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Nigeria

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The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance. While the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns.

There was no change in the status of respect for religious freedom during the period covered by this report.

Interreligious tension between Christians and Muslims remained high in some areas of the country, and there were several violent economic, ethnic, and political conflicts that took on religious overtones.

The U.S. Government broached and actively pursued several religious freedom-related issues, and this is an important part of the U.S. Mission's program in the country. The Ambassador and several sections and agencies in the Mission have taken an active role in discussing and advocating these issues with government, religious and community leaders, and are involved in these issues country-wide. The Mission has also devoted substantial funding and projects to various aspects of religious freedom and outreach, which was implemented by several agencies and sections of the Mission.

Section I. Religious Demography

The country has a total area of 356,700 square miles and its population is estimated at 137 million; however, there has not been an accurate census for more than 30 years, and many observers believe that the country's population exceeds this figure. Approximately half of the country's population practices Islam, more than 40 percent practices Christianity, and the remainder practice traditional indigenous religions or no religion. Many persons combine elements of Christianity or Islam with elements of a traditional indigenous religion. The predominant form of Islam in the country is Sunni. The Christian population includes Roman Catholics, Anglicans, Baptists, Methodists, Presbyterians, and a growing number of Evangelical and Pentecostal Christians. Catholics constitute the largest Christian denomination.

There is a strong correlation between religious differences and ethnic and regional diversity. The north, dominated by the large Hausa and Fulani ethnic groups, is predominantly Muslim; however, there are significant numbers of Christians in urban centers of the north. Both Muslims and Christians are found in large numbers in the Middle Belt. In the southwest, where the large Yoruba ethnic group is the majority, there is no dominant religion. Most Yorubas practice either Christianity or Islam, while others continue to practice the traditional Yoruba religion, which includes a belief in a supreme deity and the worship of lesser deities that serve as the supreme deity's agents in aspects of daily life. In the east, where the large Igbo ethnic group is dominant, Catholics and Methodists are the majority, although many Igbos continue to observe traditional rites and ceremonies.

Christian missionaries from many denominations operate in the country. Rough estimates put the number of foreign Christian missionaries at more than 1,000 with many residing in the area around Jos in the Middle Belt's Plateau State. Many Christian missionaries have resided in the country for a decade or longer. There are fewer foreign Muslim missionaries, and they generally

stay in the country for shorter periods of time than their Christian counterparts.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution provides for freedom of religion, including freedom to change one's religion or belief, and freedom to manifest and propagate one's religion or belief in worship, teaching, practice, and observance. While the Federal Government generally respects religious freedom, there were some instances in which limits were placed on religious activity to address security and public safety concerns.

The Government remained an observer in the Organization of the Islamic Conference (OIC) during the period covered by this report. However, there is no state religion.

There are 36 states in the country; governors have substantial autonomy in all decisionmaking but derive the vast majority of their resources from the Federal Government. The Constitution prohibits state and local governments from adopting an official religion; however, some Christians have alleged that Islam has been adopted as a de facto state religion in several northern states, citing the reintroduction of criminal law aspects of Shari'a and the continued use of state resources to fund the construction of mosques, the teaching of Kadis (Muslim judges), and pilgrimages to Mecca (hajj). For example, the Governor of Zamfara disbursed public funds to refurbish mosques. However, several states, including northern states, use government revenues to fund Christian pilgrimages to Jerusalem. In general, states, whether dominated by Christians or Muslims, lean toward the faith practiced by the majority of residents.

The Constitution provides that states may elect to use Islamic (Shari'a) laws and courts. In 2000 Zamfara State began implementing traditional Shari'a in its entirety, with the exception that apostasy was not criminalized. There are 11 other northern states that have adopted at least parts of Shari'a law—Sokoto, Kebbi, Niger, Kano, Katsina, Kaduna, Jigawa, Yobe, Bauchi, Borno, and Gombe. Adherence to Shari'a provisions is compulsory for Muslims in some states and optional in others. Non-Muslims are not required in any state to submit to Shari'a jurisdiction, though in some states they are given the option, which may work to a defendant's advantage when the penalty under Shari'a is less severe, such as paying a fine rather than a jail sentence under secular law. Defendants have the right to challenge the constitutionality of Shari'a criminal statutes through the secular courts; however, no challenges with adequate legal standing made it through the appellate system during the period covered by this report.

