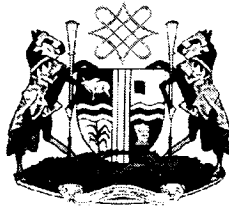


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**REPORT OF
THE JUDICIAL COMMISSION OF
INQUIRY INTO THE CLASHES
BETWEEN THE ISLAMIC MOVEMENT
IN NIGERIA (IMN) AND THE NIGERIAN
ARMY (NA) IN ZARIA, KADUNA STATE
BETWEEN SATURDAY 12TH AND
MONDAY 14TH DECEMBER 2015.**

JULY, 2016

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EXECUTIVE SUMMARY

In December 12th to 14th 2015, hundreds of people were killed in Zaria following clashes between the Nigerian Army (NA) and the Islamic Movement in Nigeria (IMN). The location known as PZ junction is in the city centre on the strategic public highway, which links Zaria with surrounding cities. The IMN, a religious movement with a large following all over Northern Nigeria and other parts of the country was conducting a "hoisting of flag ceremony" at their national headquarters in Zaria called *Hussainiyya Baqiyyatillah*. A large crowd of IMN members were controlling the traffic on that very busy highway and had set up a road block just as the convoy of the Chief of Army Staff (COAS), was coming from Dutse, Jigawa State to attend the Passing out Parade (PoP) ceremony of the 73rd regular recruits at the NA Depot, Zaria. The officers on the COAS entourage made attempts to persuade the IMN members to lift the barricade to enable the convoy pass to no avail. This led to the forceful clearance of the roadblock by men of the NA through the use of lethal force. With the blockade cleared, the COAS proceeded to the Emir's palace in Zaria city and subsequently to the NA Depot in Sabon Gari for the ceremony. The interpretation of the NA was that the roadblock constituted an assassination attempt on the life of their COAS and the intelligence available to them was that the IMN was regrouping and had also called their members from surrounding towns to join those already in Zaria to cause mayhem in Zaria. The intelligence available to the NA also indicated that the IMN had amassed arms and therefore had the capacity to precipitate a breakdown of law and order. The NA therefore decided to conduct a Cordon and Search (C&S) operations to recover the suspected arms cache, maintain

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law and order and arrest the IMN leader, Ibraheem El-Zakzaky. The C&S operations were carried out at three locations – the *Hussainiyya Baqiyattillah* headquarters at PZ junction, the *Gyallesu* residence of the IMN leader and the *Darul Rahma* centre of the IMN at Dambo. In the wake of these operations, there was the breach of peace, law and order, hundreds of lives were lost and a significant number of moveable and immoveable properties worth millions of Naira were destroyed and or damaged. On the night of 14/15 December 2015, the Kaduna State Government carried out the burial of an estimated 347 dead persons in a mass grave at a Cemetery off Mando road, Kaduna.

Following these clashes between the NA and the IMN, the resulting consequences, and the need to forestall future occurrence, the Governor of Kaduna State, Malam Nasir Ahmad El-Rufai, 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 13-member Judicial Commission of Inquiry under the Chairmanship of Hon. Justice Muhammed Lawal Garba, JCA with a defined Terms of Reference (TOR).

The Commission, which was inaugurated on 29th January 2016, was given the responsibility to determine the immediate causes of the clashes; to determine the historical circumstances, surrounding and contributory factors and remote causes of the clashes; to ascertain the number of persons killed, wounded or missing during the clashes and 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

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for such damage or destruction. The Commission was also asked 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 and to determine whether the acts of commission and omission so identified were necessary, appropriate and sufficient in the circumstances in which they occurred. The Commission was also to determine the evolution of the Islamic Movement in Nigeria and how the organisation contributed to any engagement with the community, constituted authorities and the security agencies while reviewing all other factors that may have contributed to the incident or may conduce to such incidences in the future and make recommendations thereto.

One of the direct parties, the IMN neither sent memoranda nor appeared. Their counsel wrote the Commission stating they had no access to their client and IMN leader, Ibraheem El-Zakzaky and therefore could not receive instructions to present their memoranda. The Commission received a total of **3,578 (Hard Copies 132 and Emails 3,446)** memoranda. A total number of **102** memoranda were heard by the Commission during its proceedings. It admitted a total of **39 exhibits** and a total number of **87 witnesses** testified before the Commission.

