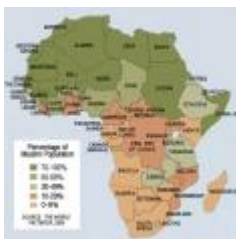




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Islam in Africa Newsletter provides and analyzes information, political, religious, and social developments, events, or documents on Radical Islam and Islamic movements in Africa.

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Religious Leaders' Declaration on Peace-Building

In November 17–19, 2007, Muslim religious leaders from Somaliland, Puntland, and South-Central Somalia, issued a statement at the conclusion of a two-day meeting held in Hargeisa, the Capital of Somaliland. The meeting was convened to discuss and find ways for religious leaders and women to contribute to resolving conflicts among the Somalis. In the statement, the Muslim leaders declared "we pledge from now henceforth to be more active peacemakers and commit ourselves to the process of peace-building to reverse the conflict situation that has affected us as Somali people, by participating in peace processes, and make contributions that advance the cause of peace... We appeal for support to establish, empower and build the capacity of structures regional institutions that target religious leaders from the Somaliland, Puntland, and South and Central Somalia, and further call for the empowerment of religious leaders in conflict resolutions, mediation and reconciliation through



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seminars, workshops and trainings". Finally, the Muslim leaders called "for an end to tribalism that fuels conflicts and increases the suffering of our people". They further called on "all concerned and relevant stakeholders to put public interests ahead of personal and vested interests".

For the first time in the Somali current conflict, Muslim leaders from Somalia's autonomous or independent states wish to intervene in the conflict taking place in Somalia. No doubt, in order to prevent this conflict from spilling over into their areas from Mogadishu and its vicinity. Furthermore, this statement serves to stress the important role of Muslim religious leaders throughout Somali history as bridging the differences between the Somali various clans. Indeed, Islam transcends tribal loyalty in Somalia. The question here is whether the Somali people will cooperate with this initiative coming from religious leaders who were not involved in the current conflict, which is very unlikely to happen, especially given the fact the Muslim religious leaders of the Islamic Courts Union and their supporters have been already involved in this conflict and will not like other religious leaders to intervene or take their place.

Negotiations in Algiers to Revive a Peace Process between Tuareg Rebels and the Malian Government

On November 5, 2007, two Mali Tuareg leaders met in Algiers in an effort to revive a peace process between rebels in the north of the country and the Malian government. Former rebel leader, Iyad Ag Ghaly, accompanied by Algerian delegates, met rebel leader Ibrahim Ag Bahanga. A peace deal was broken in August when Bahanga kidnapped about 40 people and launched attacks against Mali's army. While most have since been released, some are still being held captive. Former rebel Ghaly had helped to broker the ceasefire Bahanga broke, and has since mediated between Bahanga and the government. Since all parties want to get a settlement in Mali, it seems like quelling unrest in Mali should be much easier than containing neighboring Niger's larger and more volatile Tuareg rebel movement which has staged an increasing number of attacks in recent months.

The second Tuareg rebellion began in February 2007. It is an uprising in part of the Sahara desert which is home to some of the world's largest uranium deposits. It started in Niger by the Tuareg group Niger Movement for Justice (MNJ) which aims for greater economic development and a share in the region's mineral wealth. The group came to international attention after they launched attacks against government and foreign interests in northern Niger. Indeed, uranium and tourism generate most of what wealth comes to northern Niger. While tourism has been threatened by the insurgency, uranium mining—which accounts for 16 percent of Niger's GDP and 72 percent of national export proceeds—is at the very center of the conflict. The MNJ attacked the power station for a mining facility near Arlit in April 2007. In June 2007, land mines were laid on the main route where the uranium ore from Arlit is taken to the ports of Benin. All of Arlit's ore is processed and transported by a French company, Areva NC, a holding of the Areva group, itself a state owned operation of the French Commissariat à l'énergie atomique (CEA). The system of French nuclear power generation as well as the French nuclear weapons program is dependent on uranium mined at Arlit.



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The Scramble for the Muslim Vote in Kenya's Presidential Elections
For the first time ever in the history of Kenya, the importance of Muslims has been elevated due to this year's presidential elections, which will be conducted on December 27, 2007. Kenya's two main presidential candidates – Mwai Kibaki, the current president, and Raila Odinga, the main opposition leader of the Orange Democratic Movement (ODM) party – are turning to the sizeable Muslim community and scrambling for the Muslim vote which could determine who will win the forthcoming elections, which are supposed to be the closest-ever in Kenya.

President Kibaki's rating has gone down drastically among Muslims due to his government close cooperation with the United States and other allies in the US-led war against global terrorism. During his tenure, many Muslims have been arbitrarily harassed and detained and some even have been renditioned to Somalia, Ethiopia and Guantanamo Bay without even the due process of the law followed.¹

In protest against what they called the illegal detention and torture of fellow Muslims in an anti-terrorist drive urged by the US, Kenyan Muslims marched on police headquarters in Nairobi on August 30. The protest, involving a few dozen people, followed months of simmering tensions between Kenya's Muslim community and Kenyan authorities, whom they accuse of persecuting and arresting them on US government orders. At the protest, the family of two brothers who were picked up during terror investigations presented a letter to police, demanding to know the brothers' status. The younger brother was allegedly picked up without charge or explanation by Kenyan police in January 2007, before being taken to Somalia and then Ethiopia. His relatives claimed that they had heard from him only once since then, and that he had said he was being tortured. The older brother was picked up by police a week before the protest, but again his relatives claimed they have not been able to find out any details of his condition or whereabouts. The letter further said that "the crack-down of so-called terrorists... is a blanket design and a veiled, skillful and state-orchestrated machination aimed at intimidating, harassing and persecuting members of the Muslim community".²

Moreover, one of the most contentious issues faced by the Muslim community that the current government has failed to address is the question of land ownership along Kenya's coast. Since Kenya gained independence from Great Britain in 1963, many Muslims in Kenya, who live along the Indian Ocean coastline, have complained that government leaders illegally reallocated their ancestral lands to members of their own tribes. Coastal Muslims, who first settled in the area several hundreds years ago, say

