract a followership was the tactical</p>				

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	<p>association it established with Nigeria's <i>Sufi</i> orders, the <i>Tijjaniyya</i> and the <i>Qadiririyya</i> in particular. These orders had been facing stiff competition from the <i>Wahabi/Salafi</i> movement generally known as <i>Izala</i>. The <i>Sufi</i> orders in Nigeria initially saw the young activists of the IMN who were gravitating towards Shiism as an ally that would help them checkmate the advance of the <i>Izala</i> and their <i>Salafist</i> creed. The tactical association created opportunities for accessing <i>Sufi</i> mosques and sometimes engaging in preaching to gain adherents for Shiism. The Shiites actively and deliberately aided this trend when, using their tactics of <i>Taqiyya</i> (hidden identity), they outwardly embraced the <i>Sufi's</i> practices, paying homage to their sheiks, praying in their mosques and participating in their religious festivals and ceremonies. In the process, the IMN was able to recruit from the <i>Sufi</i> orders.</p> <p>(vi) The IMN developed other effective methods to attract new followers. These include providing</p>				

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	<p>means of livelihood to potential members, the offer of credit and/or equipment to start an occupation and the direct catering of the needs of members. These are methods used by most religious groups in the country. The IMN however has another practice, which is original. It is the practice of temporary marriage known as <i>mut'ah</i>. This practice is particularly attractive to young persons. At least three memoranda presented to the Commission from two Shiite breakaway organizations from IMN: <i>Jama'atu Tajdidill Islamiyya</i> and <i>Rasulul A'azam</i> Foundation (RAAF) and one person who described himself as a potential Shiite (Prof. Dahiru Yahaya) have confirmed before the Commission this Shiite practice.</p> <p>(vii) One important finding of the Commission related to the success of the rapid development of the IMN over the past three decades is the reality of the very open access to Nigeria's religious space to all and sundry. Nigeria's religious sphere is very open to a wide range of actors</p>				

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	<p>who have multiple motivations and objectives, some of which are spiritual while others are banal, materialistic or even subversive. The norms and practices of the growing number of religious movements and their activism are characterized by norms that are often antithetical to existing religious and cultural beliefs.</p> <p>(viii) The Commission also found that a structural factor favors easy access to religious spaces. Nigerian State has moved away from the position it occupied in the immediate post-independence as an organ with primary responsibility for social provisioning - infrastructure, education, health, potable water and so on. Not only has it largely abdicated its responsibility for social provisioning, the State has also significantly withdrawn its commitment to promoting equitable social and economic development in the country. As nature abhors a vacuum, religious organisations were quick to seize the opportunity of occupying the terrain; using their</p>				



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	<p>nexus for social provisioning, solidarity and bonding as an instrument for the control of social and theological space. The State now has to play catch-up.</p>				
8.4.3	<p><b>LEGAL STATUS OF THE ISLAMIC MOVEMENT IN NIGERIA</b></p> <p><b>Determination of Legal Status</b></p> <p>(i) A legal person under Nigerian law is both natural and artificial. For the purposes of recognition as a person in law with legal attributes, that entitles the person to sue and be sued and acquire legal life, he must be a human being or an entity that comes into being under the law. Becoming a legal person under the law is in two categories broadly speaking. A legal entity could be created by statute and would be invested with capacity to sue and be sued in its name for example: Nigerian National Petroleum Corporation (N.N.P.C), defunct National Electricity Power Authority (N.E.P.A). The second category of legal person created by law or under the law is of three types</p>	<p>(i) The IMN is a large organisation engaged in activities all over the country. Its activities are sometimes injurious to other persons and organisations and it should register itself so that it becomes a legal person that could sue or be sued and held organizationally responsible for its actions.</p> <p>(ii) All large religious and social movements in Nigeria should also be encouraged to formally seek registration so that they obtain the status of legal personae and can be sued and can sue.</p> <p>(iii) Other organisations and movements including the IMN</p>	<p>Government Notes the recommendation but observes that the IMN has been declared as an unlawful society under Section 97 'A' &amp; 'B' of the Penal Code of Kaduna State.</p> <p>Government Notes the recommendation.</p> <p>Government Accepts the recommendation.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>under the Companies and Allied Matters Act (CAMA) Section 21 of CAMA sets out three types of incorporated companies namely:</p> <ol style="list-style-type: none"> <li>a. Companies limited by shares</li> <li>b. Companies limited by guarantee</li> <li>c. Unlimited company</li> </ol> <p>Once the promoters of any of these types of companies fulfil the conditions for incorporation and it is so incorporated, it becomes a person in law that can sue and be sued in its name. Sections 22 and 24 of the same CAMA provide for private and public companies. The difference between a private company and public company is as to the number of persons who could be members. For private companies, the minimum number is two and maximum number is fifty but for public companies, there is no limit to its number of membership. The point should be made that any of the three types of companies earlier identified could be private or public. Another type of legal personality created under CAMA could be found under Sections 569-</p>	<p>that choose not to register must however comply with laws of the land and be prosecuted when they break the law.</p>			

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	<p>589 of CAMA in Part B. These sections deal with Registration of Business Names. This is the favourite type of registration by professionals like lawyers, accountants etc. The last type of legal personae under CAMA is provided for in sections 590-602 under part C. This is what is commonly known as Incorporated Trustees. To meet the legal requirement of registration under this part, there must be proposed individuals who would be the registered trustees of the organization. This is the form of registration that is more favoured by friendly associations, literary bodies, socio-religious and socio-cultural groups, charitable bodies and so on and so forth.</p> <p>(ii) It must be stated at the outset that the only legal way for the determination of due legal existence of an artificial person as discussed above is by the production of the certificate of registration or in the case of a corporation, production of the enabling law. The law in Nigeria as</p>				

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	<p>well as in other Commonwealth countries has crystalized that a Limited Liability Company has a legal status different from that of its promoters and or directors. This position had been so well settled in the 19<sup>th</sup> century in the old case of Salomon vs. Salomon Co. Ltd (1896). It may be necessary to point out that the name of a Limited Liability Company is the name that must reflect on all its documents and processes even when it has to do with court issues. But for a Business Name, one cannot sue in that name except by prefixing the name of the proprietor or proprietors; for example: XY suing in the Name of YOA &amp; Co. In the same vein, it is the Trustees of an Incorporated Trustee that can be sued under our laws.</p> <p><b>Legal Status of the Islamic Movement in Nigeria (IMN)</b>  (i) It is important to note from the wealth of oral and documentary evidence before the Commission that the founder of IMN, Sheikh Ibraheem Yakub El-Zakzaky was at a time a member of the Muslim Students Society of Nigeria</p>				

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	<p>(MSSN), a registered organisation. There was however no evidence that when he established 'The Muslim Brothers' that he registered the organisation. When the "Muslim Brothers" transformed into the Islamic Movement in Nigeria around 1994, it did not register as a corporate body. From the analysis about legal personae discussed above, it is clear that for IMN to acquire legal personality under Nigerian law, being a voluntary socio-religious body, it must be registered under Part C, Sections 590-602 of CAMA. As stated elsewhere in this report, the only way to know whether IMN was really registered or not is the production of its certificate of registration.</p> <p>On the contrary, a witness at the hearing, who also submitted an addendum (see pp 1-3) to his earlier memorandum, Hon. Muhammad Ali of the Centre For Human Resources Development / Empowerment Initiative; took the pain of doing a search at the Corporate Affairs Commission and found out that indeed there is no evidence of the IMN's registration.</p>				

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	<p>Similarly, the Commission also conducted a search at the website of the Corporate Affairs Commission (<a href="http://www.cac.gov.ng">www.cac.gov.ng</a>) and found that the IMN was not registered. In view of this, one can safely come to the conclusion that IMN is not a registered entity under Nigerian laws.</p> <p>The conclusion above should not be surprising because of the oral and documentary evidence that abound before the Commission that the leadership of IMN treats the Nigerian Constitution, its laws and authorities with disdain and lack of recognition. It is therefore the conclusion of the Commission that the IMN is an unregistered body under the law and cannot legally sue or be sued nor be proceeded against in that name.</p> <p>(ii) The Nigerian Constitution however allows citizens the freedom of association and movement and members of IMN are free to associate as long as they respect the laws of the country and do not infringe on the rights of others.</p>				

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8.5.1	<p><b>FINDINGS/OBSERVATIONS</b></p> <p>(i) Sheikh Ibraheem El-Zakzaky is undoubtedly the overall Temporal and Spiritual leader of the Movement. He holds command, respect and honor among his followers. All members obey his command and hold him in high esteem. There are dedicated <i>Hurras</i> (Guards) who protect him and attend to the needs of his family. His recognized Deputy was Mallam Muhammad Turi (who was allegedly killed at the El-Zakzaky's house during the December 2015 clash), a highly respected and deeply religious scholar who studied Accountancy at the University of Maiduguri. There are also other notable leaders such as Mallam Yakubu Yahaya in Katsina as well as others representing States that formed a consultative forum called Shura. However, these leaders were never elected but solely appointed by Sheikh El-Zakzaky.</p> <p>(ii) Originating in defiance against the State and society, IMN set itself on collision course with both. Its</p>	<p>(i) A lot of evidence was presented before the Commission, as can be seen in other parts of this report, that very many infractions of the law have been committed by members of the IMN and most of the cases have not been investigated or prosecuted by the police. The Federal Government should direct the Inspector General of Police to set up task forces in State Commands to compile, investigate and prosecute lawless acts committed by the IMN.</p> <p>(ii) Members of the IMN owe absolute loyalty to Sheikh Ibraheem El-Zakzaky. He therefore bears responsibility for all the acts of lawlessness committed by the organisation and should therefore be held responsible, fully investigated and prosecuted.</p>	<p>Government Notes the recommendation.</p> <p>Government Accepts the recommendation.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>Kaduna State Government.</p>	

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	<p>strong conviction in the righteousness of its beliefs, rituals and political activism seems to have blinded it to the fact that majority of Muslims do not share such belief. For example, in an interview with <i>Aminiya</i>, a Hausa newspaper, a notable leader of the IMN, Mallam Yakubu Yahaya of Katsina was at a loss regarding why people do not appreciate the religious importance the IMN attaches to its frequent processions and street demonstrations. He seems oblivious of the aggravation and inconvenience that such processions and demonstration have been creating for other people. One of the recurrent sources of conflict with local communities is the inability of the IMN to recognize that their right to processions as a religious duty stops where the right of other people starts.</p> <p>(iii) The evidence before the Commission, from the testimonies and memoranda submitted to it by the various interest groups and stakeholders, clearly shows that</p>				



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	<p>IMN has become a law unto itself; disregarding the authority of the Nigerian State as vested in the Police and other security agencies which many a times lead to several confrontations such as the one of 12<sup>th</sup> to 14<sup>th</sup> December, 2015 between it and the Nigerian Army.</p> <p>(iv) The IMN has also been castigating other Muslims for their supposed failure to rebel against what they see as the ungodly power of the Secular State and its man-made laws and by this act it appears hostile to the Muslim communities in which it exists.</p> <p>(v) Other acts that the Movement is accused of include but not limited to:-</p> <ol style="list-style-type: none"> <li>a. Attacks on other citizens who do not share their views on or understanding of Islam.</li> <li>b. Refusal to recognize the Nigerian State, its Constitution, Flag, National Anthem and its authority.</li> <li>c. I n s i s t e n c e o n supplanting the secular state with a theocracy to the</li> </ol>				

