

TERRORISM AND THE SHI'ITE MOVEMENT IN NIGERIA*

Abstract

Terrorism is a contemporary global phenomenon currently plaguing the entire world. It was made ubiquitous vide Osama Bin Laden's ill-fated attack on the United States of America on September 11, 2001. The hydra-headed monster has almost permeated the entire nooks and crannies of the world necessitating the United Nations Organisation, and the United States of America in particular to place some nations and individuals under a terrorist surveillance list. Thus, this paper is focused on Ibrahim El-Zakzaky's led Shi'ite movement in Nigeria, its activities and the eventual proscription as a terrorist group in Nigeria. Do the activities amount to terrorism? Or do they constitute a mere sectorial Islamic fight between the Sunnis and Shi'ites? The work answered the posers posed hereinabove. The methodological approach is mixed methods of investigation, meta-analytical styles, and utilization of both primary and secondary sources of information. It is discovered that following the wide definition of 'act of terrorism' under the Terrorism (Prevention) Act, the Shi'ite activities in Nigeria without religious connotations are in congruous with 'an act of terrorism'. The paper concluded that though there could be imminently religious undertone and dichotomy between the two major Islamic sects, howbeit, the overt activities of the Shi'ite movement in Nigeria no doubt amounted to acts of terrorism. It is recommended amongst other things that the Federal Government of Nigeria should adopt an all-inclusive government gesture utilizing utilitarian approach in order to avoid sectorial civil and religious insurrections in the country.

Keywords: Statutory, Definition, Offence, Terrorism, Shi'ite, Movement, and Nigeria.

1. Introduction:

Social, political and religious activism in the form of demonstrations is indeed part of societal norms, especially in a democratic setting. They have been some of the tools wherein the populace used in expressing displeasure or acceptance of the crème de la crème of the leadership of most organized civilized societies. Such acts are ably recognized in Nigeria's *Grundnorm*, especially Chapter Four (IV) of the Constitution of the Federal Republic of Nigeria 1999, (as amended). Howbeit, in organising protests and demonstrations of any magnitude, it must be done in line with certain universally accepted laid down rules without which such acts could be declared ultra-vires of the norms of the society. Nigeria is an independent sovereign state and has its own laws regulating the activities of its citizens with the coercive ability to enforce them on any anybody or institution that may contravene the set out legal standards. The Shi'ite movement in Nigeria is an apparent religious pressure group aimed at inculcating the Shi'ite doctrines to its massive followers and if possible replaced same with the traditional Sunnis. It is one of the major Islamic sects which principal antagonist is the Sunnis.¹ The Sunnis is no doubt the dominant Islamic group in Nigeria which allegiance is wholesomely owed to the traditions developed in Mecca over the years in Saudi Arabia, whilst the Shi'ite pledges allegiance to the Islamic traditions developed in Medina in Iran under the leadership of Ayatollah Khomeini.² This sect strongly believed that, they, the Shi'ites are the real leader of Islam in the world. This is predicated on the perceived fact that Prophet Mohammed had just a daughter in his lifetime who married in the present day Iran and gave birth to twins, namely, Hassan and Hussein³ who by order of closest sanguinity would have inherited the prophetic tenets of Mohammed⁴ and none other. No doubt there are serious religious wrangling between the Sunnis and the Shi'ites from the time of old within the Islamic world since the transformation of Prophet Mohammed into the celestial bodies. This imports the incongruence rivalries between Saudi Arabia and Iran in international politics which can never agree on anything in common. The reef of rancour, resentment and acrimony between the two major Islamic sects is deepens and intensifies per second momentum due to state and political involvements of the two leading Islamic States of Iran and Saudi Arabia.⁵ In Islamic religion generally there are four major school of thoughts which are not circumscribe to any of the major sects, any of the sects and others could adopt any of the schools such as Maliki, Hambali, Hanafi, and Safadi.⁶

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1. A. Y. Adbullahi, An Islamic scholar and expert in Islamic jurisprudence: A Live interview conducted with him on October 8, 2019 at about 16: 20 hours Greenwich mean time (GMT) in his office situate at No. 13 NIIT Road Etege-Epie, Yenagoa, Bayelsa State of Nigeria.