¹ For further details see on-line at: http://www.e-prism.org/images/Islam_in_Africa_Newsletter-No2_vol_2_-_April_2007.pdf;
http://www.hiiraan.com/news2/2007/july/muslims_urge_kenya_to_return_detainees_in_secret_detenti_on_program.aspx; <http://www.voanews.com/english/archive/2007-08/2007-08-29-voa37.cfm?CFID=155650869&CFTOKEN=16424757>

² See on-line at: <http://www.reuters.com/article/topNews/idUSL3033952920070830>;
<http://jurist.law.pitt.edu/paperchase/2007/08/kenya-muslims-protest-against-alleged.php>;
<http://www.reuters.com/article/topNews/idUSL3033952920070830>



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land-grabbing has continued, and in some cases even accelerated, under President Mwai Kibaki. Thus, Abdullahi Abdi, chairman of Kenya's National Muslim Leaders Forum (NAMLEF), said on August 29, that "if you look at the coastal strip of Kenya, it is only the Muslims who have their land taken by force by the government. Eighty percent of all the land close to the sea has been taken by force. This happened by the previous regime, but currently it is being accelerated by the current regime. As I am talking to you, there are preparations to settle 4,000 families on the main land in Lamu district".³

On this background, there is no wonder that the Kenya's National Muslim Leaders Forum, which represents only a section of the Muslim community, and which has been disappointed of the current president and wants a new one, announced on August 29 its support for the opposition leader, Raila Odinga, in the upcoming presidential elections. This support was announced only after Odinga signed with the Muslims in the same day a controversial secret Memorandum of Understanding (MoU), in which he has obliged himself to respect their rights while in office. He has even pledged to sever Kenya's anti-terror alliance with the US.⁴

Purported copies of the MoU were circulated in Nairobi and by email by November 9. The document is signed by Odinga and Sheikh Abdullahi Abdi. It contains a long list of pledges, which Odinga allegedly made to Muslims on August 29. These pledges, if implemented, would plunge Kenya into inter-religious disharmony. Odinga's pledges, according to one of these copies, include creation of two semi-autonomous regions fully controlled by Muslims at the Coast and North-eastern Kenya. The regions shall be under the Islamic law, or Shari'ah. Odinga's Orange Democratic Movement (ODM) party has promised to introduce federalism, known in Kenya as *majimbo*. The document further says that Odinga, whose religious affiliation is unknown, "recognizes Islam as the only true religion" while the Muslim signatories acknowledge him "as the only candidate who has the interests of the Muslim community at heart". The Muslims offer to "campaign vigorously" and to "deploy all resources at their disposal" to ensure his resounding victory in the December 27 general elections. If he wins, Odinga on his part pledges to reinstate and protect the rights of Muslims "who have been oppressed and discriminated against by the current and previous governments". He shall "within six months re-write the constitution of Kenya to recognize Shari'ah as the only law sanctioned by the Holy Qur'an for Muslim declared regions". His government shall establish Shari'ah courts throughout Kenya, popularize Islam at the Coast and North Eastern regions by enforcing compulsory Muslim classes in primary schools there and impose a ban on open-air preaching "by worshippers of the cross" in these regions. The ODM government shall also outlaw Christian programmes on public radio and prohibit sale of alcohol in

³ See on-line at: <http://www.voanews.com/english/archive/2007-08/2007-08-29-voa37.cfm?CFID=155650869&CFTOKEN=16424757>

⁴ See on-line at: <http://www.voanews.com/english/archive/2007-08/2007-08-29-voa37.cfm?CFID=155650869&CFTOKEN=16424757>;
http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1193049716302&pagename=Zone-English-News/NWELayout



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Muslim majority towns. There shall be a ban on women's dressing that is considered offensive to Muslims in the regions controlled by them.⁵

This secret MoU, which Odinga exposed on November 1 at Kasarani, during a meeting with women, when he said that he had entered into a pact with Muslims to support his election bid, has sparked much controversy in recent weeks. Odinga and the National Muslim Leaders Forum have disowned the purported copies as a forgery. Odinga has admitted signing the pact, after denying it on November 4, which he says is "harmless", and has said that he will make it public soon.⁶

The Christian churches have condemned this MoU and demanded Odinga to make its details public. On November 10, the Unfungamano Initiative, an alliance of Christian and Hindu organizations, issued a statement in which it demanded from Raila Odinga to make public details of his MoU with a section of the Muslim community in order to clear anxiety and dangerous speculation in the country. It also warned other presidential aspirants against making pacts with religious communities during their campaigns for the December 27 elections. Rev. Dr. Wellington Mutiso, the acting chairman of Unfungamano and the chairman of the Evangelical Alliance of Kenya, said that implementation of the MoU could lead to division of the country along religious lines and create conflicts as is the case in Nigeria.⁷

On November 19, Catholics joined evangelical churches in denouncing the MoU. In a statement issued at the Vatican, the Catholic bishops of Kenya said it was unacceptable to use religion as a platform to ascend to power. They said "Kenya is a secular state. No one should be allowed to turn it into a religious one. Promises to give any faith-group special rights and the application of its particular religious laws for governance are completely contrary to the constitution of Kenya. Even the granting of special religious favors during campaign time is wrong. Sectoral religious supremacy and regional religious strongholds will divide Kenya and is a recipe for tensions and even chaos".⁸ Moreover, on November 21, Fr. Wilybard Lagho, Vicar General of the Catholic Archdiocese of Mombasa and Secretary of the Inter-Religious Dialogue Department, issued a statement, in which he said "we recognize that the Muslim community of Kenya has traditionally suffered from official and societal discrimination especially as concerns obtaining national identification documents. We are strongly in favor of ending all forms of official and societal discrimination against any religious, cultural, or ethnic group in Kenya. We strongly favor full integration of our Muslim fellow citizens into the political and social life of our country. We believe that any secret memorandum of understanding between political parties and any section of Kenyans serve only to divide the nation and hasten suspicion among groups