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	<p>extent that it is feared that the IMN may be heading towards take-over of the Nigerian State.</p> <p>d. Incessant breaking of the law and often taking laws into their hand.</p> <p>e. Provocative preaching with a view to incite their members against other Muslims.</p> <p>f. Alleged ordered abduction of children from Ningi, Bauchi, Dass and Kano destined for Gyallesu to be trained as <i>Hurras</i>.</p> <p>These and many more made the IMN unwelcome in the majority Muslim communities and always bring about confrontations, usually with lethal result. Evidence before the Commission showed that a number of people have been murdered by the members of the IMN on flimsy excuse both in Zaria and other places. A list of those maimed or killed has been included in other part of this report.</p>				

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<p><b>8.6</b></p> <p><b>8.6.1</b></p>	<p><b>ORGANIZATION AND STRUCTURE OF THE IMN</b></p> <p><b>Findings/Observations on Organization and Structure</b></p> <p>(i) The main Headquarters of the movement is in Zaria, under the leadership of Sheikh El-Zakzaky. While his residence in Gyallesu was a beehive of the movement's activities and was guarded and protected by several guards from the IMN's <i>Hurras</i> Units. Sheikh El-Zakzaky's parlour served as the IMN's decision making forum; an open place where members were free to participate in the discussions but Sheikh El-Zakzaky had the final say. The Husainiyya was located in a large IMN compound along Sokoto road in Sabon Gari, Zaria. It was the hub of all national activities of the IMN. It hosted all regular events such as weekly lessons conducted by El-Zakzaky, <i>Tafsir</i> (interpretation and commentary on the holy Qur'an), and special lessons offered to women and other annual festivities celebrating the</p>	<p>(i) The IMN is a tightly knit organisation in which members owe absolute loyalty to the leader. Constituted authorities and Security Agencies should hold the leader responsible for all acts by members that are based on direct orders from him.</p> <p>(ii) The leader and members who engage in illegal acts should be held responsible for any lawless acts they carry out.</p>	<p>Government Accepts the recommendation.</p> <p>Government Accepts the recommendation.</p>	<p>Kaduna State Government.</p> <p>Kaduna State Government.</p>	

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	<p>birthdays and martyrdoms of prominent Shi'ite clerics and personalities. Occasional activities which included Lectures, Seminars and Islamic Vocational courses for adults, women and children were also hosted. The Hussainiyya Baqiyatillah was also the final destination for the annual trekking (<i>Tattaki</i>) of thousands of the Movement's followers coming from all over Northern States; often spending a couple of nights or more along the way as well as at the Hussainiyya Baqiyatillah.</p> <p>(ii) The Local Branches (named <i>Dawa'ir</i> for the State and <i>Halqah</i> for LGA) refer to circles of disciples and followers guided by a local leader. These are strewn across the States of the federation but are more prevalent in the northern part of the country. All of them have absolute loyalty to Sheikh Ibraheem El-Zakzaky as their supreme leader. The States' as well as the Local Governments' Headquarters have the same approach to leadership as that of the centre, albeit having less resources.</p>				

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	<p>(iii) The activities at the local IMN branches are a combination of Shi'ite religious instructions, recruitment, physical and ideological training, out-reach to broader Muslim communities in each locality and Islamist political activism. The Shi'ite religious instruction is a weekly activity that takes place in local mosques, where the heads of the local branches offer lessons for members, including women. Seminars and workshops on particular topics are also organized occasionally and speakers are invited not only from the ranks, but also from outside of the Movement. A notable feature of local seminars and workshops is that "...at the end of the programme the spiritual leader of the Movement, Sheikh Ibraheem El-Zakzaky, comes and close[s] the programme with inspiring speech. This personal visit by the leader indicates an important organizational link between the Local Branches and the National headquarters as well as reinforcing members' loyalty to El-Zakzaky's supreme leadership.</p>				

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	<p>(iv) Recruitment and ideological training at the <i>Da'irs</i> and <i>Halqahs</i> are conducted in local meetings, "...where Brothers (IMN members) gather in mosques and spend days making deep study...as well engaging in intensive spiritual exercise and devotion. In addition, some physical exercises are also embarked upon to inculcate a culture of endurance. At the end of <i>Ijtima</i> (i.e. local branch meeting), usually on the last night, a brainstorming session takes place where various problems facing the movement in that particular locality are discussed and solutions are proffered. Usually participants come back home changed and full of spiritual illumination"<sup>25</sup>.</p> <p>(v) Specialised organs of the IMN: In addition to the National Headquarters and numerous <i>Da'irs</i> and <i>Halqahs</i> (States and LGA branches respectively), there are also seven specialised organs of the IMN charged with specific duties and responsibilities:</p>				

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	<p><b>a. Academic Forum –</b> This is made up of educated members of the Movement. This organ is responsible for the intellectual, doctrinal and ideological matters. It organizes several events, including Lectures, Seminars, Workshops, Conferences and Islamic Vocational courses. It is also the vital link of the IMN to educational institutions.</p> <p><b>b. The Martyrs Foundation -</b> This was established to cater for the bereaved families of members who have lost their lives in the course of IMN activities. The Foundation collects and distributes charity to the surviving family of the deceased members; it also honors their memory by the annual commemoration of the martyrs.</p> <p><b>c. The Sisters Forum -</b> Women members of the IMN are prominent and active participants in the</p>				

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	<p>Movement's activities. Completely covered in black, and present in large numbers, women are very visible in all IMN public events. Malama Zeenat, the wife of Ibraheem El-Zakzaky, and other important figures at the State levels, organize educational services, <i>Mu'atamar</i>, lectures and support services.</p> <p><b>d. ISMA Medical Care Initiative</b> - Various medical and healthcare professionals in the IMN constitute the membership of this organ. They are responsible for providing healthcare and medical attention to IMN members and the general public.</p> <p><b>e. The <i>Hurras</i></b>- This is the unit of the IMN guards who wear uniform. They provide protection to El-Zakzaky and other IMN leaders. They are in charge of patrol control of traffic during street</p>				



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	<p>processions and demonstrations. It is widely suspected that the <i>Hurras</i> received para-military or even military training (see video clip presented by the Nigerian Army exhibit 2 and exhibit 17, 18 and 19 by Hon. Muhammad Ali).</p> <p><b>f. Business Forum</b> - This forum aligns with the professional and business world. It assists the IMN members to be self-reliant by providing soft loans in the form of cash, machineries or vehicles to the members. It is said that hundreds of motorcycles and tri-cycles have been distributed to members with the understanding that they pay back the capital over several months' or even years' instalments</p> <p><b>g. Communication Forum</b> – The IMN has a very strong public relation outfit and spokesperson. In addition, they have many publications</p>				

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	<p>for both educational and ideological defence purposes. For example, there is a strong media outfit that publishes the following newspapers, newsletters and pamphlets both in English and Hausa, such as <i>Al-Mizan</i>, <i>The Struggle</i>, <i>The Pointer</i>, <i>Gwagwarmaya</i> and the IMN website.</p> <p>(vi) Also adding to this formidable organizational capability of the Movement is its culture of strong loyalty to the leader, Sheikh Ibraheem El-Zakzaky. In the course of leading the IMN for over three decades now, El-Zakzaky has earned the unwavering loyalty of multitudes of his followers. The street demonstrations he used to lead, the extensive tours of recruitment he carried out, and the many years he spent in detention have all added to the mystic of his leadership. IMN publications and documents are replete with constant encomiums, adoration and prayer for Allah to protect him. This culture of loyalty to El-Zakzaky</p>				

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8.6.2	<p>could be seen regularly on the pages of <i>Al-Mizan</i>, the IMN's weekly Hausa newspaper which often carries stories and pictures of El-Zakzaky addressing large crowd of his loyal followers.</p> <p><b>Organogram of the Leadership of the IMN</b>  The Organogram of the leadership of the IMN has the leader on top, followed by the Hurras, the Shura Council, States and the FCT Chapters, Dawa'ir led by Amirs and lastly Local Government Area Chapters otherwise known as Halqat.</p>				
8.7 8.7.1	<p><b>MEMBERSHIP AND GROWTH OF IMN</b></p> <p><b>Findings/Observations</b>  (i) The membership and growth of the Islamic Movement in Nigeria (IMN) should be understood within the changing national and global context of the evolution of Islamic</p>	<p>(i) The Federal Government should monitor activities of all Nigerian Nationals studying in Iranian institutions in particular and other countries in general to ascertain their courses of study, source of sponsorship and on return their activities.</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p>	

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	<p>movements that have been proliferating in Nigeria and many Muslim societies around the world since the 1970s. Some of these movements have focused more on religious issues, such as reform of doctrines and rituals, moral regeneration and increased piety. Other movements have embraced significant political activism, including demands for replacing the modern secular State with an Islamic polity to be governed according to the Sharia. Yet, other movements have embarked upon social projects of establishing Islamic organizations and associations, schools and mosques, and articulating Islamic discourse in print, electronic and social media. IMN being mixed-bag of all of the above, and with its vehement opposition to a secular Nigerian State and the rhetoric of absolute condemnation of the “corrupt” governing system, it attracted more and more disenchanted youths in the educational institutions of the North at first and subsequently across the entire region.</p>	<p>ii) Government at Federal and State levels should address the worsening economic problems that push, especially, young men and women to join the movement in search of relief from doing nothing.</p> <p>(iii) Fudiyya Schools should be closely monitored by the relevant government agencies.</p> <p>(iv) The Kaduna State Government, through the Ministry of Education, Science and Technology should monitor the curriculum of the Fudiyya Schools just like it does of all other private schools in the State to checkmate the level of indoctrination into the Shiite creed.</p>	<p>Government Notes the recommendation as measures are being taken towards addressing the issue.</p> <p>Government Notes the recommendation and would invoke all relevant Laws in line with the order declaring IMN an unlawful society.</p> <p>Government Notes the recommendation. All Laws governing Ownership and Operations of Schools in Kaduna State will be invoked.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>Kaduna State Government.</p>	

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	<p>(ii) The membership profile of the IMN has changed over the years due to its tremendous growth. The movement, which started in the 1970s as a body of youths in their teens, twenties and thirties, with lots of zeal but inadequate experience and knowledge of Islam, grew several folds, with prominent academics, professionals, businessmen, artisans, civil and public servants and religious leaders in its membership. Though there are no reliable statistics as to the exact number of membership, the rate of growth and demographic characteristics, it is clear even from field observation that its membership growth could be anywhere between 60,000, a figure arrived at by the Jama'atu Tajdidil Islamiy in its memorandum (pp. 29-34). A notable feature of the IMN membership is the prominence of women, who may be as many as men. Youths, aged 30 years or younger, are more prominent but there are also older people in the membership fold of the Movement.</p> <p>(iii) There are many factors that contribute to the membership and</p>				

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	<p>growth of the IMN and indeed other movements over the years. These factors range from Economic, Political, Social and other constraints. Politically, factors that may have contributed to the rise of movements such as the IMN include the negative consequences of the prolonged hold on power by the various military regimes, the high levels of governance deficits as evidenced in the poor provision of social services, rising wave of crime and worsening of the security situation. Legendary corruption in Nigeria, which has devastated all government institutions, is another major factor in the rise and growth of movements such as the IMN.</p> <p>(iv) In addition, the emergence and rapid development of religious movements such as the IMN could not be divorced from the explosive population growth, rapid and uncontrolled urbanization with attendant high level of unemployment and poor provision of social services. Therefore, the emergence, development and growth of the IMN has been shaped</p>				