The Constitution also provides for the Federal Government to establish a Federal Shari'a Court of Appeal and a Final Court of Appeal; however, the Government has not yet established such courts. There were no cases involving Shari'a law that reached the federal appellate level during the period covered by this report.

The Federal Government created a committee to draft uniform Shari'a criminal and procedural codes for states adopting Shari'a; there was no progress on the draft during the period covered by this report.

Each year the Government observes the following Islamic and Christian holy days as national holidays: Eid-el-Asha, Eid-el-Fitr, Good Friday, Easter Monday, Eid-el-Maulud, Christmas Day, and Boxing Day.

Christian and Islamic groups planning to build new churches or mosques are required by law to register with the Corporate Affairs Commission (CAC). This law was put into effect to stem the proliferation of new religious buildings in the absence of zoning laws, to resolve legal questions arising from disputes over church ownership and control, to provide a single registry for government reference in the event that compensation is demanded following civil disturbances, and to allow for legal solemnization of marriages. The law requires religious groups to name a board of trustees, place a notice of the group's intent to organize in three nationwide newspapers, and send trustee information to the CAC. If the CAC receives no objections, the group can proceed with construction. The CAC did not deny registration to any religious group during the period covered by this report. Many nascent churches and Islamic congregations ignored the registration requirement, and a small number, most notably those in Abuja, had their

places of worship shut down when the zoning laws were enforced.

Both Federal and state governments were involved in the regulation of mandatory religious instruction in public schools.

Some state governors actively encouraged interfaith and interethnic discussions and took steps to prevent further violence and tension. The Government encouraged the activities of nongovernmental organizations (NGOs) such as the Kaduna-based Inter-Faith Mediation Center and the Muslim/Christian Dialogue Forum.

Restrictions on Religious Freedom

The Government required permits for outdoor public functions; government authorities and those assembling often ignored this requirement. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Many states prohibited open-air religious services held away from places of worship due to fears that these religious services would heighten interreligious tensions or lead to violence. Ondo State continued to ban open-air religious events, and the Kaduna State government enforced a ban on processions, rallies, demonstrations, and meetings in public places on a case-by-case basis. In the southern part of the country, large outdoor religious gatherings were common.

Several northern state governments continued to ban public proselytizing to avoid ethno-religious violence. However, some proselytizing groups remained active despite these formal bans, which generally were enforced on a case-by-case basis.

In April, the National Broadcasting Commission ruled that televangelists who broadcasted religious miracles would be required to provide evidence to prove the genuineness of the alleged miracles. The Lagos High Court ordered a suspension of the ruling pending its hearing of a lawsuit contesting the policy.

Although distribution of religious publications was generally unrestricted, the Government sporadically enforced a ban against broadcasting religious advertisements on state-owned radio and television stations.

Both Christian and Muslim organizations accused the Ministry of Foreign Affairs and the Immigration Department of restricting certain religious practitioners from entering the country, particularly persons suspected of intending to hold mass rallies.

While many citizens remain interested in the institutional development of Shari'a jurisprudence, many politicians who once sought to make political gains by pushing for the adoption of Shari'a have turned to other populist issues. In April, the Governor of Zamfara announced a plan called "Shari'a Phase Two" to extend what he termed "Islamic concepts" to governance of education and economic development. He also threatened to demolish houses of worship in his state that did not have proper permits.

The Governor of Kano, who took office after Kano State implemented Shari'a, spearheaded opposition to polio vaccination campaigns for several months, on the grounds that vaccines approved by the World Health Organization were a threat to Muslims' health and fertility, resulting in the infection of over 100 children, and the spread of polio to 10 previously polio-free countries. By the end of the report period, he had withdrawn his opposition.

In states that expanded Shari'a to criminal matters, all Muslims are subject to the Shari'a criminal codes. In Zamfara State, all cases involving Muslims must be heard by a Shari'a court. Other states with Shari'a law permit Muslims to choose secular courts for criminal cases; however, societal pressure compelled most Muslims to use the Shari'a court system. There were complaints that some Kadi judges applied harsher penalties in adultery and fornication cases against women than in such cases against men and that stronger evidence was required to convict men than to convict women.