In conducting its assignment, the Commission called for the submission of and received memoranda from individuals and groups both in public and private sectors. The Commission also held public sitting from 22nd February, 2016 to 27th April, 2016, whereof it took testimonies of witnesses, admitted exhibits and visited and inspected the sites affected by the December 12th to 14th, 2015 clashes in Zaria and its environs. During its

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Visit to Locus in Quo (i.e inspection of the sites of the clashes), the Commission and other stakeholders were conducted round the following sites: Jushi, Banzazzau, Dambo, Gyallesu, Hussainiya Headquarters of IMN and the Police Motor Traffic Division (MTD) all in Zaria and therefrom proceeded to the Mando Mass Grave site in Kaduna. It finally visited Emir of Zazzau at his Kaduna residence.

Among others, the key immediate causes were: the act of the road blockade 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 Baqiyyatilah* for the “hoisting of the flag ceremony” at the venue, which resulted in the ensuing verbal altercations including traffic congestion/confusions, the “alleged” assassination attempt on Chief of Army Staff (COAS), the forceful clearance of the blockade and shootings.

Right from inception the IMN has the practice of radicalising its members which resulted in frequent clashes with constituted authorities in Zaria, its environs and many states across the Nation. This led to disruption and threat to peace, law and order.

The IMN has been steadfast and deliberate in widespread and habitual acts of lawlessness and defiance of constituted authorities including refusal to recognise the legitimacy, authority and the Constitution of the Nigerian State. Therefore clashes continued with the IMN on the one hand and the Nigerian constituted authorities and immediate (Sunni Muslim) community on the other, mainly due to weak and poor decisive/proactive actions and measures by appropriate constituted authorities.

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On the number of persons killed, wounded or missing during the clashes, the Commission found that in all, a total number of 349 persons including one (1) military personnel (a soldier) lost their lives. Also, out of the said 349 dead persons, 347 (excluding the Soldier) were buried in a mass grave at Mando burial ground by the Kaduna State Government. Also, a total number of 66 IMN members (53 males and 13 females) and one (1) senior military Officer were injured. However, there was no evidence before the Commission to confirm if there were any missing persons from the clashes. The Commission received evidence from persons who said they had lost their property due to the clash between the NA and the IMN from the 12th to 14th December 2015. As the IMN refused to appear before the Commission although they were given every opportunity to do so, the Commission could not determine the number of property belonging to them that might have been damaged or destroyed. The Commission's overview of properties identified as destroyed or damaged which include: the structures at the *Hussainiyya Baqiyyatillah* Headquarters of the IMN; the private residence of El-Zakzaky at Gyallesu; the tomb of the mother of El-Zakzaky, also known as Gidan Hari Jamo, at Unguwar Jushi; Foudiyya Centre at Dan-Magaji, IMN's educational Centre; IMN's cemetery at Dambo Village; the Commission inspected 2 no. Toyota SUV's, 30 motor cycles and 65 No. vehicles at Motor Traffic Division (MTD), Zaria which were recovered from the *Hussainiyya Baqiyyatillah* site. Furthermore, several properties include, but not limited to, buildings, cars and motorcycles belonging to non-IMN persons affected by the clashes. The Gyallesu Community being the primary location of the cordon and search operation of the NA and also the location of most of the destruction submitted in its memo a comprehensive table of damages.

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Consequently, the Commission found that numerous properties owned by different groups and individuals were damaged and destroyed some of which include; motor vehicles, motor cycles, buildings etc, all of which belong to IMN and other identified persons/individuals. These properties are worth millions of Naira.

There was lack of political will at all levels of government to take proactive, appropriate and quick steps/measures including provision of proper and adequate equipment and training of law enforcement agencies especially the Nigerian Police Force against seemingly dangerous groups/organizations. Also government lack the political will to implement many of the recommendations of reports of previous Commissions of Inquiry relating to the IMN and other groups in order to tackle these incessant clashes and threats to peace, law and order in the nation. Added to this, it is on record that that the IMN including its leadership don't have regards for constituted authorities, thereby adopted the habit of mounting illegal road blocks, check points and unjustifiably restricting movement of innocent citizens including the Chief of Army Staff. However, 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, hence the Nigerian Army used excessive force in dealing with the 12th to 14th December 2015 clashes in Zaria.