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	<p>by these political, economic and social changes that have been taking place in Nigeria over the last three decades. Pertinent also are the many changes that have been happening in Muslim societies around the world. Needless to say, the most directly relevant factor in understanding the emergence and growth of the IMN has been the Iranian revolution of 1979; the consequences of which have continued to influence such movements, not only in Nigeria but also in many parts of the world.</p> <p>(v) The rapid growth of the membership of the IMN is also due to the following factors:</p> <p>(a) The use of the Fudiyya Schools which have proliferated all over the North to indoctrinate children. Indeed the children of both Shi'a and non Shi'a parents are trained and in the process made to imbibe the Shia creed and practices at a very early age. The overwhelming majority of youths that are always in the forefront of the IMN activities and clashes were the products of such schools.</p>				

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	<p>(b) The use of their Academic Forum serves as a means through which the Movement attracts young university and other tertiary institution students into the fold of its creed. The movement offers various types of educational assistance to the needy both at home and abroad, with the understanding that it was for facilitation of joining the Movement. At the last count, there are over 300 students studying in various tertiary institutions in Iran; all sponsored by either the IMN and its Iranian friends or the Iranian Government.</p> <p>(c) <b>The IMN has an elaborate social welfare programme</b> - The Movement provides assistance in terms of business soft loans, medical provision to the needy, marital assistance, scholarships and a host of others help to lure and keep many into the fold of the Movement.</p> <p>(d) <b>There is the provision of Mut'ah Marriage</b> - This is a form of temporary marriage, which allows for a sexual relationship, albeit for a short period of time, without any</p>				



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	<p>permanent marriage commitment. Most Muslims consider this practice as a tactic to side step the rigorous Islamic rules on man/woman sexual relationship. This practice resonates very well with young persons who find an easy and “lawful” means towards sanctioned sexual gratification without incurring either sin or responsibility. The practice appears to attract a lot of young men and women to the fold.</p> <p><b>(e) Use of Print and Electronic Media</b>– the IMN uses the following Print and Electronic Media for its rapid growth in membership:-</p> <p><b>(i) <i>Al-Mizan Newspaper</i>:</b> This is a Hausa Newspaper published weekly, for well over two decades now. Overtime it has gained a very large and well spread readership, especially among less educated, literate Hausa speaking population of Northern Nigeria. Although the mass population of Northern Nigeria is preponderantly a listener society, almost wholesomely hooked to the radio, <i>Al-Mizan</i>, however, made a very pervasive impact because of its penetration of</p>				

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	<p>the lengths and breadths of the North. Even more remarkably, is its popularity in the rural areas where there is a very large population of young men and women that went to secondary schools that either completed but could not proceed to higher institutions of learning, or those that dropped out along the line. This category of people, incidentally, forms a very significant size of the IMN membership. The reach of <i>Al-Mizan</i> became all the more stretched and penetrating when, for about a decade now, it went online. Its electronic debut by far, and much earlier, was much more spectacular than most of the mainstream and very famous Nigerian Newspapers.</p> <p><b>(ii) The Social Media:</b> The social media, as it were, has not only made the access to information much easier, but has also made its dissemination much more indiscriminate, free, loose, arbitrary and explosive. It has availed everybody, individuals and</p>				

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	<p>groups the wherewithal and the outlet to reach out to the world without any sort of sanction or censorship. It has demystified the formal press and has dismantled the monopoly and dominance of the mainstream media. The IMN, like many other ideological, religious, political and social activist groups, has leveraged on the ostensible outreach opportunity provided by the social media. Not surprisingly, therefore, it would not be an overestimation to state that Facebook, WhatsApp, MySpace, YouTube, Instangram, etc., groups opened and managed by IMN affiliate groups and Individuals may be in thousands.</p> <p>(iii) <b>The IMN Website:</b> There would not be any fear of contradiction if it is asserted that in Nigeria, there is hardly any Islamic Religious body whose website is as excellently designed, fully functionally and regularly updated like that of the IMN. Expectedly, and without dismissing the influence of all other means of propagation, the IMN website has been the most effective</p>				

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	in reaching out to the elite population in Nigeria and the world at large.(see for example, IMN's Website <a href="http://www.islamicmovement.org">www.islamicmovement.org</a> ).				
8.8	<p><b>RESOURCES AND ASSETS</b></p> <p><b>8.8. Membership</b> As is the case with most religious movements, the greatest resource and asset of the IMN is its members. They devote their time, assets, money and networks to the well-being and development of the Movement.</p>	<p>(i) The Kaduna State Government should investigate further how the IMN receives moneys, how it procures assets and how it runs its businesses to ensure that the organisation does not engage in illicit activities.</p> <p>(ii) The Federal Government should investigate foreign resources and assets that might be accruing to the IMN to ensure that the organisation is not involved in illicit activities such as money laundering and terrorism</p>	<p>Government Accepts the recommendation and would work with the relevant Security Agencies of the Federal Government to undertake the investigation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government.</p> <p>F e d e r a l Government.</p>	
8.8.2	<p><b>International Resources and Assets</b> Apart from member contributions, it is also widely speculated that the IMN has access to some international resources and assets.</p>				

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	<p>Some of the unconfirmed but strongly believed International contributors are: Iranian religious establishments and some Lebanese businesses and networks in Nigeria. However, as IMN is not a registered organization, it cannot have bank accounts and therefore, tracing any money passed to it is very difficult.</p>				
8.8.5	<p><b>CULTURE AND PRACTICES</b>  Through the leadership of IMN, legacies of Iranian culture and civilization have penetrated the movement. While the movement lays formal claim to the religious and political legacy of the Jihad of Shehu bn Fodio, their practices have been re-oriented towards Iranian Shiite religious and cultural heritage. The IMN was swayed and influenced by the cultural accomplishment of Iran. Currently the influence is manifesting in the way they convert to Shiism, in</p>	<p>(i) While celebrating such festivals, the IMN should be made to comply with all the relevant laws and should be subjected to sanctions for breaches.</p> <p>(ii) FRSC should live up to its responsibility for traffic control and the enforcement of all traffic laws during such festivals.</p> <p>(iii) The Police should monitor all such gathering with a view to stopping any breach of peace.</p>	<p>Government Accepts the recommendation as it applies to all religious, community and cultural organisations.</p> <p>Government Notes the recommendation. The State Government funded KASTELEA is complementing the effort.</p> <p>Government Notes the recommendation.</p>	<p>Kaduna State Government.</p> <p>Federal Government and Kaduna State Government.</p> <p>Federal Government.</p>	

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>dress, festivals, celebrations and funeral services etc. Some of their adopted practices are alien to the cultural disposition of other Muslims in Nigeria.</p> <p>The IMN, for example, celebrates a number of annual religious festivals in which other Muslims do not. Such festivals include:</p> <ul style="list-style-type: none"> <li>i. Maulud of the Prophet and hoisting of flag</li> <li>ii. Maulud of Ali</li> <li>iii. Maulud of Fatima</li> <li>iv. Ashura 10<sup>th</sup> Muharram</li> <li>v. 40<sup>th</sup> day celebration of the martyrdom of Imam Hussain</li> <li>vi. Quds day (last Friday of Ramadan)</li> <li>vii. Martyrs' day</li> </ul> <p>They also organise a number of occasional festivals:</p> <ul style="list-style-type: none"> <li>i. Women's Forum</li> <li>ii. F u d i y y a S c h o o l s ' Graduation ceremony</li> </ul>				

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>The major expression of their organisational culture is total submission to the directives of the leader. The Commission found out that not a single current member of the Islamic Movement in Nigeria sent in memoranda or came to give evidence. This is a clear indication to the control of the leadership over all members. Such a strong command and control mechanism in such a large organisation could create conditions for dangerous mass action should the leader give such a command.</p>				
<p><b>8.9</b></p> <p><b>8.9.1</b></p>	<p><b>ENGAGEMENT WITH COMMUNITIES, CONSTITUTED AUTHORITIES AND SECURITY AGENCIES</b></p> <p><b>Communities</b></p> <p>The generality of memorandum submitted to and the appearance of groups and individuals who testified before the Commission, all point to</p>				

S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>a life of hostility between the IMN and other mainstream Muslims. There is no love lost between IMN and its neighbours. According to a commissioned paper written by Professor B. A. Umar, "...those who are opposed to the Shia creed they complain the IMN members have dominated their wards especially at Gyallesu where Mal. Ibraheem El-Zakzaky resides with heavy presence of <i>Hurras</i> security guards..." Another major sore point in the IMN's relationship with the public is the way their long procession on major roads or highways blocks sections of the road causing traffic congestion and alot of hardship to people. Their nonchalant arrogance, in the face of such painful treatment they meet out to other Muslims makes it even more unbearable and provocative.</p> <p><b>Authorities</b> Professor B. A. Umar summed up the IMN relationship with the Authority in his commissioned paper thus: "Since the ideology of IMN is anti-government in orientation, from its inception, and because its leadership and thousands of its</p>				



S/N	FINDINGS/OBSERVATIONS ON THE ORIGINS OF IMN	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>followers have been jailed a number of times, the relationship with authority is bound to be un-cordial, dramatic and sometimes deadly.” The relationship has been that of mistrust, distrust, suspicion and disregard and fear of perceived impunity and intransigence from both parties respectively. In the last three decades or so it has been a game of cat and mouse between the two distrusting parties. This turbulent relationship extended well in to the relationship between IMN and the Security Agencies that IMN sees as just an extension of the Authority it had been battling all along.</p>				