There are no laws barring women or any groups from testifying in secular court or that give less weight to their testimony; however, the testimony of women and non-Muslims usually is accorded less weight in Shari'a courts.

In the north, there is a long tradition of separating schoolchildren according to gender. In 2000, the northern state of Kebbi and Sokoto codified gender segregation in schools; some form of gender segregation occurred in many secondary schools elsewhere in the north, but was enforced locally, rather than on a statewide basis. In September, Kano State announced that all Muslim schoolgirls at state-run schools were required to wear the hijab Islamic headscarf.

The Federal Government continued to ban religious organizations from primary school campuses although individual students retained the right to practice their religions in registered places of worship. The Constitution does not require students to receive instruction in a religion other than their own; however, the Ministry of Education requires public school students throughout the country to undergo either Islamic or Christian religious instruction. State authorities claim that students are permitted not to attend classes taught in a religion other than their own and that students may request a teacher of their own religion to provide alternative instruction. However, there were no teachers of "Christian Religious Knowledge" in many northern schools. In the South, many Muslims believed that religious instruction in the schools was similarly biased toward Christians. In Enugu and Edo states, there were reports that Muslim students did not have access to "Islamic Religious Knowledge" in the public schools. Also, Islamic courses were unavailable for students of the University of Ibadan and Ibadan public schools in Oyo State. Unlike in the past, non-Muslim students in Zamfara and Sokoto states were not required to take courses in Islamic Religious Knowledge during the period covered by this report.

No further action was taken, nor is further action likely in relation to a 2003 incident in which the Moslem Students of Nigeria organization invaded primary and secondary schools in Oyo State; also no further action was taken in connection to the arrests of more than 30 students for public disorderliness shortly after the invasions. The students were released on their own recognizance.

In August, Bowen University in Osun State agreed to settle out of court with two students, Aderemi and Afolabi Ogundokun, who were expelled from the school in March 2003 for refusing to attend Christian religious classes. Bowen University has agreed to allow them to transfer to another institution.

In May, Edo State returned ownership of three secondary schools to the Christian organizations that originally owned them. The state took ownership of the schools in the 1970s when the government seized all schools belonging to private organizations during the introduction of universal free primary education. According to press reports, 30 additional primary schools will be returned to their original owners by the end of 2004.

Christians in the predominantly Muslim northern states continued to allege that local government officials used zoning regulations to stop or slow the establishment of new churches. Muslims continued to complain that they were denied permission to build mosques in predominantly Christian southern states. Officials responded that many of these new churches and mosques were being constructed in residential neighborhoods not zoned for religious purposes. State officials also stated that the certification boards were dealing with a large backlog of cases for all applicants regardless of religious faith.

Although the expanded Shari'a laws technically do not apply to non-Muslims, the non-Muslim minority, especially in Zamfara State, has been affected by certain social provisions of Shari'a, such as the separation of the sexes in public schools, and health and transportation services. Many social provisions associated with Shari'a have roots in the country's pre-Islamic societies and were in practice before the states adopted Shari'a. Most states have not criminalized alcohol consumption by non-Muslims; however, in May, Kano State announced that non-Muslims will be fined approximately \$380 (50,000 naira) or up to a year in prison for drinking or selling alcohol in certain public places. Elsewhere in the north, the sale and public consumption of alcohol have been restricted except on Federal Government installations, such as military and police barracks. In Zamfara State, Christian associations arranged for private transportation services for Christians so that they were not forced to use the gender-segregated transportation provided by the Zamfara State government. Sokoto State's transportation system is run completely by private operators, and Sokoto's governor said that the state could not compel private operators to carry female passengers if doing so violated their religious convictions.

Abuses of Religious Freedom

The extension of Shari'a law to cover criminal offenses in many northern states generated a national public debate about whether Shari'a punishments, such as amputation for theft, stoning for adultery, and caning for fornication and public drunkenness, constituted "torture or...inhuman or degrading treatment" under the Constitution.

The Constitution permits capital punishment; although several Shari'a courts, as well as secular courts, sentenced persons to death, no Shari'a death sentences were implemented during the period covered by this report.