2. *Ibidem.*

3. *Ibidem.*

4. A. Y. Adbullahi, An Islamic scholar and expert in Islamic jurisprudence: A Live interview conducted with him on October 8, 2019 at about 16: 20 hours Greenwich mean time (GMT) in his office situate at No. 13 NIIT Road

5. *Ibidem.*

6. *Ibidem.*

Ibrahim El-Zakzaky's Led Shiite Movement in Nigeria

El-Zakzaky started Shiite activism back in the days when he was a student in the University of Zaria,⁷ Kaduna State, Northern Central Nigeria advocating strongly adherence that Shiite is preferred over and above the traditional Sunnis.⁸ Since then, El-Zakzaky has got very large following mostly Muslim youths. They always organized, annually, a large procession in the Streets of Kaduna City in an attempt to enlighten the Muslim populace in Nigeria on the preference of Shiite over the Sunnis. The annual procession usually obstructs normal social, economic, political and religious activities in the North.⁹ In one of such processions particularly, in 2016 the presidency sent a troop of soldiers led by the then Chief of Army Staff Lieutenant-General Tukur Buratai to quell the large scale procession and in the process some of the protestants touched (pushed) the chest of the army chief that was considered frontal and disrespect for the organised military regiment. The resultant effect was a serious altercation that led into real exchange of bullets between the Shiite group and the military. The altercation and near skirmish exercise led to the death of over three hundred protestants¹⁰ including El-Zakzaky's two eldest sons and he (El-Zakzaky) and his wife were arrested and detained in the cell of the State Security Service.¹¹ The Government of Kaduna State of Nigeria under the leadership of a staunch Sunnis sect organised mass burial for the cadavers of the depleted Nigerians population before dawn.¹² The protest and procession that led to the eventual application for proscription of the group in Nigeria took place in year 2019 in Abuja, when a throng of the survivals protested on the streets of Abuja obstructing vehicular and human traffics, and as well disrupting government activities within the central business district (CBD) of Abuja demanding the unconditional release of their leader from custody else, Nigeria shall know no peace.¹³ The protest and demonstration of the group indeed annihilated completely all forms of social, economic, and political activities of Nigeria and Nigerians in the Federal Capital Territory (FCT), Abuja.¹⁴ The protesters and the demonstrators besieged the city centre of the Federal Capital Territory for about three days disrupting activities and services within and around Abuja. During this period of Shiite's cordon of Abuja, both the Senate President and Senate Vice President and other political stakeholders lamented bitterly the level of insecurity and lawlessness in the Federal Capital Territory (FCT), Abuja.¹⁵ Furthermore, during this period of near skirmish dimension in Abuja orchestrated by Shiite protest and demonstration, an Assistant Commissioner of Police (AC) and a Chanel's Television reporter were mobbed to death.¹⁶ These unwholesome and gruesome activities of the group led to the application in chambers by the Attorney-General of the Federation (AGF) based on the provisions of paragraph (c), of subsection (1) of Section 2 of the Act.¹⁷ By that application and the subsequent approval by the President and Commander-in-Chief of the Armed Forces of the Federation, the Shiite movement led by Ibrahim El-Zakzaky's and their activism was proscribed and labelled as a terrorist group in Nigeria..

3. Definition and Meaning of Terrorism

It is a jurisprudential inclination that definition of terms in legal configurations is one of the most herculean task to perform. To some, offering a definition to a legal term or concept is to limit its scope of operation, others, legal terms should be better described and used contextually whenever the need arises. And to a greater majority, definition or meaning is a serious setback to the operational base of the term and should be better identified and used in relation to the circumstance as they surface. Howbeit, it is near impossible not to proffer definition of terms for ease of appreciation, application and comprehension of the subject matter of any academic investigation. Terrorism is the subject matter of this examination and ought to be offered a working definition for the purposes of quantifying the chosen indices of this scholarly appreciation. Thus, it is appreciable to offer definition of terms. In the instant academic appreciation, some definitions of terrorism and acts of terrorism shall be proffered in order to achieve the intendment of this academic investigation. Judicially, the penultimate court in Nigeria, in the case of *Ayobami vs The State*,¹⁸ defined terrorism as follows:

7. *Ibidem*.

8. *Ibidem*.

9. A. Y. Adbullahi, An Islamic scholar and expert in Islamic jurisprudence: A Live interview conducted with him on October 8, 2019 at about 16: 20 hours Greenwich mean time (GMT) in his office situate at No. 13 NIIT Road Etegeve-Epie, Yenagoa, Bayelsa State of Nigeria.