**CHAPTER NINE**

**TOR (H): TO REVIEW ALL FACTORS, ISSUES OR MATTERS, INCLUDING ALLEGED INVOLVEMENT OF FOREIGN OR DOMESTIC ACTORS OR THEIR INFLUENCE OR INSTIGATION, THAT MAY HAVE CONTRIBUTED TO THE INCIDENT OR MAY CONDUCE TO SUCH INCIDENCE IN THE FUTURE AND MAKE RECOMMENDATIONS THERETO (PP 144 - 150 SECTION 9.4 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
<p><b>9.2</b></p> <p><b>9.2.1</b></p>	<p><b>FINDINGS/OBSERVATIONS</b></p> <p><b>Domestic Actors</b></p> <p>In addition to the generalised involvement of various actors above, there are domestic actors whose influence is crucial for the growth, activities and impact of the Movement. These include but are not limited to the following:</p> <p>(i) The person, personality of the leader, Sheikh Ibraheem El-Zakzaky: He is a charismatic leader whose influence cannot be over-emphasized. He inspires fierce loyalty from members of the IMN. Furthermore, he personifies defiance, opposition to existing state institutions, structures and values. El-Zakzaky does not appear to want a reform of the existing State and its structure but its replacement with one based on radically different principles and foundations, with supreme authority derived from Allah.</p>	<p>(i) The Federal Government should investigate further how the IMN receives money, how it procures assets and how it runs its businesses to ensure that the organisation does not engage in illegal activities.</p> <p>(ii) The Federal Government should investigate foreign resources and assets that might be accruing to the IMN to ensure that the organisation is not involved in illegal activities such as money laundering.</p> <p>(iii) The suspected Lebanese Communities should be put on a watch-list to ascertain the veracity or otherwise of the accusation of their involvement with the Movement.</p> <p>(iv) The Federal Government must explore all diplomatic channels to dissuade Iran from getting involved in the internal affairs of the country.</p>	<p>Government Notes the recommendation and would work with Federal Government Agencies in the investigation.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation being within the purview of the Federal Government.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna S t a t e Government</p> <p>F e d e r a l Government and Kaduna S t a t e Government</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(ii) <b>Lebanese Community in Nigeria.</b> Deriving inspiration from Iranian revolution/Hezbollah and alleged to be receiving financial and other support from Iran and Lebanon respectively, some Lebanese individuals in Nigeria and their broad community are important actors. Furthermore, there are references to books, other reading materials and video materials being imported into Nigeria by elements in the Lebanese community in this country.</p> <p>(iii) Even more difficult to prove but no less important is the allegation of the IMN having sympathizers, which includes politicians, academics/intellectuals, business leaders and some officers and men in Nigeria's security agencies. This category, spread over different professions and socio-economic backgrounds is believed to have been influenced into joining the Movement by "General Islamic awakening in the World".</p>	<p>(v) Suspected domestic sympathizers must be watched carefully and ensure that they do not go beyond the limits of the law in their support to the IMN.</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l G o v e r n m e n t a n d K a d u n a S t a t e G o v e r n m e n t</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
9.2.2.1	<p><b>INTERNATIONAL ACTORS</b> <b>IRAN</b></p> <p>The prevailing narative is that the IMN has received and continues to receive huge support from the Islamic Republic of Iran. The support is believed to have several dimensions including direct donations and finance, offers of scholarships to and training of cadres of the IMN members in Nigeria. In its memorandum to the Commission, the Kaduna State Command of the State Security Service (SSS) wrote inter alia:</p> <p><i>“Sustained monitoring of the activities of the group revealed an established pattern, suggestive of access to foreign donations, especially from the Islamic Republic of Iran...”</i></p> <p>Evidence of Iranian support for IMN cited includes activities of the former diplomats and cultural offices in Nigeria and generous scholarships to Shiites to undertake studies in Universities and Institutions of Islamic education in Iran.</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
9.2.2.2	<p><b>LEBANON</b>  Apart from the activities of the Lebanese Community in Nigeria, there are allegations of support for IMN from Lebanon. This may be derived from ideological affinity with Hezbollah and the vision of an alternative State and State structures. In a video clip shown to the Commission, Sheikh Nasrallah of the Lebanon's Hezbollah was asking his congregation to pray for the IMN in Nigeria and warning that if Nigerian Government did not release Sheikh Ibraheem El-Zakzaky it will never know peace.</p>				
9.2.2.3	<p><b>GHANA/NIGER</b>  While Ghana is another place that IMN sends its members for training, in Niger Republic the population of the movement is ever on the increase. In fact, it is second to Nigeria in the membership of the Movement.</p>				
9.3	<p><b>OBSERVATION</b>  It is obvious to the Commission, from the evidence before it, that IMN has relationship with other international organizations and or countries. The glaring involvement of Iran in the</p>				

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>affairs of the IMN cannot be overlooked. We have heard of the Iranian Foreign Ministry summoning our Ambassador to that country regarding the incidence under reference as if it happened in one of the Iranian provinces. Even though it could not be clearly established about foreign funding, however, from the memorandum submitted by the SSS, in which it said it had been monitoring the movement, the Commission can safely conclude that there is a pattern that suggests so.</p>				

**CHAPTER TEN**

**TOR (I): TO MAKE RECOMMENDATIONS TO THE KADUNA STATE GOVERNMENT AND THE FEDERAL GOVERNMENT AS TO DIRECT OR INDIRECT RESPONSIBILITY FOR ANY ACTS OF COMMISSION OR OMISSION IDENTIFIED IN SUB-PARAGRAPH (E) ABOVE.**  
**(PP 151 - 157 SECTION 10.2 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
10.1	<p><b>BACKGROUND</b></p> <p>The purpose of identifying acts of commission or omission, as required in TOR (e), was to establish definitively those individuals, groups, organizations or institutions that should be held responsible or accountable on particular actions or inactions that led to or got involved in the incident under investigation by the Commission. As it were, this was an incident of monumental gravity involving very weighty human right matters and the all-important and critical issue of national security, peace and stability. These are matters that must not be brushed aside, nor yet handled with levity for two fundamental reasons namely,</p> <p>(I) the enormity of the wages and consequences of flagrant failure to secure or protect the fundamental rights of every citizen, and</p>	<p>Against the background laid, the findings/observations made in the foregoing Chapters six (6) and seven (7) respectively, this TOR contains recommendations to Kaduna State Government and the Federal Government as appropriate.</p> <p><b>THE KADUNA STATE GOVERNMENT</b></p> <p>(i) Considering the nature and organizational structure of the IMN, where the leader has the total control over the members, Sheikh Ibraheem El-Zakzaky should be personally held responsible for all the acts of commission and omission of the entire membership of the Islamic Movement in Nigeria in its clashes with the Nigerian Army for refusing to call his members to order when required to do so.</p>	Government Accepts the recommendation.	Kaduna State Government.	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(ii) the unsavoury and unacceptable nature of any form of defiance or rebellion to constituted authority in a manner that threatens national security. The real purpose and essence of appointing this Commission are, therefore, epitomized in this particular TOR</p> <p>(i). Those individuals, groups, organizations or institutions that acted or refused to act in ways that led to trampling upon the rights of others must be brought to justice. Similarly those individuals whose actions and tendencies are not only defiant, but also threatening the security of the country must be dealt with squarely according to the laws of the land.</p> <p>It is instructive to further emphasize here that the direct parties involved in this incident are the NA and the IMN. While this does not in anyway dismiss the importance of other parties and stakeholders in bearing responsibility for any act of omission or commission directly or indirectly, the centrality of the roles</p>	<p>(ii) All incidents of violence and aggression by the members of the IMN against individuals, groups or communities, which have resulted in grievous bodily harm, destruction of properties and deaths, should be fully investigated and culprits brought to book. Where appropriate, compensations should be paid.</p> <p>(iii) The State Government should investigate and repossess all illegally acquired public lands from IMN and utilize same for Public Interest.</p> <p>(iv) IMN should be made to conform to all constitutional requirements and the provisions of other by-laws in obtaining land, building or acquiring structures. It must conform to all building regulations, however, whenever and wherever it so desires to build or acquire land or property.</p> <p>(v) All the dangerous weapons recovered from the IMN members should be turned over to the Police for further necessary action.</p>	<p>Government Accepts the recommendation.</p> <p>Government Accepts the recommendation.</p> <p>Government Accepts the recommendation and pursuant to this, the Kaduna State has issued an order declaring the IMN as an unlawful society.</p> <p>Government Notes the recommendation as the weapons are</p>	<p>Federal Government and Kaduna State Government.</p> <p>Kaduna State Government.</p> <p>Kaduna State Government.</p> <p>Federal Government and Kaduna State</p>	



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>played by these two parties ordains the fact that the two must certainly bear larger portion of that. In this regard, the Commission gives greater attention to these two parties while it also identified other important stakeholders that must be held responsible for certain acts of omission or commission that led to or rather aggravate the unfortunate incident of the 12<sup>th</sup> -14<sup>th</sup> December, 2015.</p>	<p>(vi) The Government should deal with the IMN in accordance with the laws and regulations of the land and be made to conduct its activities and affairs within the ambit of the law at all times.</p> <p>(vii) Intelligence reports by security agencies regarding threats to security, law and order should be taken seriously and acted upon timeously to nip in the bud such occurrence.</p> <p>(viii) Mechanism should be put in place for the proposed Bill on Religious Preaching to be passed into law as quickly as possible and implemented with a view to purging Religious Groups who embark on provocative teachings and preaching.</p>	<p>already in the custody of the Police.</p> <p>G o v e r n m e n t A c c e p t s t h e recommendation in pursuant to this, the IMN has been declared as an unlawful society.</p> <p>Government Notes the recommendation as the State Security Council meets weekly to take proactive measures towards addressing security threats.</p> <p>G o v e r n m e n t A c c e p t s t h e recommendation and observes that the Bill is already at the 3<sup>rd</sup> reading at the Kaduna State House of Assembly.</p>	<p>Government.</p> <p>Kaduna State Government.</p> <p>Kaduna State Government.</p> <p>Kaduna State House of Assembly to t a k e appropriate a c t i o n towards the passage of the Bill.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(ix) Compensation should be paid to all those persons who complained before the Commission that their properties were either destroyed or damaged as a result of the clash.</p> <p>(x) The Government should make effort to reduce the number of idle hands that might otherwise be willing recruits for the Movement by providing employment to the teeming masses of the State.</p> <p>(xi) The prospects of constructive engagement with the leadership of the IMN should not be foreclosed.</p> <p>(xii) The State Government should ensure that investigations against all persons under detention in respect of these clashes between the NA and the IMN on 12<sup>th</sup> – 14<sup>th</sup> December, 2015 are concluded</p>	<p>Government Notes the recommendation and will pay reasonable compensation to all circumstantial victims of the clash.</p> <p>Government Notes the recommendation as some programmes and policies geared towards achieving this objective are being implemented.</p> <p>Government Notes the recommendation and will not foreclose engagement with any of its citizens.</p> <p>Government Notes the recommendation as prosecution of the accused persons is in progress.</p>	Kaduna State Government.	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
10.4		<p><b>THE FEDERAL GOVERNMENT</b> and treated separately.</p> <p>(i) The Federal Government should explore diplomatic means to dissuade other Countries from interfering in the Internal Affairs of Nigeria.</p> <p>(ii) The prospects of constructive engagement with the leadership of the IMN should not be foreclosed.</p> <p>(iii) The Government should deal with the IMN in accordance with the laws and regulations of the land and be made to conduct its activities and affairs within the ambit of the law at all times.</p> <p>(iv) All incidents of violence and aggression by the members of the IMN against individuals, groups or communities, which have resulted in grievous bodily harm, destruction of properties and deaths, should be fully investigated and culprits brought to book. Where appropriate, compensations should be paid.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation and observes that the Kaduna State Government has declared IMN as an unlawful society.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(v) Considering the nature and organizational structure of the IMN, where the leader has the total control over the members, Sheikh Ibraheem El-Zakzaky should be personally held responsible for all the acts of commission and omission of the entire membership of the Islamic Movement in Nigeria in its clashes with the Nigerian Army for refusing to call his members to order when required to do so.</p> <p>(vi) Members of the IMN should never be allowed to carry any unlicensed weapon under any guise. Whosoever found so doing should be prosecuted immediately.</p> <p>(vii) All the dangerous weapons recovered from the IMN members should be turned over to the Police for further necessary action.</p> <p>(viii) Intelligence reports by security agencies regarding all threats to security, law and order should be taken seriously and</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government and Kaduna State Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>acted upon timeously to nip in the bud such occurrences.</p> <p>(ix) The Federal Government should have the political will to deal with such threats posed by the IMN and similar groups. Testimonies at the proceedings of the Commission by various stakeholders, pointed to non-implementation of the recommendations of previous reports of other Commissions of Inquiry relating to the IMN and other groups who were found to have posed grave threats to law, order and peaceful co-existence of particular relevance were the Galtimari and Sheikh Lemu Presidential Commission pertaining to Boko Haram insurgency.</p> <p>(x) The Federal Government should be proactive in its dealing with threats posed by groups such as the IMN.</p> <p>(xi) The Federal Government Agencies should respond</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>Federal and Kaduna State Governments.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>positively to requests for information by Commissions of Inquiry such as this Commission to enable it make informed decisions or come to a firm findings on issues based on credible data held by them that is not in the public domain.</p> <p>(xii) The Federal Government should ensure the presence of the Nigeria Police and other Security Agencies in every community and other flash point areas for effective maintenance of law and order.</p> <p>(xiii) Efforts should be made by the Police Authorities to revisit the system of Nigeria Mobile Police Force Unit, as it was in the yesteryears, so that involvement of the Military in the management of civil disorder would be minimized.</p> <p>(xiv) The Police Authority should ensure that recruitment into the</p>	<p>Government Notes the recommendation and requests for the re-opening of Police Out-Posts throughout the Federation that were closed as a result of incessant attacks by Insurgents.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>Force should be done on merit, suitability and good character as the Nigeria Police of today contains all manner of characters.</p> <p>(xv) The Federal Government should ensure professionalizing the Nigeria Police and other Security Agencies through capacity building, procurement of civil disorder management equipment and improved welfare.</p> <p>(xvi) The Security Agencies should ensure 'watch listing' of IMN members and other persons of security interests, whenever they are going out of or coming back into Nigeria with a view to discovering the sources of their funding, foreign contacts and other relevant and useful information.</p> <p>(xvii) The Federal Government should not ignore the touted boast by the IMN that it has its members all across the security services who feed it with counter intelligence.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(xviii) The Security agencies aside having an effective synergy should further strengthen their intelligence gathering mechanism in respect of the activities of the group so as to ensure prompt and timely interventions.</p> <p>(xix) The Federal Government should facilitate the establishment of Community Policing in its real sense in Nigeria with a view to curbing immediately any breach of law and order in any Community.</p> <p>(xx) The Federal Government should ensure that it develops and implement properly intelligence driven operation policies for the country.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation as the Kaduna State Government has established a Vigilance Service and Police / Community Relation Committees.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	