In 2002, in Katsina State, Amina Lawal was sentenced to death by stoning after confessing to having a child while divorced. In September 2003, the Katsina State Shari'a Court of Appeal overturned the verdict and sentence, ruling that neither her confession nor her conviction was valid. The prosecutor had announced in advance that there would be no further legal action, and Ms. Lawal was freed.

In 2002, a Shari'a court in Bauchi State convicted Yunusa Rafin Chiyawa of adultery and sentenced him to death by stoning. He was the first man to be convicted of adultery under Shari'a law. The Upper Shari'a Court of Bauchi State overturned the verdict and sentence in November 2003.

There are numerous Shari'a cases pending appeal or implementation of sentence. Many of these cases have been delayed continuously for various reasons. However, Bariya Magazu appealed a September 2000 conviction for fornication and having a child out of wedlock and succeeded in getting her sentence reduced from 180 lashes to 100. The sentence was carried out in January 2001.

Unlike in the past, there were no reports that states administered amputations or canings pursuant to Shari'a law during the period covered by this report. There were several pending amputations and stoning sentences in Jigawa, Bauchi, Niger, Kano, and Zamfara States.

Muslims convicted of crimes under Shari'a law were sentenced to public caning for minor offenses, such as petty theft, public consumption of alcohol, and prostitution. Human rights groups reported that many indigent persons convicted of Shari'a offenses claimed they had not known they were entitled to legal representation.

A number of states with expanded Shari'a law sanctioned private vigilante Shari'a enforcement groups (known as Hisbah); in some cases these groups had authority to make arrests. The Governor of Jigawa State mobilized a statewide Shari'a enforcement committee to arrest, detain, and prosecute Muslim offenders. The Hisbah groups were not very active during the period covered by this report.

In July 2003, the Kaduna State Court ordered the Government to release an imam from the Kaduna central mosque whom the Government detained in May 2003. The Government did not respond to the court order, nor produce the imam. The imam is assumed to still be in custody, although there have been no updates during the period covered by this report. There were no other reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Abuses by Terrorist Organizations

There were no reported abuses targeted at specific religions by terrorist organizations during the period covered by this report.

Section III. Societal Attitudes

Interreligious tension between Christians and Muslims remained high in some areas of the

country, and there were several violent economic, ethnic, and political conflicts that took on religious overtones.

Religious differences often mirror regional and ethnic differences. For example, persons in the North and in parts of the Middle Belt are overwhelmingly Muslim and from the large Hausa and Fulani ethnic groups that tend to dominate these areas. Many southern ethnic groups are predominantly Christian. In many areas of the Middle Belt, Muslim Fulani tend to be pastoralists, while the Muslim Hausa and most Christian ethnic groups tend to be farmers or work in urban areas. Consequently ethnic, regional, economic, and land use competition often coincide with religious differences between the competing groups.

It is not unusual for two different ethnic groups with a long history of conflict to have adopted different religions with the effect of exacerbating existing tensions. For example, retaliatory political violence in Plateau State escalated during the reporting period. The violence reached its peak in May when a mainly Christian Tarok militia from a nearby town in Plateau State massacred more than 500 mainly Muslim Hausa/Fulani residents in Yelwa village. The massacre occurred after a February incident in Yelwa in which more than 40 Taroks were burned to death in a church.

A week later in Kano State, Muslims staged a peaceful rally protesting the violence against Muslims in Plateau State. The rally took on a religious dimension when unemployed youth began vandalizing businesses belonging to Christians and erupted into mob violence in which more than 300 Muslims and Christians were killed.

In mid-May, after the violence subsided, the Government declared a state of emergency in Plateau State; however, the state of emergency did not negatively affect religious freedom.

Predominantly ethnic/economic confrontations broke out in Bauchi, Plateau, Nassarawa, Benue, Taraba, and Kano states. Numerous persons were killed, injured, or displaced as a result of these conflicts. Confrontations over economic and land issues sometimes had religious reverberations. There were incidents in which mobs, aroused by economic, land, and political disputes, arbitrarily targeted persons of specific religious and ethnic affiliations, such as in the Kano riot in May.