10. M. Yusuf, A Senior Officer of the State Security Service: An Interview granted with the intelligence officer about the arrest, detention and trial of Ibrahim El-Zakzaky on October 6, 2019 at about 14:00 hours in the Command Headquarters, Ovon Yenagoa, Bayelsa State of Nigeria.

11. *Ibidem*.

12. An interview with the secret intelligence organisation in Nigeria.

13. *Op-cit*.

14. *Ibidem*.

15. Chanel Television, News Bar of June 22, 2019 at about 14:00 hours during her Security Watch Programme.

16. *ibidem*

17. Terrorism (Prevention) Act, which inter-alia states: "Setting up or pursuing acts of terrorism, the Judge in chambers may on an application made by the Attorney-General, National Security Adviser or Inspector-General of Police on the approval of the President declare any entity to be proscribed organization and the notice should be published in the official Gazette."

18. [2017] All FWLR (Part 886) 1964 CA; [1995, paras. A-C], per *Onyemenam, JCA*.

Terrorism is the intimidation of persons through the use of force and violence in order to achieve a certain goal or end. The Black's Law Dictionary describes same as 'the use of threat or violence to intimate or cause panic.'¹⁹ The threat of violence associated with terrorism is always with the purpose of terrorizing another, causing serious public disorder or inconvenience, and or extortion. A threat to law and order on its own, is that communicated intent or violence, to inflict loss or diminish the equilibrium of law and order in the society and amongst individuals who the law is made to protect their co-existence. It is a global common knowledge that kidnapping and extortion are some of the major activities and strategies of terrorists.

Thenceforth, the academic appreciator perceived terrorism as a deliberate use of force, violence and act of intimidation by a person or a group of persons in order to cause breakdown of law and order in a lawful society. Simply put, terrorism is the use of violence and intimidation to achieve any goal. Example was Laden's attack on the United States of America on September 11, 2001. Accordingly, the prime aim of any terrorist group is to cause panic, apprehension, commotion, and intimidation resulting to a total breach of the peace thereby hampering or disrupting social, economic, political and religious activities in the society. The coercive force is not always legitimate, but against the social order and norms aimed at coaxing government to adhere adhesively to their demands. Statutorily, the enabling Act, vide Section 1 of the Act,²⁰ enacts as follows:

- (1) A person who knowingly—
 - (a) does, attempts or threatens to do an act preparatory to or in furtherance of an act of terrorism;
 - (b) commits to do anything that is reasonably necessary to promote an act of terrorism; or
 - (c) assist or facilitates the activities of persons engaged in an act of terrorism, commits an offence under this Act. Specifically, subsection 2 of the Act,²¹ defined 'act of terrorism' as follows:
 - (2) In this section, 'act of terrorism' means an act which is deliberately done with malice, aforethought and which—
 - (a) may seriously harm or damage a country or an international organization;
 - (b) is intended or can reasonably be regarded as having been intended to—
 - (i) unduly compel a government or international organization to perform or abstain from performing any act;
 - (ii) seriously intimidate a population;
 - (iii) seriously destabilize or destroy the fundamental political, constitutional, economic, or social structures of a country or an international organization;
 - (iv) otherwise influence such government or international organisation by intimidation or coercion; and
 - (c) involves or causes, as the case may be—
 - (i) an attack upon a person's life which may cause serious bodily harm or death;
 - (ii) kidnapping of a person;
 - (iii) destruction to Government or public facility, a transport system, an infrastructure facility, including an information system, a fixed platform located on the continental shelf, a public place or private property, likely to endanger human life or result in a major economic loss;
 - (iv) the seizure of an aircraft, ship or other means of public or goods transported and diversion or the use of such means of transportation for any of the purposes in paragraph (b)(iv) of this subsection;
 - (v) the manufacture, possession, acquisition, transport, supply, or use of weapons, explosives or of nuclear, biological and chemical weapons, as well as research into, and development of biological and chemical weapons without lawful authority;
 - (vi) the release of dangerous substances or causing of fire, explosions or floods, the effect of which is to endanger human life;
 - (vii) inference with or disruption of the supply of water, power or any other fundamental natural resource, the effect of which is to endanger human life;
 - (d) an act or omission in or outside Nigeria which constitutes an offence within scope of a counter terrorism protocols and conventions duly ratified by Nigeria.
 - (3) An act which disrupts a service but is committed in pursuance of a protest. However, demonstration or stoppage of work is not a terrorist act within the meaning of this definition provided that the act is not intended to result in any harm referred to in subsection (2)(b)(i),(ii) or (iv) of this section.