## CHAPTER ELEVEN

**TOR (J) “TO MAKE RECOMMENDATIONS AS TO ACTIONS TO BE TAKEN TO ENSURE THAT ADMINISTRATIVE OR CRIMINAL RESPONSIBILITY IS FURTHER DETERMINED BY THE APPROPRIATE ADMINISTRATIVE OR JUDICIAL AUTHORITIES FOR ANY IDENTIFIED ACTS OR OMISSIONS”**  
**(PP 158 - 161 SECTION 11.2 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
11.2	<p><b>BACKGROUND</b>            Taking all the TORs together and reviewing all the facts brought before the Commission, it would become obvious that the issues involved are as broad as they also appear to be complex. Consequently, there are certain aspects of the issues and the acts of omission or commission that are clearly, because of their magnitude, sensitivity in terms of security, etc., beyond the mandate of this Commission. However, they must be addressed by the appropriate governmental administrative or legal organs. In this regard, the Commission is obliged to identify those issues or actions and recommend to the administrative and or judicial authorities for further necessary legal and administrative actions. This is what the Commission made in this section.</p>	<p>(i) That although it is not within the mandate of the Commission and indeed, it lacks the legal competence to level criminal charges against any individual or organizations, there have appeared to us that certain acts of commission or omission identified under several TORs above amount to criminal conduct. These include but not limited to (i) cases of violent assaults and murder by the IMN, (ii) allegations of kidnapping of young boys by the IMN for its leader, (iii) allegations of forming a parallel authority by the IMN, (iv) allegation of use of excessive and disproportionate force by the NA against poorly and crudely armed members of the IMN leading to massacre of hundreds, (v) allegation of importation and stockpiling of weapons by the IMN through the agency of some Lebanese</p>	<p>Government Accepts the recommendation and directs the Commissioner of Police to work with Attorney General to investigate and prosecute all suspects.</p>	<p>F e d e r a l            Government            and Kaduna            S t a t e            Government            * Security            Agencies.            * Ministry of            Justice.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>As to what Judicial, Administrative and Criminal actions may be recommended for acts of Commission or Omission identified above, the following measures considered appropriate are proposed.</p>	<p>resident in Nigeria and Nigerien nationals among the IMN, (vi) the allegation of formation of a government within a government, etc. The Commission therefore strongly urges the appropriate Federal and State agencies to conduct thorough investigation to determine these and recommend the suspects for criminal investigation.</p> <p>(ii) It was clear to the Commission that certain agencies and officers of both Federal and State Governments had not been diligent in the discharge of their responsibilities. For instance the deployment of officers and men of the NA to carry out the Cordon and Search operations was not properly undertaken. The utter negligence or failure to record and classify casualties resulting from the operations of 12 - 14 December, 2015 by the NA and the conduct of what were considered very shoddy Boards of Inquiry by the GOC 1 Div and the NA Headquarters all leave much to be</p>	<p>Government Notes the recommendation but observes that the Nigerian Army complied with the Rules of Engagement:-</p> <p>(i) by making every reasonable effort to control the situation through measures short of using force , including personal contact and negotiations;</p> <p>(ii) resorted to force only when it became necessary in order to</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>desired. This calls for urgent and independent review of these acts of commission and omission to determine if these were carried out in accordance with relevant Laws and Rules of Engagement.</p> <p>(iii) There is absolute need for determining if any domestic or international legal requirements were ignored or disregarded or the rules of engagement not observed or human rights and laws were violated or international obligations not observed.</p> <p>(iv) Similarly the actions of the Government of Kaduna State and its officials in undertaking the burial in mass grave of 347 dead</p>	<p>protect the lives of soldiers and civilians who were in grave danger; and</p> <p>(iii) the Cordon and Search was carried out in line with the Rules of Engagement and Guidelines to Use of Force stipulated for Operation MESA and other Internal Security Operations.</p> <p>Government Notes the recommendation but observes that Cordon and Search was carried out in line with the Rules of Engagement and Guidelines to Use of Force stipulated for Operation MESA and other Internal Security Operations.</p> <p>Government Rejects the recommendation and observes that its officials complied with</p>	<p>F e d e r a l Government.</p> <p>Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>bodies would need to be assessed to determine whether or not all relevant provisions of Coroners Law of the State were fully complied with. The non-classification of the dead by sex, relative age, types of injuries/causes is an unprofessional void that runs contrary to C and S principle.</p> <p>(v) The demolitions by the State officials of the Gyallesu residence of Zakzaky, the Hussainiyya Shrine, the facilities at Dambo Darul Rahma do not appear to be wholly conducted after following due process. The demolition of the premises at the Jushi cemetery where Zakzaky's mother and sister were buried and the destruction of the Faudiyya did not appear to be justified.</p>	<p>the Burial Law of the State. Section 7 subsection 1 of the Burial Law Cap 20 Laws of Kaduna State Government 1991 requires the burial of persons who die in this type of circumstances within 24 hrs. The Interpretation section of Rule 115 Geneva Convention also states that in circumstances of this nature, dead bodies could be buried in a mass grave</p> <p>Government Rejects the findings because:-</p> <p>(a) The debris at the Hussainiyya Baqiyatillah, the residence of Sheikh Ibraheem El-Zakzaky (Leader of IMN) were removed on the</p>	Kaduna State Government.	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(vi) Oral orders are alright to kick start an operation that is as fluid as the case of the C and S. However, confirmatory orders in writing should follow soonest for intermediate and junior commanders to remain focused. This was not done and should therefore be queried and appropriate reprimand be meted out to guard against it in future.</p>	<p>grounds of Public Health and safety all the IMN buildings that was demolished were constructed without statutory title and building permit as required by the Land Use Act and Section 26 of the KASUPDA Law No.12 of 2015.</p> <p>(b) The said Laws empower the Agency under Sections 46 and 48(2) to demolish any building which did not comply with the aforementioned provisions.</p> <p>Government notes the recommendation and makes reference to chapter iv item v of the third column.</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(vii) The C and S contingents were not adequately provided with junior officer leadership. The lack of this could have led to poor application of the Rules of Engagement, fire control record keeping and rear ward transmission of occurrences, especially when one of the commanders was put out of action from the onset.</p> <p>(viii) Maintenance of records of occurrences during the C and S was poor with respect to classifying the dead, the wounded and the arrested according to areas of operation. This could be traceable to poor officer manpower (junior leadership). The Nigerian Army should address this vital short coming.</p> <p>(ix) The medical record keeping of the casualties i.e. the dead, and treated by the Depot NA Medical Centre was observed to be poor. These details are important and should be imbibed for greater efficiency.</p>	<p>Government Notes the recommendation and makes reference to chapter iv item v of the third column.</p> <p>Government Notes the recommendation and makes reference to chapter iv item v of the third column.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

**CHAPTER TWELVE**

**TOR (K) TO MAKE RECOMMENDATIONS AS TO 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  
(PP 162 - 169 SECTION 12.3.1, 12.3.2, 12.3.3 and 12.3.4 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
12.2	<p>As stated in the opening paragraph, a broad range of findings and recommendations relating to acts of commission or omission are contained in TORs A, B, E and I. They may not need any re-iteration or amplification here. Suffice it to add as follows.</p> <p>There is a definite need, as envisaged under this TOR, for specific and varied actions to be taken by the appropriate agencies along the lines recommended in these TORs. There is also a need to develop and implement policies similarly along the lines recommended. These should be tailored to forestall future occurrences, pre-empt them from happening and, should all these fail to prevent them from happening, design measures to mitigate the fall-outs.</p>	<p>At the risk of recounting or restating some recommendations made earlier in this report in respect of TOR's A, B, E &amp; I above having regard to acts of commission or omission, we propose the following policies to be developed and implemented and actions to be taken to prevent, forestall or pre-empt future occurrences and mitigate the negative consequences of similar clashes should they occur. As pointed out above, policy options distilled from relevant recommendations could be developed and implemented to enable or facilitate such actions.</p> <p><b>ISLAMIC MOVEMENT IN NIGERIA</b></p> <p>(i) A policy of constructive engagement with IMN and similar organizations should be</p>	<p>Government Notes the recommendations and observes that IMN has already been declared as an unlawful society. The</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>Even so, it must be pointed out that most of the recommendations are actionable without much ado while policies can be distilled from many others.</p>	<p>conceived, enunciated and widely disseminated to guide relation with it by all tiers of government, their agencies and non-governmental stakeholders including other religious organizations.</p> <p>(ii) Without any hesitance, government must demonstrate the necessary political will to proscribe the existing IMN as an unregistered and unlawful association. As the example of other Shia organizations, such as disclosed in the testimonies of <i>At-Thaqalayn and Rasul A'azam, Shism</i>, as a religious confession and practice, can be observed and ought to be protected within the boundaries set and permitted by Nigerian Constitution and other laws. To avoid taking such a step would send the wrong signal to other law-abiding organizations and embolden the IMN to continue to defy all constituted authorities.</p> <p>(iii) The IMN maintains an established paramilitary outfit, conducts combat training for the <i>Hurras</i> and holds provocative</p>	<p>State Government will not however, foreclose engagement with any citizen.</p> <p>Government Accepts the recommendation.</p> <p>Government Accepts the recommendation and observes that the Kaduna State</p>	<p>Federal Kaduna State Government.</p> <p>Federal Government and Kaduna State Government.</p>	