There were instances in which individuals or groups were targeted primarily based on religious issues and/or because of their religious affiliations. For example, in July, animists destroyed Christian homes and businesses in Nkalaha, Ebonyi State in retaliation for the nonparticipation of Christians in animist rites and traditions. Animists in Ebonyi State insisted that all individuals pay cultural respect to the traditional ruler. Many Christians refused, and in retaliation the animists flogged the Christians. The Christians later complained to the police, who then beat the animists involved in the flogging.

In June, at least 50 persons were killed in Numan, Adamawa State during fighting that began over the rebuilding of the central mosque near a Christian tribal leader's palace. Exactly 1 year before, in June 2003, approximately 100 persons were killed in Numan in a riot sparked by the killing of a Christian evangelist by a Muslim water seller. During the riot, Numan's central mosque was burned. The ethnic Hausa minority began reconstruction of the mosque, but was court ordered to halt reconstruction when a leader of the ethnic Bachama majority complained that the mosque's minaret was taller than his palace. During the 2004 fighting, several mosques and homes were burned, and many residents fled the area. In response to the June 2004 violence, the Governor of Adamawa dethroned the Bachama leader and ordered the relocation of the mosque.

In May, in Jega, Kebbi State, at least 3 persons were killed, 150 to 200 arrested, and up to 8 churches were burned when mobs attacked the town's market, and looted and burned stalls. Violence allegedly began when Christians sent a person to find out about Muslims meeting to organize aid to Yelwa-Shendam victims. When the Muslims discovered the "spy," an argument ensued, escalating into community violence. Community leaders intervened to keep the violence from spreading.

In Kaduna State, a Christian youth, possibly mentally ill, tore up a copy of the Koran and was taken by Muslim youths. When police took the Christian youth into protective custody, a mob gathered at the police station to demand vigilante justice. Police fled with the Christian youth,

and the mob burned the police station and up to eight Christian churches. Some members of the mob were arrested, but no charges were filed against them. Tensions remained high in Kaduna State at the end of the period covered by this report.

In March, in Jigawa State, a Muslim man allegedly complained about the volume of services at a nearby Christian church, whereupon the church accused the man of theft. When police took the Muslim man into custody, an irate mob burned several churches and possibly a hotel before order was restored. As is the practice, the police arrested the rioters to prevent retaliatory attacks, but no charges were filed against those persons arrested.

No further action was taken, nor is further action likely in connection with the church and mosque burnings in Abia State in 2003; in Bauchi State in 2002; and in Kano State in 2001. No one remained in detention from these incidents.

On Christmas Day in 2003 in Yobe State, members of "Al Sunna Wal Jamma" ("Followers of the Prophet"), a militant Islamist group, destroyed the police station in Kanamma, Yobe State, killed a policeman, kidnapped three other officers, and carried away arms and ammunition. The uprising was perhaps in retaliation for an incident in which police allegedly attacked the group over a land rights dispute. The next week, the group attacked police stations in other villages before a joint force of police and army personnel quashed the uprising, killing about 20 and capturing the remaining 50 group members. Security was tightened, and no further militant activity was reported.

In October 2003, in Jigawa State, a female Christian student allegedly insulted the prophet Mohammed during an argument with classmates. Tension simmered until mid-November, when a group of youths went to the school to demand authorization to punish the student themselves. When police dispersed the group, some of the youths set fire to the neighborhood, burning several houses and makeshift churches. Police and religious leaders quickly restored order and prevented the clashes from spreading.

In January 2003, more than 100 Muslims were detained for alleged unlawful assembly and criminal conspiracy following communal disturbances at a village north of Jos in Plateau State. No further action was taken, nor is further action likely. None of the Muslims remained in detention at the end of the reporting period.

No further action was taken, nor is further action likely in relation to the 2002 unrest in Kaduna, Abuja and Zamfara States that followed the publication of an article in the "This Day" newspaper claiming the Prophet Mohammed would have endorsed the Miss World Pageant. No one remained in detention from the incident at the end of the reporting period.

The law prohibits religious discrimination in employment and other practices; however, private businesses frequently discriminated on the basis of religion or ethnicity in their hiring practices and purchasing patterns. In nearly all states, ethnic rivalries between "indigene" groups and "settlers" led to some societal discrimination against minority ethnic and religious groups.