⁵ See on-line at: <http://allafrica.com/stories/200711090811.html>

⁶ See on-line at: <http://allafrica.com/stories/200711130941.html>;
<http://allafrica.com/stories/200711080218.html>;
<http://www.muslimnews.co.uk/pda/news.php?article=13505>

⁷ See on-line at: <http://allafrica.com/stories/200711160757.html>;
<http://allafrica.com/stories/200711141050.html>

⁸ See on-line at: <http://allafrica.com/stories/200711190469.html>



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of Kenya. We believe all such understanding should be openly entered at and openly shared with all Kenyans".⁹

On November 22, the Protestants joined the evangelical and Catholic churches and cautioned politicians against signing pacts with religious groups ahead of the December 27 general elections. The Protestant umbrella body, the National Council of Churches of Kenya (NCCCK), dismissed the signing of pacts between politicians and religious groups and said that "considering the religious, ethnic and racial harmony we have enjoyed as Kenyans since independence, NCCCK sees no justification for such MoUs. Our position remains that all negotiations and agreements that touch on governance and social relations are a preserve of all Kenyans".¹⁰

The secret MoU sparked much criticism and condemnation from within the Muslim community too. The Supreme Council of Kenya condemned this pact and its Secretary-General, Adan Wachu, said that they had been kept in the dark about the deal between Mr. Odinga and "hand-picked" Muslim leaders. In Lamu, Imam Mahfuz Mohamed said that "these MoUs are irrelevant because we have a place to fall back to. All the claims about President Kibaki not being sensitive to our issues were mere propaganda that should not be taken seriously". Tana River district Muslims demanded an apology from their Muslim colleagues who signed the secret deal "for selfish motives" and Sheikh Idris Bakero, Council of Imams and Preachers of Kenya district secretary asked "how could they have made an agreement without consulting other Muslims?"¹¹

Following the ever-growing pressure by Christian and Muslim leaders, the MoU, which had been quietly signed on August 29, was made public on November 27, by Sheikh Abdullahi Abdi. The chief signatories are Sheikh Abdullahi Abdi and Odinga. According to the MoU, Muslims will get privileged national status if leading presidential candidate, Raila Odinga, wins the upcoming elections. It binds Odinga to embrace Muslims "as his partner of choice" while serving as president of Kenya. Within his first year in office, if elected, Odinga would initiate "deliberate policies and programmes to redress historical, current and structural marginalization and injustices on Muslims in Kenya", including human rights violations and discrimination. Odinga and NAMLEF agreed to the setting up of a commission of inquiry on deliberate schemes and actions of government, its agencies or officers to target or interfere with welfare and social well being of Muslims in Kenya. The MoU hits out at President Kibaki, saying his "government has meted out calculated, deliberate, unprecedented discrimination, intimidation and harassment of sections of Kenyans, including Muslims". The MoU further says that Odinga will ensure the Muslim-majority areas of northern Kenya and the Coast receive budgetary priority for infrastructural development, water, housing and health, within two years of taking office. He also pledges to ensure equitable representation of Muslims in all public

⁹ See on-line at: <http://allafrica.com/stories/200711210370.html>

¹⁰ See on-line at: <http://allafrica.com/stories/200711231225.html>

¹¹ See on-line at: <http://allafrica.com/stories/200711080218.html>;
<http://allafrica.com/stories/200711051746.html>



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appointments. On its part, the National Muslim Leaders Forum vows to deliver to Odinga the Muslim vote and the support his presidency should he win.¹²

Moreover, this MoU further says that it "is made to secure and cement solidarity and partnership between Hon. Raila Odinga and NAMLEF constituency based on values of mutual trust, honesty, integrity, transparency and good governance". It further states that "this MoU is made in utmost good faith and trust between Hon. Raila Odinga and NAMLEF with the common objective of transforming our country Kenya into a proud, prosperous and just nation, where all Kenyans live in harmony realizing their full potential without discrimination, subjugation and fear".¹³

After captivating the country for several weeks, the MoU—which was widely circulated on the internet as the ultimate dangerous piece of accord—turned out to be an agreement aimed at safeguarding the interest of the Muslims, which said nothing about the Shari'ah law. Much more importantly, it does not have any dangerous implication or any potential of fomenting religious cleavages in Kenya, as had been claimed by the Christians and some Muslims before the exposure of the MoU by Sheikh Abdullahi Abdi.

Still, the MoU continues to attract criticism from Christians and Muslims. Evangelical and Presbyterian churches and some Muslim leaders want the contentious MoU rescinded. On November 28, fourteen evangelical leaders issued a statement, in which they said that "the church reiterates its stand that the MoU should be rejected by all Kenyans who believe in the equality of all without discrimination on the basis of religion". Furthermore, they doubted the authenticity of the document that was made public, noting that the MoU was published nearly three months since its signing in August and only after considerable pressure from Kenyans. On November 29, the Presbyterian Church of East Africa (PCEA) and a section of Muslims condemned the document. PCEA moderator, Dr. David Githii, said that the tension between Christians and Muslims over the MoU could put a wedge between the two religions. He said that "Christians and Muslims have lived in harmony for a long time, but such pacts could create bad blood between them". Muslim leaders and scholars, including officials of the Supreme Council of Muslims of Kenya (SUPKEM), allied to Kibaki also opposed the pact, saying that those who signed it were not the official voice of Kenyan Muslims. Adan Wachu, the SUPKEM Secretary-General, said no group could dictate the political position of Muslims. Mohammed Msallam, a Muslim scholar, said that "NAMLEF leaders are laymen in Islam. They have no right whatsoever to speak on behalf of Muslims, and they are only associated with two regions, Coast and North Eastern provinces".¹⁴

¹² See on-line at: <http://allafrica.com/stories/200711270998.html>;
<http://allafrica.com/stories/200711271271.html>