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>parades and drills. It deploys the <i>Hurras</i> who regularly mount blockades, harass entire neighborhood and enforce curfews. The State must outlaw all these activities which are contrary to law and bring the IMN and its members into constant conflict with law enforcement agencies, the local residents and innocent by-standers and travellers.</p> <p>(iv) If IMN chooses to comply with existing legal requirements to register as a legal entity, no discriminatory hindrance may be placed in their path. In the spirit of constructive engagement, the state would be encouraged to facilitate any such efforts.</p> <p>(v) The State must enforce its laws diligently to regulate religious observances and practices that encroach on freedoms guaranteed to all. Of particular note are the IMN's Annual <i>Arbaeen Trek</i>, the Quds Day processions and sundry cultural activities it frequently observes in towns and cities.</p>	<p>Government has issued a legal notice dated 7<sup>th</sup> October, 2016 declaring the IMN as an unlawful society.</p> <p>Government Notes the recommendation.</p> <p>Government Notes the recommendation and observes that the IMN has been declared as an unlawful society but will not foreclose engagement with any of its citizens.</p>	<p>F e d e r a l Government and Kaduna S t a t e . Government.</p> <p>Kaduna State. Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>(vi) The law enforcement agencies are obliged to issue the IMN necessary permits, if and when requested, to carry out its activities in an orderly manner. As a complement, the State is obliged to collaborate with the association to provide security cover for such activities</p>	<p>Government Rejects the recommendation on the ground that:</p> <p>(i) There has never been any hurdle stopping the IMN from being registered; and</p> <p>(ii) the Judicial Commission of Inquiry has already recommended the proscription of the IMN.</p>	<p>F e d e r a l Government and Kaduna State Government.</p>	
		<p><b>NIGERIAN ARMY</b> The NA is in urgent need to re-evaluate the content of and the philosophy embedded in its rules of engagement which pertain to its involvement in similar exercises. It is urged to retrain and re-orient its personnel to espouse and internalize the new rules.</p> <p>(i) A policy must be designed or, where it exists, re-evaluated, to insulate the military from being involved in the containment of civil disorders save in extreme circumstances. Even when the</p>	<p>Government Notes the recommendation and observes that the levels of violent crimes and insurgencies in the Country are such that deployment of the NA as envisaged by the Army Act is justified in the present circumstance.</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>need may arise for their co-option, this should be limited to providing support to the Specialized Force being recommended elsewhere in this report.</p> <p>(ii) Both the Kaduna State and Federal Government must establish if any crimes were committed by men and officers of the NA and officials of the State arising from the clashes. Diligent steps must be seen to be taken to hold such persons to account for their actions.</p>	Government Notes the recommendation.	Federal Government and Kaduna State Government.	
		<p><b>KADUNA STATE GOVERNMENT</b></p> <p>(i) The necessary and appropriate political will must be summoned to deal with threats posed by the IMN and similar organizations. The state must be proactive to keep a tab on such threats, take steps to contain and forestall the disruptive activities of the IMN.</p> <p>(ii) While the Commission has taken note that the Kaduna State Government has vowed to act decisively on our</p>	<p>Government Notes the recommendation and observes that steps have already been taken to address such threats.</p> <p>Government Notes the recommendation.</p>	<p>Kaduna State Government.</p> <p>Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>recommendations, we urge the political leadership to keep faith with the undertaking freely made. In particular, we urge the State to implement all actionable recommendations, adopt and implement appropriate policies in a timely and diligent manner to forestall, prevent and otherwise deal with future occurrences.</p> <p>(iii) We urge the State to develop commensurate and appropriate capacities and capabilities for early detection of any signs of trouble which will augur for or trigger timely intervention.</p> <p>(iv) We call upon the State to employ the services of the pervasive and localized services provided by the traditional institutions in intelligence gathering, mediation of potentially explosive local crises and assist in local policing.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna State Government.</p> <p>Kaduna State Government.</p>	
		<p><b>FEDERAL GOVERNMENT OF NIGERIA</b></p> <p>(i) The Commission urges the FGN to summon the necessary</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>and appropriate political will to deal with threats posed by the IMN and similar organizations. The FGN must be proactive to keep a tab on such threats, take steps to contain and forestall their disruptive activities.</p> <p>(ii) It is pertinent to call on FGN to heed the persistent calls made by witnesses who appeared before us to implement in a timely and diligent manner all previous recommendations made to it by similar Commissions. Specifically, we urge the FGN to implement all actionable recommendations, adopt and implement appropriate policies in a timely and diligent manner to forestall, prevent and otherwise deal with future occurrences.</p> <p>(iii) The Commission strongly call upon the FGN to re-assess its diplomatic relations with Iran with</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
		<p>a view to creating an enabling environment and gain a leverage to curtail the external influences on the activities of the IMN.</p> <p>(iv) The Commission calls the attention of the FGN to revisit the trial of all persons connected with the illegal importation of weapons into Nigeria by agents of the Iranian Revolutionary Guards, the Lebanese Hezbollah and local allies. The FGN should also conclude or reevaluate investigations carried out in connection with the discovery of a cache of assorted weapons in Kano.</p> <p>(v) The Commission encourages the FGN to partner with Kaduna and other State governments to achieve the goals stated in the recommendations made above.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	

**CHAPTER THIRTEEN**

**TOR (L) TO RECOMMEND ANY MATTER FOR PROSECUTION, FURTHER INVESTIGATION  
OR THE CONVENING OF A SEPARATE INQUIRY TO THE APPROPRIATE LAW ENFORCEMENT  
AGENCY, GOVERNMENT DEPARTMENT OR PROSECUTOR REGARDING THE CONDUCT  
OF A CERTAIN PERSON OR PERSONS  
(PP 170 - 176 SECTION 6.3 OF THE COMMISSION REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
13.2.1	<p><b>ISLAMIC MOVEMENT IN NIGERIA (IMN)</b></p> <p>It is evident from a review of the various observations and findings made by reference to this TOR and in the absence of any contrary views or explanations offered by IMN, the Commission was unable to verify many claims, assertions and allegations pertaining to:</p> <p>(i) Certain acts of commission and omission committed by IMN against agencies and individuals,</p> <p>(ii) The phenomenal growth and spread of the IMN in membership, its financial base and its reported paramilitary posture and violent disposition;</p>	<p><b>ISLAMIC MOVEMENT IN NIGERIA (IMN)</b></p> <p>1. The Commission strongly recommends that the appropriate agencies of the Federal Government should institute a high-powered Inter-agency Committee to carry out further investigations with a view to verifying the foregoing claims, suggestions, confidential briefings gleaned from informal contacts with stakeholders and made in testimonies before it but which it lacks the capacity to verify. It should be pointed out that, despite the Commission's best efforts, the appropriate law enforcement and security agencies were unwilling or</p>	Government Notes the recommendation.	F e d e r a l Government.	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>(iii) The IMN's reported possession of "weapons" which may have been concealed;</p> <p>(iv) The IMN's proclaimed rebellious stance, as irrevocably enunciated in the Funtua Declaration and amplified in the inciting posture by the wife of the IMN leader;</p> <p>(v) The IMN's total rejection of the Nigerian Constitution which stance is manifested in its rejection and disregard of all constituted authorities and demonstrated by the widespread defiant acts of its members and refusal to submit to agencies and constituted authorities invested with State power;</p> <p>(vi) The perceived close association of IMN with the Iranian government, the Hezbollah organization and</p>	<p>unable to vouch or divulge any relevant information in their possession due to constraints imposed by concerns to protect State secret, classifications, diplomatic protocols etc.</p> <p>2. The Commission recommends that the FG should urgently revisit or conclude investigations into the matter of the importation of arms, the discovery of a cache of weapons in Kano and the trial of persons connected to these matters.</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p>	



S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>local members of Lebanese communities and their businesses;</p> <p>(vii) The IMN's source of internal and external funding and other support;</p> <p>(viii) The outcome of investigations and trial of persons connected with the reported importation of assorted weapons discovered in several containers and cache of what was described as an "armoury" stored in a house in Kano;</p>				
13.3.1	<p><b>NIGERIAN ARMY</b> The Commission has observed that the NA has not been forthcoming in its testimonies in relation to:</p> <p>1. The dissemination and observance of its own rules of engagement and the palpable failure to follow international best practices in conducting internal security operations;</p> <p>2. The way and manner it took the decision to conduct the C&amp;S and how it was carried out;</p>	<p><b>NIGERIAN ARMY (NA)</b> The FG should establish a high powered and independent body and vest it with appropriate mandate to:</p> <p>(a) conduct a thorough investigation into the circumstances surrounding the June 2014 and December 2015 NA clashes with the IMN;</p> <p>(b) re-assess the necessity and circumstances for the deployment of the NA to quell civil</p>			

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>3. How it handled the identification and documentation of casualties suffered by the IMN;</p> <p>4. The cavalier and seemingly unprofessional way both the GOC 1 Div and NA Headquarters conducted their boards of inquiry to investigate the clashes of 12-14 December 2015;</p> <p>5. The removal and destruction of all material evidence of what happened at Gyallesu, Hussainiyya and Dambo where most casualties occurred.</p> <p>6. The various roles that the NA and its men and officers played in handling the dead bodies, being casualties of the clashes, which resulted in their burial in a mass grave.</p>	<p>disturbances, riots and civil disorders;</p> <p>(c) review the adequacy of the existing rules of engagement pertaining to internal security operations and bring them into conformity with constitutional stipulations and in accord with democratic norms and humanitarian best practices; and</p> <p>(d) review the reports of the boards of inquiry referred to above and determine matters associated with foregoing observations and findings with a view to assigning individual responsibility and to make any other recommendations deemed appropriate and necessary.</p>	Government Notes the recommendation.	Federal Government.	
13.4.	<p><b>NIGERIA POLICE, SSS AND OTHER LAW ENFORCEMENT/ SECURITY AGENCIES</b></p> <p>The Commission has observed that there was a seeming lack of synergy in the way and manner various law</p>	(a) An inter-agency body be commissioned to audit existing protocols which guide the cooperative and collaborative work of all law enforcement and security agencies with a view to making	Government Notes the recommendation.	Federal Government.	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>enforcement and security agencies shared information or worked together or operated when confronted by events such as have occurred in the December 12 - 14, 2015 clashes. The Commission has also experienced an attitude bordering on lack of sufficient concern on the part of these agencies having regard to responses it received from some of them to specific requests made.</p>	<p>them more efficient, responsive and up to date.</p> <p>b. A review of existing laws and regulations which have imposed constraints on officers when it comes to information sharing. Without prejudice to safeguarding State Secret, a balance must be found to facilitate confidential exchanges of information on a need to know basis and subject to any restrictions deemed desirable.</p> <p>c. There is need for a review of existing protocols for the procurement, processing and sharing of intelligence among these agencies to make it more efficient and timely.</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p> <p>F e d e r a l Government.</p>	
13.5	<p><b>FEDERAL GOVERNMENT/ KADUNA STATE GOVERNMENT – FEDERAL AND STATE MINISTRIES OF JUSTICE</b></p> <p>The testimony before the Commission has revealed that the Kaduna State Government has caused to be arraigned several IMN members before the High Court of Justice. They are being tried for the</p>	<p>In all fairness, the Commission would strongly recommend as follows:</p> <p>1. An independent review of the roles both members of the NA and IMN played during the clashes must be carried out to determine whether there are circumstances to warrant the prosecution of</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>role they have played during the clashes. Despite the disproportionate casualties its members have suffered as a result of clashes presumably as a consequence of the cordon and Search operations carried out by the NA, it would seem strange that not a single man or officer of the NA has been considered a suspect for their own roles during the clashes.</p>	<p>persons found to have acted unlawfully or resorted to excessive and disproportionate force during the clashes.</p> <p>2. A timely prosecution of all persons found implicated by such a review.</p>	<p>Government Notes the recommendation.</p>	<p>F e d e r a l Government.</p>	