Although many non-Muslims feared that implementation of Shari'a would change their way of life, there has been little or no change in the daily lives of most non-Muslims. While some state and local governments interpreted the new Shari'a laws stringently, the majority of states and local governments interpreted and implemented their laws less stringently. There also is a trend developing among some segments of the Muslim community to shift focus away from the criminal law aspects of Shari'a law to its tenets of social justice and charity for the poor. Islamic scholars and many Muslim lawyers have begun educating the poor and the less well informed about their procedural rights under Shari'a. Several lawyers offer free services to the indigent in cases with potentially severe punishments.

In many parts of the country, girls are discriminated against in their access to education for social and economic reasons; religious beliefs sometimes are a factor. Girls living in the more traditional rural areas, both in the predominantly Muslim north and the predominantly Christian south, are disadvantaged more than their urban counterparts.

Section IV. U.S. Government Policy

The U.S. Mission regularly raised religious freedom issues with various federal, state, and local officials, and with prominent citizens. The U.S. Government, through the U.S. Mission and in statements from officials in Washington, sought to encourage a peaceful resolution of the question regarding Shari'a criminal penalties in a way that would be compatible with recognized international human rights norms and urged that human rights and religious freedom be respected in all instances.

The U.S. Mission made an especially strong effort to promote religious reconciliation between Christians and Muslims. The Mission hosted Iftars (dinners breaking the Ramadan fast) in both Abuja and Lagos in which both Muslims and Christians participated. The U.S. Mission also hosted an Iftar in Kaduna, the scene of Muslim-Christian riots in recent years, and publicly urged the more than 20 Muslim and Christian leaders attending to take a united stand against religious violence. Mission officers traveled extensively to the individual states to meet with Christian and Muslim leaders throughout the year and further that outreach.

The U.S. Mission reached out to Muslim communities in several programs: the International Visitor Program, the American Speaker Program, the Fulbright Senior Scholar Program, the Humphrey Fellowship Program, and programs organized by the Office of Citizen Exchanges. The U.S. Mission also continued publishing its informational magazine in Hausa, the language of the predominantly Muslim north.

Twice the Nigerian Television Authority (NTA), Africa's largest television network, broadcasted nationwide the State Department's television series, "Muslim Life in America." NTA reportedly received over 300 requests for a taped copy of the program. FRCN Kaduna, northern Nigeria's oldest and most listened-to radio station, also broadcasted the show. The series helped promote discussion and foster understanding by addressing the Muslim community's common misconceptions about the United States.

In January, the U.S. Mission distributed a special edition of its Hausa language magazine to more than 6,000 Muslim youths, to inform them about the experiences of their fellow citizens who were attending American schools and learning about life in a pluralistic society. The special edition included an inside cover page on Ramadan activities in the United States. Another edition in March/April featured the American musical group Native Deen, a group of three American Muslim youths who advocate tolerance and openness to other faiths through hip hop songs. Native Deen performed in Abuja and attracted hundreds of high school students and many Islamic scholars.

Also, in January, the U.S. Mission sponsored an American guest speaker to an international conference in Jos on "Comparative Perspectives on Shari'a in Nigeria." The speaker, Professor Cole Durham of Brigham Young University School of Law, spoke on "Nigeria's 'State Religion' Question in Comparative Perspective." After the conference, Professor Durham traveled to Kano and Zaria where he had dialogue with Christian and Muslim leaders, academics, politicians, and journalists on "Comparative Perspectives on Religion and the State."

The U.S. Mission also nominated nine Muslims, including four women, from its Muslim Outreach Program to participate in International Visitor projects on human rights advocacy, civic education, freedom of the press, rule of law, and women in politics.

The Partnerships for Learning Youth Exchange and Study Program (P4L YES) brought 20 Muslim students and 3 teachers from Sokoto and Kaduna to the United States for educational exchange experiences. The teachers spoke with the news media about their experiences.

In September, the prominent Nigerian Muslim leader Imam Lateef Agdebite, Secretary General of the Nigeria Supreme Council of Islamic Affairs, spoke at the U.S. Mission's September 11 commemoration about the need for religious tolerance on a global level.

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