¹³ See on-line at: <http://allafrica.com/stories/200711271271.html>

¹⁴ See on-line at: <http://allafrica.com/stories/200711300005.html>;
<http://allafrica.com/stories/200711300980.html>



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In the meantime, while the debate over the secret MoU was raging all over Kenya and even causing a rupture within the Muslim community, President Kibaki had also reached out to the Muslim community, which amounts to more than two million Muslim voters across at least four of Kenya's eight provinces. On October 1, Kibaki asked Muslim leaders to give him information on those deported and on October 16, he also appointed a special committee to address specific concerns raised by the Muslim community with regard to alleged harassment and application of the law on security issues. On November 6, he declared 'Idd al-Adha, one of the two main religious festivals on the Islamic calendar, a national holiday. It will be the second Muslim national holiday after 'Idd al-Fitr. He also directed Attorney General, Amos Wako, to make the necessary legal changes to create the national holiday beginning this year. Furthermore, he vowed to increase the number of Muslim officials in the government if he reelected. He also set up a fact-finding commission of senior government officials, including Attorney General Amos Mako, to verify Muslim complaints of discrimination at government offices, especially when applying for IDs or passports.¹⁵

Furthermore, Kibaki enables the spread of Islamic banking in Kenya. Following the appointment of veteran banker Nathif Adam as the chief executive officer of the First Community Bank (FCB) – Kenya's first Islamic lender - at the end of October, the bank is set to roll out branches across the country. The bank plans to open branches in the Coast and North Eastern provinces, which have big Muslim populations. The initial roll out targets a branch in Eastleigh – Kenya's "Little Mogadishu" – another in Mombasa and a third at Prudential House, within Nairobi's Central Business District. The bank has already hired 55 members of staff across all ranks. Prior to his appointment, Nathif Adam, 58-years-old, was the Senior Vice-President and Head of Investments at Sharjah Islamic Bank in the United Arab Emirates. Apart from the FCB, the Gulf African Bank is the other bank in Kenya with a license to operate as a fully Islamic bank. However, there are challenges to be overcome if the new bank is to make an impact in Kenya. Chief among them is the association of Islamic banking with terrorism. The other one is to open up the bank to all Kenyans. Although the bank will be open to people outside the Muslim faith, its main target will be the Somali community, which is estimated at 800,000, who are known as astute international traders. Currently, FCB's main shareholders include Sharjah Islamic Bank of the UAE, Al-Madina Investment & Finance and Zummoroda Investment company (both of Kuwait), and a number of Kenyans (30 per cent).¹⁶

It should be noted in this context, that on November 25, the National Bank of Kenya (NBK) announced its planning to launch a lending facility targeting Muslims early next year. This announcement came just days after the bank launched a savings and current account product targeting the same clientele. The launch of the new products

¹⁵ See on-line at:

http://www.islamonline.net/servlet/Satellite?c=Article_C&cid=1193049716302&pagename=Zone-English-News/NWELayout; <http://allafrica.com/stories/200711090812.html>; <http://allafrica.com/stories/200711061179.html>; <http://allafrica.com/stories/200711280012.html>; http://www.eastandard.net/hm_news/news.php?articleid=1143977248

¹⁶ See on-line at: <http://allafrica.com/stories/200711010923.html>



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is in line with NBK's strategy to enhance and reposition its brand in the market. The deposit taking product named al-Mu'min has been developed and designed to cater for the specialized needs and requirements of the Muslim community. This account will be compliant with the principles of Shari'ah law. In order to ensure that, the bank has put in place an advisory board of Shari'ah experts to oversee the operations of the product.¹⁷

It seems like President Kibaki has taken advantage of the heated debate over the MoU to narrow the gap between him and Odinga. Still, whoever will win the presidential elections should remember that this is the finest hour of the Kenya's Muslims and for the first time ever in the history of Kenya, they are to determine who will win the elections. This means that the elected president will not be able to ignore the Muslim community and its needs any more, as happened before.

Much more importantly, owing to the unprecedented power of the Muslim community and its ability to determine the winner of the upcoming presidential elections, it seems like the outcome of these elections could impact anti-terror cooperation with the US. President Bush has described Kenya, which has been targeted by Islamist terrorists both before September 11 and after, as an "important" partner of the US in the global struggle against terrorism. Yet, opposition by Muslim Kenyans is expected to continue to block government attempts to pass an anti-terrorism bill. Muslim lawmakers have claimed it specifically targets Muslims and accused the government of bowing to pressure from the US to enact the legislation. Moreover, in case the presidential elections are won by a candidate who enjoys strong support among Muslims, there is always the chance that Kenya can shift direction and will not cooperate fully with the US on its war against terror. Odinga has won support from Muslims by telling them that he will change direction when it comes to handling suspected terrorists. Still, it seems very unlikely that Odinga, if elected, would turn down requests from countries like the US to arrest and perhaps even transfer terrorist suspects to other countries for interrogation. But even if the next president has an option to insist that terror suspects be handled by Kenya's judicial system, it will have to be done effectively for the Kenyans to see since it must not be forgotten that Kenyans too have been killed, wounded or otherwise affected by terrorism.