## CHAPTER FOURTEEN

**TOR (M) TO INVESTIGATE ANY OTHER MATTER INCIDENTAL OR RELEVANT TO THESE TERMS OF INQUIRY WHICH, IN THE COMMISSION'S VIEW, SHOULD BE INVESTIGATED AND MAKE ANY OTHER PERTINENT RECOMMENDATIONS THAT IT DEEMS NECESSARY FOR THE PURPOSE (PP 177 - 179 SECTION 14.3 OF THE COMMISSION'S REPORT)**

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
14.2	<p>There are various stakeholders in society who have significant roles to play to forestall future occurrence and manage some of the crises before they get out of hand. For instance, the recurrent intra-sect conflicts have often arisen between IMN members and <i>Darika</i> followers due to failure of or non-official support to local efforts and initiatives aside from IMN's reproachable and provocative conduct of seizures and appropriation of mosques not belonging to them. Similarly, not sufficient attention would appear to be accorded by the State apparatus and agencies to the crucial role played by traditional institutions in handling such situations. The phenomena of IMN activities and its ever-present menace, as experienced in Zaria, in particular, and Kaduna State, in general, is replicated in many other towns, cities and localities in the North. The</p>	<p>1. Governments, at all levels, must consciously encourage, facilitate and empower traditional authorities, other religious organizations and civil society groups to design and implement mechanisms and early warning and proactive steps to contain incidents and prevent escalations.</p> <p>2. Such mechanisms and steps must espouse constructive engagement by the State and between or among groups.</p>	<p>Government Notes the recommendation and Kaduna State Government is implementing the Ameer B/Gwari Report. <i>“The Committee on the Revival of Roles of the Traditional Institutions in Monitoring the Movement and Activities of Subjects and Enhancement of Security in Kaduna State.”</i></p> <p>Government Notes the recommendation.</p>	<p>F e d e r a l Government and Kaduna State Government.</p> <p>F e d e r a l Government and Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>alleged abduction of children in Bununu, Dass, Bauchi in Bauchi and Kano States destined for Gyallesu to be trained as <i>Hurras</i>, the arson murder of an innocent traveller in Bakori, Katsina State by IMN members during its annual trek to Hussainiyya (<i>Tattaki</i>), the brutal murder by IMN members of Danmaishiyya in Sokoto, Sokoto State, the forceful seizure of a mosque in Rogo, Kano State etc, incidents which were brought to the attention of the Commission, all indicate to the pervasive nature of IMN presence and is a latent incubator for potential and multiple conflicts with the affected communities and law enforcement agencies. Except for the rare cases of the apprehension and prosecution of suspects in Sokoto, the attitude and responses of law enforcement agencies to unlawful and disruptive assemblies by and illegal activities of IMN in other parts of the country has reportedly been of lack of diligence, unconcern and neglect to check such excesses or bring suspects to account. Consequently, the Commission</p>	<p>3. While the State must be firm in law enforcement, it must also be creative in encouraging groups to adopt measures for internal regulation of religious and social activities that disrupt public order and peace.</p> <p>4. Governments at all levels, including the traditional institutions, must make conscious efforts to encourage religious groups to adopt their own internal norms and regulations which will augur for mutual respect, inter-religious and intra-sect harmony.</p> <p>5. The Government of Kaduna State should share all relevant recommendations with and get the</p>	<p>Government Notes the recommendation.</p> <p>Government Notes the recommendation and observes that it has emplaced measures towards the peaceful and harmonious co-existence in the State such as:-  (i) Consultative Committee on Inter-Religious Harmony.  (ii) the Establishment of the Bureau of Inter-faith Matters.  (iii) Peace and Security Committee at the Local Government levels.</p> <p>Government Notes the recommendation and undertakes to</p>	<p>F e d e r a l Government and Kaduna State Government.</p> <p>F e d e r a l Government and Kaduna State Government.</p> <p>Secretary to the State Government.</p> <p>Kaduna State Government.</p>	

S/N	FINDINGS/OBSERVATIONS	RECOMMENDATION BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	wishes to draw attention to the relevance of all pertinent recommendations made in this to be applicable to other communities.	Governors of Northern States to buy into these and implement them. In particular, there is need for collaborative efforts by all the States to monitor and regulate the very disruptive annual trek by the IMN.	share the Report of the Committee and the White Paper with members of the Nigerian Governors Forum.		

**CHAPTER FIFTEEN**

**GENERAL RECOMMENDATIONS, OBSERVATIONS AND CONCLUSIONS  
(PP 180 - 192 SECTION 15.2 OF THE COMMISSION'S REPORT)**

S/N	RECOMMENDATIONS BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
15.2	<p><b>GENERAL RECOMMENDATIONS / OBSERVATIONS AND CONCLUSION</b></p> <p><b>Employment</b></p> <p>One of the general views that came to our attention was that most of those who participated in this particular set of clashes and also in other previous sectarian crises were young, mostly unemployed and idle people. The problem of youth unemployment in Nigeria is very acute and is becoming a social time-bomb. Some of these unemployed youth, young men in particular, are graduates of tertiary institutions. By starting with the problem of unemployment, we are not suggesting that it is the responsibility of governments to employ people. We are referring to the low capability of the economy to generate jobs, which should be a matter of public concern. Many of the memoranda and presentations we received stressed the imperative of governments doing more to stimulate the economy so that more jobs could be created to absorb the large stratum of unemployed youth in our society. This will take them off the streets and keep them busy and useful to the society.</p>	Government Notes the recommendation.	Federal and Kaduna State Governments.	



S/N	RECOMMENDATIONS BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
15.3	<p><b>Responsibility of Parents to their Children</b></p> <p>According to the Federal Government (2014), there are 10.5 million children of primary school age who are out of school. Most of them are in Northern Nigeria and attend “<i>Makarantar Allo</i>”/Qur’anic schools away from their parents and engage in begging to survive. A good number of them are just neglected children who do not even attend any school at all. They, therefore, all grow up with little or no preparation for future independent life. This group of persons popularly called ‘<i>Almajirai</i>’ is another ‘time-bomb’ for the near future because they will reach their adolescence without any knowledge of any skill. It is a serious submission that Government should find the ways and means of re-orienting all parents in both the urban and rural areas on their responsibilities to their children, and discourage parents from giving away their children (particularly the boys) to marauding Mallams without any concrete arrangements for monitoring them. The efforts of the State Government to integrate the <i>Islamiyya education</i> and/or <i>Almajiri</i> system with the conventional system of education are considered commendable and should be sustained.</p>	<p>Government Notes this Recommendation and observes that the Child Right's Act which is being domesticated has addressed these concerns.</p>	<p>F e d e r a l G o v e r n m e n t a n d K a d u n a S t a t e G o v e r n m e n t.</p>	
15.4	<p><b>Enhancing Citizenship</b></p> <p>Building a political culture of good citizenship is important to the Nigerian project. Nigerians need to be oriented through civic training to play their roles as citizens committed to peaceful inter-communal relations, nation building and democratic values. In</p>	<p>Government Notes the recommendation as Civics Education has become part of the National Curriculum.</p>	<p>F e d e r a l G o v e r n m e n t a n d K a d u n a S t a t e G o v e r n m e n t.</p>	

S/N	RECOMMENDATIONS BY COMMISSION	GOVERNMENT DECISION (S)	ACTION BY	REMARKS
	<p>this regard, key stakeholders such as political parties; religious groups, students, communities and businesses need to be exposed to civic training for good citizenship.</p>			
15.5	<p><b>Implementation of Reports of Commissions of Inquiry</b>  The Commission noted the unfortunate trend of successive governments not implementing reports of various Commissions of inquiry that have been established. So many excellent recommendations have been made in the past about how to address specific problems generated by crisis but they have not been implemented with the necessary diligence required. It is the sincere hope of this Commission that our findings and recommendations should be considered and implemented fully and diligently.</p>	<p>Government Notes the recommendation and observes that the State Government is committed to the implementation of the decisions arising from these reports.</p>	<p>F e d e r a l  Government  and Kaduna  S t a t e  Government.</p>	
15.6	<p><b>The Role of Traditional Institutions</b>  Traditional Institutions are the closest authority to the grassroots but their roles and functions need to be re-examined to make them more proactive in ensuring the peace and the tranquility in their areas. They should be the eyes and ears in their communities who monitor the situation and draw the attention of other relevant authorities with the mandate to act to maintain the peace, prevent violence and maintain social harmony. In this</p>	<p>Government Notes the recommendation and observes that:</p> <p>(i) the Kaduna State Vigilance Service has been inaugurated with a view to complementing the effort of Security Agencies towards protecting the life of the citizenry;</p>	<p>Kaduna State  Government.</p>	

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	<p>regard, there should be reflections and a policy development initiative on how to enhance the role of traditional institutions in contemporary Nigeria.</p>	<p>(ii) the Committee on the Revival of Roles of the Traditional Institutions in Monitoring the Movement and Activities</p>		
<p><b>15.7</b></p>	<p><b>Proliferation of Small Arms and Light Weapons</b>  There is an unprecedented level of the proliferation of small and light weapons in the country. Following the emergence and growth of the insurgency in the North-East and the re-emergence of militancy in the Niger Delta, high calibre weapons are being imported and used by non-State actors. The result is the spread of violence and the breakdown of social cohesion in the country. This Commission therefore, recommends strongly, that both Federal and State Governments must take urgent steps to address this problem of widespread and unlawful possession and use of firearms to stem the tide of violence and mutual hostilities among sectarian groups and ethnic communities. In specific terms it is further recommended that all sources of illegal weapons should be traced and their proliferation checked. In addition, Government should endeavour to prevent access of non-authorized persons to military, paramilitary and police fatigues and uniforms.</p>	<p>Government Notes the recommendation as the State Government has concluded arrangements to commence implementation of a Disarmament Programme.</p>	<p>F e d e r a l  Government  and Kaduna  S t a t e  Government.</p>	

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15.8  15.9	<p><b>GENERAL OBSERVATIONS AND CONCLUSIONS</b></p> <p><b>The State of the Nation</b>  The State of the Nigerian State has become a serious issue of concern because until the emergence of the Buhari Administration, essentially the process of governance had virtually collapsed. It appeared as if the traditional task of running the State was no longer a priority concern for the occupants of the offices that embody State power. The tenants of such offices appeared to have disengaged from the process of running the State. The principal work they were engaged in was the process of mega looting. We believe that the time has come for the Government and people of Nigeria to place State building at the centre of the National Agenda.  Without being pedantic, it is useful to remind ourselves that the State as we know it does three things. First, it extracts resources from citizens through various forms of taxation. This assumes that the State knows all those who reside in its territory and is able to track them and make them fulfil their fiduciary obligations. Many within the younger generation will be surprised to learn that there was a time when the Nigerian State tracked and monitored each adult to ensure they pay their tax. They also tracked each nomad and made them pay tax, <i>Jangali</i> as it was called, on every cow they own. In addition, people were made to produce cash crops – cocoa, palm oil and groundnuts, and State institutions called</p>	<p>Government Notes the recommendation and observes that it is in line with the State Development Plans (SDP) 2016 - 2020.</p>	<p>F e d e r a l  Government  and Kaduna  S t a t e  Government.</p>	

