



# General Assembly

Distr.: General  
30 September 2016

English only

---

## Human Rights Council

Thirty-third session

Agenda item 4

Human rights situations that require the Council's attention

### **Written statement\* submitted by the Agence pour les droits de l'homme, a non-governmental organization in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[26 September 2016]

---

\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-16913(E)



\* 1 6 1 6 9 1 3 \*

Please recycle



## Legal Report addressing Shia minority civil rights violations in Nigeria

On Saturday, December 12, 2015, Nigerian army attacked Nigerian Shiites religious site and then the house of the minority leader, Sheikh Zakzaky, killing lots of them and capturing their leader. All this while in the world's media blackout, still accurate statistics of the dead and the prisoners has not been released. In the current report with the assistance of the victims in Zaria, attempts have been made that the questions and possible ambiguities of the international community and human rights defenders about the Zaria incident to be answered:

- a. What happened at Zaria, Kaduna state on Saturday, December 12, 2015?
- b. Whether the actions taken are considered a human rights violation or not?
- c. If yes, which one of the instances of human rights have been violated in this case?

### a. Zaria December 12, 2015 Chronicle:

In Zaria, the Nigerian army carried out attacks over the course of 12-14 December 2015 at:

- a. The Hussainiyah and religious center;
- b. The home of the IMN leader Sheikh Ibrahim Al-Zakzaky;
- c. The group's burial ground of Darur-Rahma; and
- d. The home and burial place of Hajiya Saliha Muhammad, Sheikh Zakzaky's late mother.

Eyewitness accounts confirm that on the morning of Saturday 12th December 2015, soldiers were stationed opposite the Hussainiyah Baqiyatullah. They shot in the air initially and later at people without provocation. The soldiers cordoned off the Hussainiyah preventing the injured inside the center from coming out to seek medical help. As a result many of those with serious gunshot wounds died. The army later killed the majority of those who had sought refuge in the Hussainiyah, including the injured, women and children when it invaded and destroyed the complex.

While the Nigerian army was undertaking its killing spree at the Hussainiyah on that fateful Saturday, another contingent of the Nigerian Army, in about nine trucks carrying heavy arms and ammunition, cordoned off Gyellesu neighborhood where the leader of IMN, Sheikh Ibrahim Zakzaky resides, some five kilometers away from the Hussainiyah. They started killing unarmed civilians indiscriminately through the day and throughout the course of the night.

At least 1000 civilians are estimated to have been killed and hundreds more injured as a result of the military attacks over the two days. In addition, reports show that the soldiers quickly buried the corpses of those killed in mass graves without the knowledge or permission of family members, with the aim of impeding an accurate count of the dead.

### b. Are the actions taken by Nigerian army considered a human rights violation? Whether it can be considered self-defense?

Until now, according to officials in Nigeria, the only Nigerian military pretext to get rid of the liability arising from the violation of human rights in the killing of Shiites in the country has been appealing to the principle of self-defense.

Nigerian military spokesman has announced the cause of the attack as "attempt of Nigerian Islamic Movement's supporters to assassinate the Chief of Army Staff (hereafter referred to as COAS) in the region Zaria" which because of following 5 reasons, such a claim is invalid:

1. How on earth is it possible that people who have no weapons assassinate a person who has the most numerous and most powerful security team in Nigeria? Let alone that while all were performing their religious ceremonies in a crowded place! If the Shiites were armed, they would have defended themselves in the face of the attack against them. However, even not a single person has injured from the army in the attack.
2. Even if we accept the military's claim, assuming the proof of the Shiites attack and their attempt to assassinate the COAS, there is no coincidence between attack and defense. For the so-called attack on Shiites as the Nigerian military defense occurred when they were preparing for arrangements of their religious ceremonies, not attacks and assassinations against military.

3. In addition, non-utilization of the risk which is necessary for self-defense does not exist in this midst. For the claimed attack, whatever was, had already been buried and at the time of military invasion, the COAS had been in full health.
4. The appropriateness of the defense and risk which is also necessary for self-defense is ruled out in this midst. For this and according to the statements of the army spokesman, Shiites action was "assassination attempt" and until December 12, there has been no assassination. While on the other side, the army has attacked the women and children with bullets and mortars.
5. In accordance with the principle of legality of penalties and criminal trial, any private prosecution and arbitrary punishment without trial by a competent court and according to the law is forbidden.

Reviewing the history of Shiites in Nigeria shows they have had no illegal or armed movement against Nigerian military and government officials. Even in the events of Nigeria 1996 where the country's Shiites were claimed to be armed, home of Sheikh Zakzaky was searched and the only weapon that was found was the kitchen knife of his home.

**c. In December 12, 2015 Zaria events, which one of the instances of human rights have been violated?**

During Zaria incident, the human rights such as the right to life, the right to human dignity, the right to housing untouchability, the right to freedom of assembly and the right to judicial security has been violated and such claim is undeniable.

**The right to life:** according this right, it is forbidden to kill any person without a license. Accordingly, the right to life has been mentioned in Article 3 of the Universal Declaration of Human Rights, the Paragraph 11 of Article 6 of the International Covenant on Civil and Political Rights and Article 4 of the African Charter on Human Rights.

**The right to human dignity:** undoubtedly, piling up the corpses of the dead on each other and carrying them by truck a day and a half after the event on one hand and insulting and desecration of Nigerian Shiites leader, Sheikh Zakzaky on the other hand are instances of infringement of the right of the prohibition of inhuman and degrading treatment. In this regard, Article 5 of the Universal Declaration of Human Rights, Article 7 of the International Covenant on Civil and Political Rights and Article 5 of the African Charter on Human Rights have prohibited the governments from imposing cruel, inhuman or degrading (humiliating) treatment.

**The right to housing untouchability:** This right which means to respect every person's house and to ban public officials and private individuals entering the person's house in contrast to his desire and out of the cases envisaged by the law and to observe legal formalities, has been clearly violated by army's twice attacking the home of Sheikh Zakzaky and killing his bodyguards. Such right has been mentioned in Article 12 of the Universal Declaration of Human Rights and Article 17 of the International Covenant on Civil and Political Rights.

**The right to freedom of assembly:** Nigerian army has violated Zaria religious minority's right to freedom of peaceful assembly who were performing their religious ceremonies by firing mortar bombs and targeting the peaceful assembly. In this attack, the army shot down even the children and women in religious gathering. (Names and Pictures of some enclosed) Articles 18, 19, and 20 of the Universal Declaration of Human Rights, Articles 18, 19, and 21 of the International Covenant on Civil and Political Rights and Article 10 of the African Charter on Human Rights have clarified this right.

**The right to judicial security:** This right which means immunity from arrest and arbitrary and illegal detention, has been trampled with the arrest of Sheikh Zakzaky and his detention up to now. Article 13 of the Universal Declaration of Human Rights, Article 9 of the International Covenant on Civil and Political Rights and Article 6 of the African Charter on Human Rights have dealt with this right.

In the end, due to the high level of Zaria crime which is instances of crime against humanity, we ask the human rights organizations, the international community, the relevant committees of the United Nations particularly High Commissioner for Human Rights to seriously put the mentioned case on the agenda and follow the necessary steps for supporting the families of victims and the release of detainees especially the religious minority leader, Sheikh Zakzaky who is currently being held in prison. Human Rights Agency expects that human rights violators in Zaria get their punishment without any bias.