Criticism over the Implementantation of Shari'ah in Nigeria

On October 22, the judge of the upper Shari'ah court in the Tudun Wada neighborhood of the northern city of Kaduna, Mustapha Umar, ruled that his court lacked jurisdiction to entertain a suit filed by "Concerned Shari'ah Forum" - a pro-Shari'ah group based in Zaria, 70 km north of Kaduna. The suit was filed on October 3, against playwright and civil rights activist, Shehu Sani, who happens to be also the President of the Kaduna based Civil Rights Congress (CRC). It banned him from selling or circulating his play, the *Phantom Crescent*,

¹⁷ See on-line at: <http://allafrica.com/stories/200711250097.html>



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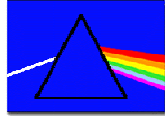
and performances of the play. The play satirizes the implementation of Shari'ah law in twelve Nigerian northern states. It is the first time such a case is brought against a Muslim who is critical of the Shari'ah legal system, which was implemented in twelve northern Nigerian states in 2000. Furthermore, it is a great victory for Shehu Sani, though his struggle is far from over. The plaintiff's lawyers have indicated interest to appeal against the ruling of the court, insisting that it has the jurisdiction to entertain the case.¹⁸

This legal suit was filed after early in October, Shehu Sani started preparations for the opening of his third play, the *Phantom Crescent*. The play satirizes all of the familiar characters of the Sharia code - lawyers, judges, police and politicians. This work of fiction is based on the circumstances surrounding the implementation of the Shari'ah in an unnamed state by the leading character known as Governor Yerima and the social imbalance that followed it. Governor Yerima is portrayed in some scenes selectively approving amputation and stoning to death one Buba Jangebe and Safiya, respectively, while sparing Bala Dan'inna, deputy chairman of the governor's party. The play portrays Governor Yerima as ordering the amputation of a pauper's hand for stealing a cow, while shielding a political ally from allegations of embezzling public funds. In another scene, a motorbike taxi driver is arrested by morality police, known as Hisbah, for allowing a woman passenger to ride on the back. Elsewhere, a woman is sentenced to 50 strokes with a whip for running a brothel, while the politicians and clerics who frequent it go unpunished. In the end, there is a revolt led by Aminu, leader of the Redemption Front, who tells his excited followers that "they said it is against Shari'ah to take alcohol, while most of them take it. They said it is against Shari'ah to patronize prostitutes while most of them do it. They said it is illegal to engage in gambling while most of them do it. They said we cannot listen to music or dance, while most of them do it. Today is the end of their hypocrisy".¹⁹

Shehu Sani wanted to perform his play outside in a park in Kaduna, where people could easily gather to watch. Sani argues that Shari'ah has become a political tool, helpful in winning voters and suppressing opposition. In his introduction to the play, Sani writes that "under Shari'ah law everyone is a sinner with the exception of members of the ruling party, tokenistic clerics, businessmen and feudal lords co-opted to the government side". According to Sani, Shari'ah is also a matter of class and thus, "it is the poor people who commit adultery in hotels, the poor who take motorbikes, the poor who entertain in bars. The rich have access and can move to do those things in other parts of the country, where there is no Shari'ah law". Thus, the play

¹⁸ See on-line at: <http://www.jihadwatch.org/dhimmiwatch/archives/018544.php>;
<http://allafrica.com/stories/200710280013.html>; <http://allafrica.com/stories/200710250240.html>

¹⁹ See on-line at: http://us.ft.com/ftgateway/superpage.ft?news_id=fto101520072332158554&page=2;
<http://allafrica.com/stories/200710090211.html>



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dramatizes the human rights abuses and the harassment of women and poor people by members of the Hisbah. Therefore, Sani's aim is first of all, to enlighten the local population on how Shari'ah is being used to oppress them, and then, to get the masses to fight back for the first time against their oppressors.²⁰

The actors were hired and the invitations posted. Those invitations, however, caught the eye of Muslim clerics in Kaduna, who filed suit against selling or circulating the play. The Concerned Shari'ah Forum requested the court to leave the ban in place on the grounds that the play could trigger violence, even if some of its criticism were valid. Thus, prosecution lawyer Barrister Sherif fears that the play could incite the kinds of religious violence the North has worked so hard to quell. He said that "we will not allow the interests of the public to be compromised in favor of the interests of an individual".²¹

Indeed, the case has already sparked wide attention in the north. Some 400 people attended court on the opening trial day. A non-governmental organization, Kaduna Indigenes Forum (KIF)—comprising of technocrats, academicians, and politicians, from Kaduna State—has raised an alarm over alleged plot to cause ethno-religious crises and destabilize the state. According to the chairman of the group, Alhaji Abubakar Dangiwa, the plot, which was hatched to coincide with the end of Ramadan, was aimed at discrediting certain public officers in the state through inciting publications capable of inflaming religious passion among the citizens.²²

Even some Christians residing in the North, dissociated themselves from the play. A Christian group, Concerned Northern Christians, has dissociated itself from Shehu Sani's play, which is also critical of the famous Islamic Nigerian reformer, Othman dan Fodio. On October 14, the group's spokesperson, Yunana Shibaku, a former Senior Special Advisor (Religious Affairs) to Governor Ahmed Sani of Zamfara State, said that the book was a grand design by some foreign powers using Nigerians like Shehu Sani, to ignite another round of religious crisis in the North. He said that "it is the work of the opposition to which Shehu Sani is one, to destabilize the North and the federal government by hiding behind a dubious authorship to instigate Muslims against Christians and we are strongly opposed to it". He said also that "we Christians in the northern states have high regard and respect for the works and teachings of Shehu Usman dan Fodio and his contributions to the socio-political and economic development of the region". Finally, he declared that "we Christians in the North are dissociating ourselves from this mischievous publication and call on the Upper Shari'ah Court in Kaduna to ban the book in the interest of religious harmony

²⁰ See on-line at: <http://allafrica.com/stories/200710280013.html>; <http://www.islam-watch.org/Others/Sharia-and-Human-Rights-in-Nigeria.htm>; <http://www.namibian.com.na/2007/October/world/07BFFC3445.html>; <http://revrowlandjdemacaulay.blogspot.com/2007/10/nigerian-sued-over-play-on-abuses-of.html>

²¹ See on-line at: <http://allafrica.com/stories/200710280013.html>; http://us.ft.com/ftgateway/superpage.ft?news_id=fto101520072332158554&page=2;

²² See on-line at: <http://allafrica.com/stories/200710090211.html>



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in the country. We strongly condemn the book and Shehu Sani should be held responsible for whatever happens because of publishing the book".²³