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	<p>Marketing Boards bought the produce cheaply, sold it abroad and put the profit in State coffers using it for national development. The whole structure of “Native Administration” from the ward head to First Class Emir, Oba and Obi was moulded into an efficient system of monitoring, tracking and extracting taxes from people. That was the State that we inherited from the colonial powers.</p> <p>The second role the State plays is that of using the resources it has extracted from residents and citizens to provide public goods such as security, social services and infrastructure for the welfare of inhabitants. There were demands and pressure on the State to deliver because citizens have paid their taxes and expect their resources to be used for their benefit. The available resources were not very much but they were used more effectively to deliver public goods. There was corruption but the percentage was low. There was a time when stealing 10% of a project allocation was considered a terrible thing. The situation in the country reached a stage where billions could simply be picked from the Central Bank or the NNPC account without even pretending it was for the purpose of official engagement.</p> <p>Historically, the core problem with the Nigerian State was that with the oil boom, which came to be known by its real name of oil doom, became a threat to the continued existence of the State. Those who ran the State and society lost touch with the</p>			

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	<p>fundamentals of Statecraft. The State was getting enormous inflows from petroleum rent and did not need the people any more. The immediate result was the loss of the tradition and know-how of monitoring the people and extracting resources from them. Agriculture lost its significance. Former Head of State General Gowon could even say that our problem was not money but how to spend it. We ran from the Gambia to Jamaica looking for small nations to give money to. We neglected agricultural production and started massive imports of rice, flour, frozen Argentinian beef and what Nigerians call mortuary fish. To crown it all, we became the top importer and consumer of champagne in the world. We thought we had become a great nation not knowing we had lost our State, our Nation, our country. It was in that context that we lost the path to national development.</p> <p>The third role the State plays in society is that of regulation, making laws for the good governance of the country and sanctioning those who breach the laws through the judiciary and law enforcement agencies. Thanks to thirty years of military rule, interjected with equally bad civilian rule, the objective of our laws became reduced to its repressive elements. The governing classes systematically engaged in reckless law breaking practices and the people followed in copying them. Increasingly, no one was ready to obey the law and gradually, the State itself lost the capacity to enforce the law. It was in this context that the imperative of rebuilding the State arose regularly in our deliberations.</p>			

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	<p>One of the key principles of democracy is that those who govern are regularly held accountable to the citizens on whose behalf they exercise power. Accountability is the processes and procedures through which citizens and those who exercise responsibility on their behalf engage the process of assessing and enforcing governance. In constitutional democracies, the accountability of those who hold office to the citizenry is based on the mandate given by the electors to those they elect to parliament or to the executive branch of government. Citizens have the right to withdraw the mandate by not re-electing the person or recalling the person from office when they feel dissatisfied with the account rendered. For public office holders to be held accountable, citizens must know what they are doing. It is for this reason that accountability can only happen when there is transparency of governance processes. Transparency and accountability therefore go together and are mutually reinforcing. They enable citizens to have a say about issues that matter to them and a chance to influence decision-making and hold those making decisions to account. Public officials therefore must perform their tasks in ways that are visible and can be cross-checked by citizens. Accountability implies that public officials are answerable for their actions and that there is redress when duties and commitments are not met. Accountability requires that standards for expected behaviour be set for those exercising authority so that they can be assessed and judged. Secondly, there must be</p>			

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	<p>means of checking that actions taken by those who exercise power meet the standards set. Finally, citizens must have the means and capacity to sanction those who do not meet the standards of good governance that have been set.</p> <p>Since the return to democratic rule in 1999, a number of dangerous trends have emerged that reveal we have not been on course to reducing poverty. The first is that while we succeeded in sustaining a growth rate of over 5% between 1999 and 2014, the incidence of poverty however grew over the period from 54% to 69% of the population. The gap between the rich and the poor has been widening and the number of very poor persons has been growing. Secondly, according to statistics from the National Bureau of Statistics, there is significant spatial differentiation in Nigeria's poverty profile with the North lagging behind the South. Sokoto State has remained the poorest State in the country with an 81.2% poverty rate. Other Northern States have the following poverty rates; Katsina, 74.5%; Adamawa, 74.2%; Gombe, 74.2%; Jigawa, 74.1%; Plateau, 74.1%; Ebonyi, 73.6%; Bauchi, 73%; Kebbi, 72% and Zamfara, 70.8%. The State with the lowest poverty rate was Niger with 33.8%, followed by Osun with 37.9% and Ondo with 45.7%. Others include Bayelsa State with 47% and Lagos State, 48.6%. The</p>			



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	<p>average poverty rate of the States in the North West geopolitical zone remained the highest at 71.4% followed by North East 69.1% and North Central, 60.7%. The record showed that poverty was least prevalent in the South West, with an average of 49.8%, followed by South-South, 55.5% and South East, 59.5%. Our development agenda must therefore address both the growing incidence of poverty and the significant spatial differentiation in its distribution. The problems of insurgencies, rural banditry and violent inter-communal conflicts in Northern Nigeria are not unconnected with these growing inequalities.</p> <p>Whilst Nigeria continues to grapple with economic crisis, the population growth rate continues to soar and to change in composition. The population of young people between ages 15-34 years has increased markedly as a proportion of total adult population (15 years) creating a huge youth bulge. Of particular concern to Nigeria is the age distribution ratio. There are a higher proportion of young adults as a ratio of total adult population. Achieving our goals of national cohesion and development is dependent upon Nigeria prioritising its demographic transition. This means that we must transform the population from one characterized by short lives and large families to one with long lives and small families. We cannot achieve our objectives if we</p>			

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	<p>maintain our current rapid population growth, which gives us an unusually large proportion of children and adolescent dependants, and a relative dearth of working age adults per dependant. We know that young people, (particularly aged between 15-29), to be a historically volatile population that produce an increased possibility of violence in countries with low and declining capacity to educate them and provide them means of livelihood. We must therefore promote policies that will regulate a population growth rate and provide jobs for the youth.</p> <p>The other dimension of our population dynamics is that Nigeria has become a country of internal migrants and settlers with a considerable part of the population settled and engaged in economic activities in parts of the country where they are considered to be non-indigenes. This process cannot be reversed and it is imperative that as part of our strategy for economic growth and progress, we abandon the settler/indigene divide. It is estimated that almost 50% of the people in Nigeria had moved from rural to urban settlements in the post- independence period. When we factor in the pre-colonial migration patterns to current trends, it becomes clear that the great majority of Nigerians are settlers, not indigenes of the places in which they live and work and as we cannot reverse this process, we must incorporate indignity for all Nigerians in all localities as part of our National Vision.</p>			

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15.10	<p><b>On the Challenge of Security</b></p> <p>In his definition of the State, Max Weber points out that the first rule is that the State must have the monopoly of the legitimate use of violence in society. We find ourselves in a situation in Nigeria in which private citizens have access to vast arsenals and use it against citizens and against security forces while for their part, security forces use their own arms in an illegitimate manner killing and maiming citizens in an extra-judicial manner. We know that there is no State in the world where you do not have illegal arms in the hands of private citizens but when the quantum of such arms goes beyond a certain level and such private armies are able to attack security forces at will and the response of the security forces is to turn on ordinary citizens, then the State is in question. Regrettably, this is the picture that characterised the clash between the NA and the IMN in Zaria between the 12<sup>th</sup> and 14<sup>th</sup> of December, 2015.</p> <p>Our Constitution defines the purpose of the State as the protection of the security of Nigerians and the pursuit of their welfare. Nigerians however know that they have to pay for their own security guards and even the bulk of the Nigerian Police personnel are used to provide security, not for the people, but for individuals who can afford to pay for their services. Nigerian citizens are forced to provide their own electricity with millions of generators they purchase to power their houses and pollute the atmosphere. Nigerians go to the stream to fetch water or buy it from water vendors. The water is not potable and</p>			

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	<p>poisons families through water borne diseases. The elite is able to pay for personal boreholes in their houses and the result is that they wipe out underground water sources for future generations while surface water is not captured and treated but is left to flow into the sea. Of course health and education have largely been private and the State is completely disdainful of Chapter Two of our Constitution that directs it to provide for the welfare of citizens. The summary is the complete lack of accountability.</p> <p>Section 15(5) of our Constitution stipulates that: “the State shall abolish all corrupt practices and abuse of power.” What does this mean in a context in which those in control of State power use it to organise corruption. The State is supposed to be the guarantor of the rule of law and the equality of all citizens. Yet, we know that in Nigerian prisons today, there are thousands of people who are in jail because they have stolen a chicken or a goat. They are in jail because they have committed a crime against the State. Although their theft was petty and most likely due to extreme poverty, they must suffer the punishment because they have committed a crime against the State. The paradox however is that those who steal in billions were for a long time protected by the same State. The current concerted effort by the Federal Government to track and</p>			

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	<p>punish all those engaged in mega corruption is a very good step in the direction of rebuilding the State.</p> <p>There is a significant rise and expansion of sectarian conflicts, along ethnic, religious and communal lines in the country today. The recent expansion of violence by insurgent groups, particularly Boko Haram, leading to the killing of thousands of people has been particularly unsettling. The spate of killings relating to rural banditry and cattle rustling in Central and North Western parts of the country is undermining national cohesion as it spreads to other parts of the country. Even our cherished Federal character principle, which was invented to promote inclusive governance has been largely diverted and has been used to discriminate against millions of Nigerian citizens labelled as settlers. Many States in central Nigeria such as Plateau, Kaduna, Benue and Nassarawa are at the epicentre of this phenomenon and have become killings fields. An element of this is linked to cattle rustling and violent clashes between pastoralists and farmers, which are becoming endemic. Thirdly, the militancy in the oil producing Niger Delta, which had calmed down since 2007 has flared up again, this time with even more vengeance than was the case</p>			

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	<p>previously. The energy and arms of the militants are now directed at economic sabotage through oil theft and destruction of infrastructure. It is clear that Nigeria is facing State crisis.</p> <p>There is no doubt that the principal factor that led to this dismal security situation is corruption. The investigation going on over the \$2.1 billion arms deal presents a very glaring evidence of this fact. It is distressing to note that the security situation in the country kept degenerating even when governments at both Federal and States levels claimed to be putting it as a matter of top priority and purportedly also dedicating special huge allocation to it that is not even accountable. Rather than getting hope, Nigerians only kept on moving from one level of agony to the other. As the allocations for security increased so did the agony.</p> <p>The Commission took its time to review the security challenges facing the Country in these details to underscore two important things which government should take note of. First, that failure of the government and its security agencies and apparatuses in being sensitive, proactive and responsive to security challenges is fundamental reason behind the emergence of defiant groups like</p>			

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	<p>the IMN, Niger Delta Militants and very vicious insurgent groups like Boko Haram. Similarly, the same failure is responsible for the increase in sectarian conflicts across the country both in terms of frequency and magnitude. It was in this context that the Commission drew attention above to the implications of not implementing the recommendations of successive Commissions of Inquiry. It is this type of leadership failure that led to the kind of unfortunate incident investigated and reported here. The Commission thus, implores the Kaduna State and indeed the Federal Government to take these findings and recommendations with the seriousness required.</p> <p>On a final note, the members of this Judicial Commission of Inquiry into the clashes between the Nigerian Army and the Islamic Movement in Nigeria feel privileged and honored to be invited to serve. It has been an opportunity for us to learn a lot and reflect on the series of problems affecting the country and the path towards redress. We are all most grateful to the Governor of Kaduna State for the opportunity.</p>	Government Notes the Appreciation.	Kaduna State Government.	