The Commission found among others that IMN started in a form of students' activism within the Muslim Students Society (MSS) in Ahmadu Bello University, Zaria in the late 1970s. Subsequently the organisation transformed into an ideologically focused mass religious movement. Sheikh

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Ibraheem El-Zakzaky is the overall Temporal and Spiritual leader of the Movement. All members obey his command and hold him in high esteem. Though there are no reliable statistics as to the exact number of membership, the Commission was informed that IMN has an estimated membership of about 60,000 people. The IMN did not register as a corporate body or legal entity under the Nigerian law.

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. Apart from member contributions, it is also widely speculated that the IMN has access to some international resources and assets. Some of the unconfirmed but strongly believed International contributors are: Iranian religious establishments and some Lebanese businesses and networks in Nigeria.

The clash of 12th to 14th December 2015 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, (i) the enormity of the wages and consequences of flagrant failure to secure or protect the fundamental rights of every Nigerian citizen, and (ii) the unsavoury and unacceptable nature of any form of defiance or rebellion to constituted authority in a manner that threatens national security.

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

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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.

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 any way 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 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 12th -14th December, 2015.

In conclusion, the Commission found that the Federal Government, Kaduna State Government, the IMN, the Nigerian Army and other Security and law enforcement agencies committed certain acts of commission or omission which resulted in the avoidable 12th to 14th December, 2015 Zaria clashes. Consequently and in the light of the above findings amongst others, the Commission has made a number of recommendations to the Kaduna State Government and the Federal Government to address all specific areas that led to these regrettable clashes, loss of lives and properties.

THE KADUNA STATE GOVERNMENT

- 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.

- 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.
- iii) The State Government should investigate and repossess all illegally acquired public lands from IMN and utilize same for Public Interest.
- 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.
- v) All the dangerous weapons recovered from the IMN members should be turned over to the Police for further necessary action.
- 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.
- 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.

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- 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 which embark on provocative teachings and preaching.
- 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.
- 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.
- xi) The prospects of constructive engagement with the leadership of the IMN should not be foreclosed.
- 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 12th – 14th December, 2015 are concluded and treated expeditiously.

THE FEDERAL GOVERNMENT

- i) The Commission is of the view that the use of excessive force by the Nigerian Army, which led to the heavy casualties recorded in the Cordon and Search Operation is an act of commission for which the NA is directly responsible. The Commission therefore recommends that steps should immediately be taken to identify the members of the NA who participated in the killings of 12th – 14th December 2015 incident with a view to prosecuting them.

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- ii) The Federal Government should ensure that investigations against all persons under detention in respect of this clashes between the NA and the IMN on 12th – 14th December, 2015 are concluded and treated expeditiously.
- iii) 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.
- iv) 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.
- v) The Federal Government should explore diplomatic means to dissuade other Countries from interfering in the Internal Affairs of Nigeria.
- vi) The prospects of constructive engagement with the leadership of the IMN should not be foreclosed.
- vii) 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.

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- viii) Members of the IMN should never be allowed to carry any unlicensed weapon under any guise. Whosoever found so doing should be prosecuted immediately.
- ix) All the dangerous weapons recovered from the IMN members should be turned over to the Police for further necessary action.
- x) Intelligence reports by security agencies regarding all threats to security, law and order should be taken seriously and acted upon timeously to nip in the bud such occurrences.
- xi) 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 the Sheikh Lemu Presidential Commission pertaining to Boko Haram insurgency.
- xii) The Federal Government should be proactive in its dealing with threats posed by groups such as the IMN.
- xiii) The Federal Government Agencies should respond 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.

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- xiv) 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.
- xv) 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.
- xvi) The Police Authority should ensure that recruitment into the Force should be done on merit, suitability and good character as the Nigeria Police of today contains all manner of characters.
- xvii) 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.
- xviii) 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.
- xix) 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.

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- xx) 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.
- xxi) 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.
- xxii) The Federal Government should ensure that it develops and implement properly intelligence driven operation policies for the country.
- xxiii) The Federal Government should 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.

The Commission made some general recommendations that affect both Federal and State Governments relating to employment, responsibility of parents to their children, enhancing citizenship, the role of traditional institutions and proliferation of small arms and light weapons in the country.