It should be noted that in 2006, Alhaji Abdullahi Mohammed, leader of the Concerned Shari'ah Forum, lodged a complaint at the Upper Area Court in Kaduna with a ten-point affidavit that Shehu Sani was critical of the famous nineteenth century Islamic reformer, Othman dan Fodio, and castigated the application of Shari'ah law in northern Nigeria. Mohammed stated that in his 292-pages-book *The Killing Fields: Religious Violence in Northern Nigeria*, published by Spectrum Books Limited, Ibadan, Sani also questioned the motive behind the enforcement of Shari'ah law. According to him the enforcement was only an instrument to enslave the masses. According to the affidavit, the author castigated the Jihad of Othman dan Fodio and described it as ruthless and a war crime whose aim was to impose emirs as rulers. Mohammed said that "the author claimed that dan Fodio's Jihad gave Sultan and the emirs in northern Nigeria a false religious root and justification for existence". He told the court that Shehu Sani castigated the introduction of Shari'ah in Zamfara and Kaduna states, which the author describes as "something that heralded a spiral of new kind of politics of blackmail and witch-hunt, persecution, shenanigans, social crisis and confrontation".²⁴

Indeed, Shari'ah law has long been used to settle civil cases in northern Nigeria, but governorns sought to extend its application to offences such as murder, sodomy and theft. The implementation of the Shari'ah's severe punishments has been widely seen as part of a power play between the state governors and the federal government, as each tested the authority of the other after the end of more than 15 years of military rule. Federal government officials have declared the new punishments unconstitutional, but the authorities have yet to launch a court challenge to the governors' action. The northern state governors claim they have mass political support for their policies. In elections held in 2003 and undermined by allegations of widespread ballot-rigging, Coliseum Obasanjo, the reelected president, scored heavily in the country's south but saw his share of the vote dip below 25 percent in several Shari'ah states. His Peoples Democratic Party lost the governorship of the northern heartland state of Kano to Ibrahim Shekarau of the All Nigeria People's party, who is seen as an enthusiast for strict Islamic law.²⁵

There has, however, been no widespread application of sentences such as stoning and amputation. The governors' emphasis on Shari'ah and law-and-order issues had a street-level appeal in a country suffering from mass poverty, entrenched corruption,

²³ See on-line at: <http://allafrica.com/stories/200710151627.html>

²⁴ See on-line at: <http://allafrica.com/stories/200710151627.html>;
<http://allafrica.com/stories/200710250240.html>

²⁵ See on-line at: <http://www.csmonitor.com/2003/0929/p01s03-woaf.html>;
<http://query.nytimes.com/gst/fullpage.html?res=9805E5DD1631F930A1575BC0A9669C8B63&sec=&spn=&pagewanted=print>



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and a federal judicial system notorious for its slowness and unfairness. However, initial support for the application of Shari'ah among many Muslims who believed it would put an end to decades of impunity by corrupt elite has given way to allegations of hypocrisy. Critics such as Shehu Sani accuse politicians of whipping up religious fervour to boost their election bids, and clerics of using Shari'ah courts to win bribes. Such activities contrast with quieter work done by Islamic NGOs in the North to feed and educate the poor. Thus, several ex-governors of Shari'ah states are under investigation for corruption. The former governor of Jigawa, which has some of the worst health and poverty statistics in Nigeria, was charged in July 2007 with stealing about \$225 million.²⁶

While the Shari'ah authorities initially cracked down on alcohol selling, prostitution and adultery, film-makers and musicians accused of denigrating Islam have become the focus of more recent cases. In that respect, the legal suit filed against Shehu Sani is just one example of a new clampdown on artists in the northern Nigerian Shari'ah states. In August 2007, a scandal erupted when a cell phone video surfaced of Nigerian movie star, Maryam Usman, popularly known as Hiriyana, having sex with her boyfriend. Kano state recently banned all films from carrying music. Some of the *Phantom Crescent's* would-be-actors received threats of violence and harassment.²⁷

To sum up, this court case shows that the twelve Nigerian Shari'ah states are not immune from local Muslim criticism on its conduct and implementation of Shari'ah law. It also serves to illustrate the still ongoing controversy within the twelve Shari'ah states over the introduction of severe Shari'ah punishments and the opposition to it within the Muslim local communities.

One should remember that this case is filed at a time radical Islam is on the rise in Nigeria as well as around the world. Shari'ah implementation is one of its most deadly and oppressive weapons, as could be seen only a year ago in Somalia, where the Islamic Courts Union established a regime based on Shari'ah law. Yet, as might also be learned from Somalia, this regime just served to alienate the Somalis, who mostly belong to Sufi orders and radical Islam is alien for them. Thus, the outcome of this court case in Nigeria might show whether the local Muslim criticism of the Shari'ah states is strong enough to really bring some changes to the better in the conduct and implementation of Shari'ah law in these states, or whether the force of these states'

²⁶ See on-line at: http://us.ft.com/ftgateway/superpage.ft?news_id=fto101520072332158554&page=2;
<http://www.namibian.com.na/2007/October/world/07BFFC3445.html>

²⁷ See on-line at: <http://allafrica.com/stories/200710280013.html>;
<http://www.freemuse.org/sw22719.asp>; <http://gatewaypundit.blogspot.com/2007/08/panic-in-kano-islamists-plan-theatre.html>; <http://ibrahim-sheme.blogspot.com/2007/09/censoring-movies-and-books-in-kano.html>



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authorities is still strong enough to stand up to this unprecedented harsh criticism on its conduct.