4. Quantification of Available Indices

In evaluating and synthesising the activities of Shiite movement in Nigeria led by Ibrahim El-Zakzaky. The following deductive inferences could be made:

1. The Shiite movement in Nigeria is not a government department, agency or parastatal and therefore not a pressure group to be qualified under the proviso of subsection 3, of section 1 of the Act.²² Therefore incapable

19. 9th Edition, p. 1611.

20. Terrorism (Prevention) Act CAP. T28, Laws of the Federation of Nigeria (LFN) Annual Supplement, 2011.

21. *Ibidem*.

22. Terrorism (Prevention) Act CAP. T28, Laws of the Federation of Nigeria (LFN) Annual Supplement, 2011.

of organizing a protest or demonstration to prevent people from going to work or rendering services to other Nigerians to earn a living.

2. The wide scale annual procession organized by the El-Zakzaky's led group in Nigeria with the aim of forcing and coercing the Northern populace to accept Shiite sects as the only preferred domain of worshiping Allah is contrary to the provisions of Sections 10,²³ and 38 (1)²⁴, they inter-alia provides thus respectively:

The Government of the Federation or of a State shall not adopt any religion as a State Religion.

Every person shall be entitled to freedom of thought, conscience and religion, including freedom to change his religion or belief, and freedom (either alone or in community with others, and in public or private) to manifest and propagate his religion or belief in worship, teaching, practice and observance.

3. From the survey given above, the activities of the group had indeed seriously intimidated Nigerians, attacked Nigerians that had resulted to death and had disrupted services in the country. These acts of the group in the view of this work are seriously in conformity with the definition of 'act of terrorism' under Section 2 (b)(i)(ii)(iv),(c)(i) and (3) of the Act.²⁵
4. The Islamic sect deliberately attempted to forced and coerced the Federal Government of Nigeria to unconditionally release their leader, else Nigeria shall know no peace. Such utterance constitutes an act of treason. It is condemnable in all ramifications and no viable state shall watch a mere microcosm of the population destroy and intimidate the entire nation.
5. The group is anti-nationalism paying strong allegiance to a foreign country, namely Iran which is completely inimical to the growth and development of Nigeria.

5. Conclusion and Recommendations

Flowing from the foregoing stream of consciousness x-rayed hereinabove there is no doubt, that there is in existence a strong and covert cold war interplay in Nigeria between Iran and Saudi Arabia represented by Shiite and Sunnis Islamic major sects. Albeit, the established overt activities of the Ibrahim El-Zakzaky's led Shiite movement and his teaming allies in Nigeria if placed on the imaginary scale of the Act²⁶ ably constitute acts of terrorism. Indubitably, the paper has no hesitation to opine that the group activities are statutorily caught up with the mandatory provisions of subsections (2)(b),(i),(ii),(iv);(c)(i) and (3) of Section (1) of the Act²⁷ and it is therefore a terrorist group and should be placed under the terrorism surveillance list and be treated accordingly. The following measures may be helpful. The Federal Government of Nigeria should adopt an all-inclusive government based on utilitarian approach in order to avoid sectorial civil and religious insurrections in the country. The government of the federation of Nigeria should endeavour to adhere strictly to the provisions of subparagraph (b), of subsection (2) of Section 14 of the Constitution of the Federal Republic of Nigeria 1999 (as amended), which provides thus: *'the security and welfare of the people shall be the primary purpose of government.'* The Nigerian State has failed in securing her citizens and it is wise for the country to live up to the expectation of the constitutional imperative. All the various peoples of Nigeria should be treated in parity as equal partners in advancing the common good of the country, and no peoples should be treated or regarded as a second fiddle in the running of the state's affair. Nigeria should take the bull by the horn and adopt fiscal federalism by so doing stop the monthly sharing of monies in Abuja. This shall enable the federated units to look inwards and tap into the resources available in every domain and thereby promote real enduring developmental strides. Education up to the senior secondary level should be made free, compulsory and mandatory for all Nigerians. For an enlighten mind through sound basic secondary education may not conveniently think that a particular religion is superior to all others and all sundry should adopt same hook line and sinker. This if adopted may greatly assist the country in avoiding the likes of Ibrahim El-Zakzaky to force his religion on most Nigerians.

23. Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended).

24. *Ibidem*.

25 *Ibidem*.

26 Terrorism (Prevention) Act CAP. T28, Laws of the Federation of Nigeria (LFN) Annual Supplement, 2011.

27 *ibidem*.