Conversion to Islam in Zambia

On October 10, 2007, the Islamic Council of Zambia (ICZ) has resolved to participate in the National Constitution Conference (NCC) despite Muslims being the minority in terms of Numbers. ICZ official, Sheikh Banda, said at a press briefing in Lusaka that despite Islam being looked upon with suspicion, Muslims still contribute to the development of Zambia and as such should participate in the NCC. He further said that in the previous constitution review commissions, Muslims had not been invited to participate. He stressed that the decision to participate in the NCC was the official position of the Muslims in Zambia and dispelled any statements or views that might be given by individuals regarding the conference.²⁸

In 1996, just eleven years ago, former president of Zambia, Fredrick Chiluba, declared that Zambia was a Christian State. Thus, a 1996 amendment to the Constitution declared Christianity to be the official religion of the country while upholding the right of every person to enjoy personal freedom of conscience or religion. Yet, nowadays, Zambia is not a Christian country anymore. True, Christians still comprise the majority within the overall population, but according to some estimates, there has been a huge growth in the number of Muslims or converts to Islam in Zambia. Therefore, Muslims comprise nowadays, approximately 5 percent of the overall population, while according to a 2000 census, approximately 87 percent of the population was Christian; 1 percent was either Muslim or Hindu; 7 percent adhered to other faiths, including indigenous faiths; and 5 percent did not report its religion.²⁹

It should be mentioned that the constitution provides for freedom of religion, and the government generally respects this right in practice. Article 19 of the constitution guarantees freedom of thought and religion to all citizens, freedom to change religion or belief, and freedom to manifest and propagate religion or belief in worship, teaching, practice and observance. The government at all levels strives to protect this right in full and does not tolerate its abuse, either by governmental or private actors. Statutes provide effective remedies for the violation of religious freedom. These provisions are enforced in a rigorous and nondiscriminatory fashion. So, although a 1996 amendment to the constitution declared the country a Christian nation, the

²⁸ See on-line at: <http://allafrica.com/stories/200710110333.html>

²⁹ See on-line at: <https://www.cia.gov/library/publications/the-world-factbook/geos/za.html>; http://en.wikipedia.org/wiki/Islam_in_Zambia; <http://www.state.gov/g/drl/rls/irf/2003/23761.htm>; http://www.newsfromafrica.org/newsfromafrica/articles/art_10733.html; http://atheism.about.com/library/irf/irf04/blirf_zambia.htm; <http://www.state.gov/g/drl/rls/irf/2007/90127.htm>; <http://www.volint.it/piroga/piroga11/zambia.pdf>



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government generally respects the right of all faiths to worship freely and there were no reports that the government provided preferential treatment to Christians.³⁰

The Zambian Muslim community is headed by Sheikh Assadullah Mwale, who calls himself the grand mufti of Zambia. He has been a Muslim since 1968, when he was converted aged only fifteen. In 1982, he walked for six months all the way from Lusaka to Cairo to study there Islamic law. Sheikh Mwale is also the imam of the Chibolya mosque, the oldest mosque in Zambia, which was established in 1908.³¹

Islam first reached Zambia during the middle ages and the Omani rule in Zanzibar, by way of Muslim merchants, who extended their business from the Muslim cities—which were established in the East African coast—to the interior regions. Thus, Islam entered Zambia from present day Tanzania, Malawi, and Mozambique. Later on, many Muslims entered Zambia during the colonial period, primarily from the Indian subcontinent, and established themselves along the railways in the central part of the country from Livingstone to Lusaka. In the post-colonial period and especially during the last decades, thousands of Muslims from Somalia and Kenya have settled in Zambia. Nowadays, Muslims are concentrated in certain parts of the country where citizens of Asian origin have settled along the railroad line from Lusaka to Livingstone, in Chipata, and in the eastern province. Today, there is a growing trend of conversion to Islam among indigenous Zambians.³²

This trend is part of the spread of Islam into Africa as a whole, where Islam is said to be growing twice as fast as Christianity, and in particular into southern Africa, a part of the continent where there were almost no Muslims at all until the 1990s. As part of this trend, Zambia has seen a rapid development in the construction of mosques, *madrassas*, and primary and secondary schools, both in Muslim dominated areas as well as in areas chiefly dominated by Christians. These Islamic religious enterprises, which have been built by Islamic NGOs, such as the African Muslim Agency, have been funded by petrol money from Gulf and Arabian Peninsula countries³³

However, it should be stressed that the construction of mosques alone cannot be a genuine indicator by which one measures the growth of Islam in the country. Indeed, mosques have been built in different parts of the country, but especially so in Eastern and Lusaka provinces. The construction of mosques follows, most of the time, the pattern of already dispersed existing Muslim communities of the Yao tribe, chiefly,

³⁰ See on-line at: http://atheism.about.com/library/irf/irf04/blirf_zambia.htm;
<http://www.state.gov/g/drl/rls/irf/2007/90127.htm>

³¹ See on-line at: http://www.postzambia.com/post-read_article.php?articleId=33211

³² See on-line at: http://en.wikipedia.org/wiki/Islam_in_Zambia;
<http://www.volint.it/piroga/piroga11/zambia.pdf>; <http://www.state.gov/g/drl/rls/irf/2003/23761.htm>

³³ See on-line at: http://www.newsfromafrica.org/newsfromafrica/articles/art_10733.html;
<http://members4.boardhost.com/acnaus/msg/1142381057.html>;
<http://www.volint.it/piroga/piroga11/zambia.pdf>



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and cannot be termed as a deliberate venture into non-Muslim territories - with the exception of Lundazi and Petauke, where the construction of mosques, spearheaded by the Indian Muslim communities, has led to the foundation of new Muslim communities.³⁴

Yet, Islam in Zambia has not developed in total isolation from external influence. Its local development has been largely marked by contact with Muslims from outside the country. Thus, Muslim networks outside the country have been able to exert influence on the development of Islam in the country through their close collaboration with local associations and the provision of necessary spiritual and material resources.

Islam's gateway into Zambia has also been influenced by some African immigrants - especially those from the East and West African countries of Somalia, Tanzania, Congo, Senegal, Mali, Ghana and Nigeria. Most of these stay in the country as illegal immigrants. Illegal or not, they do not come with their spouses and end up marrying Zambians, converting some along the way. Thus, the typical way for women to embrace Islam has been through marriage with Muslim spouses. Some western African Muslims married local women. Although it is not an absolute pre-requisite of Islam for non-Muslim women to embrace Islam upon marriage, the majority of indigenous women married to Muslim spouses end up becoming Muslims, either by indirect coercion or for the sake of family unity. Associations such as the Lusaka Muslim Women Trust have helped women to come out in the public and present themselves in a way that has attracted other women to embrace Islam.³⁵

As for the youth, different reasons have motivated some without any Islamic background to embrace Islam. Firstly, it has been a common occurrence in the past three decades for young people to break away from their traditional religious affiliations in favor of new ones. Embracing Islam is just one example of that. Secondly, scholarships to study abroad - mainly in Pakistan, Saudi Arabia, Egypt, Sudan, and Iran - offered to whoever declare themselves Muslims made hundreds of young men enter into the fold of Islam in the 1980s. In addition, Muslim clerics have made sure Islamic literature is available for people to read and learn about the faith. This has also greatly contributed to the spread of the Islamic faith.³⁶ The pattern experienced in Zambia is the same in Malawi, giving credence to the belief that the Islamic faith is indeed making strides in southern African states.

Such contacts reveal not only the great potential of local Muslim associations to respond to a global Islamic discourse but also the impact of the trans-national associations on the local Islamic discourse. On July 2, for instance, Zambian police in Lusaka raided an Islamic school and arrested an Indian man and a Congolese accomplice for unlawful confinement and child abuse. The two men arrested were holding 280 boys between the ages of four and ten confined in cages. The children, who were recruited from poor areas of the country, were forced to study Arabic, Islam and military tactics. Police reported that some of the boys had been held for one to

³⁴ See on-line at: http://www.newsfromafrica.org/newsfromafrica/articles/art_10733.html

³⁵ See on-line at: http://www.newsfromafrica.org/newsfromafrica/articles/art_10733.htm

³⁶ See on-line at: http://www.newsfromafrica.org/newsfromafrica/articles/art_10733.htm



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three years. In November 2003, the Director of Public Prosecutions dropped the original charges, although new charges of interfering with justice were lodged. The High Court subsequently ordered the deportation of one of the operators.³⁷

On July 20, 2005, Haroon Rashid Aswat, a Yorkshire-born militant linked to the London bombings, was captured in Zambia. He was detained in the town of Livingstone after crossing the border from Zimbabwe. Aswat had been on the run since 1999, when he allegedly tried to set up training camps for al-Qaeda in the US. His name emerged within days of the July 7 attacks, as a possible orchestrator of the coordinated suicide bombings that killed 52 people. He was reported to have slipped into Britain a fortnight before the attacks and flew out hours before the four bombers struck. Moreover, he reportedly had mobile phone contact with at least one of the bombers before the attacks. On August 3, Zambia agreed to deport Aswat to the UK. Martin Mubanga is another British Muslim, who was arrested in Zambia in 2002. Martin Mubanga, 29-years-old from Wembley, North-West London, was born in Zambia, and came to Britain in the 1970s. He has a dual Zambian and British nationality. Mubanga found himself in Feltham Young Offenders' Institute after being arrested for football hooliganism. There, he was attracted to Islam and began going to a local mosque. In October 2000, he left Britain for an Islamic madrassah in Pakistan. After returning from a trip to Afghanistan, he was captured and held in Zambia, after which the local authorities placed him in the custody of the Americans. He was taken to the US detention camp in Guantanamo Bay, where he was held until his release without charge three years later.³⁸

The Zambian Muslims have condemned terrorism and the September 11 terrorist attacks on the US. However, the president of the Islamic Council of Zambia (ICZ), Rashid Phiri, has called several times on the US and the international community not to label all Muslims in the world as terrorists. Furthermore, following the September 11 attacks, Rashid Phiri urged the Zambian government to work hand in hand with his association in scrutinizing Islamic activities and organizations to avoid occurrence of radical Muslims infiltrating the country with terrorist motives. On December 23, 2006, the Mufti of Zambia said that "diplomats, political leaders and civil servants are the ones who allow terrorists to operate in different countries". He said that he "has visited many places in Asia and Africa. What I have realized is that the main basis of terrorism is the diplomats who are not very smart in issuing visas, political leaders

³⁷ See on-line at: <http://www.benadorassociates.com/article/624>;
<http://www.state.gov/g/drl/rls/irf/2003/23761.htm>;
http://atheism.about.com/library/irf/irf04/blirf_zambia.htm

³⁸ See on-line at: <http://www.timesonline.co.uk/tol/news/uk/article549328.ece>;
<http://www.timesonline.co.uk/tol/news/uk/article551054.ece>;
<http://www.nytimes.com/2005/08/08/international/europe/08london.html?pagewanted=all>;
http://www.salaam.co.uk/themeofthefirstmonth/september03_index.php?l=5;
<http://www.iht.com/articles/2005/08/07/news/london.php>;
http://www.ccmep.org/2004_articles/general/080804_guantanamo.htm



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who receive bribery from rich countries and convince the poor to join terrorist groups and civil servants particularly immigration officials who issue passports without doing thorough investigations". He added that Muslims were not the source of terrorism and people should make a distinction between Jihad and terrorism as the two are not the same. He also blamed the US foreign policy as the one fostering terrorism in the world.³⁹

Although Islam was initially an insignificant minority group in Zambia, within the past thirty years the Muslim community has undoubtedly become a non-negligible component of the Zambian society. Through a more organized structural visibility such as mosques, schools, local associations and an ever-increasing number of indigenous converts, Islam has come to represent a significant change in the religious landscape of the country. It now constitutes a real alternative to traditional religions and indeed even to the long established Christian churches. The real challenge which should confront nowadays the Zambian Muslim community as well as the Zambian government is to prevent the infiltration of radical Muslims with terrorist motives into the country.

³⁹ See on-line at: <http://www.times.co.zm/news/viewnews.cgi?category=4&id=1001100032>;
<http://www.ippmedia.com/ipp/guardian/2006/12/23/80913.html>