



KADUNA STATE OF NIGERIA

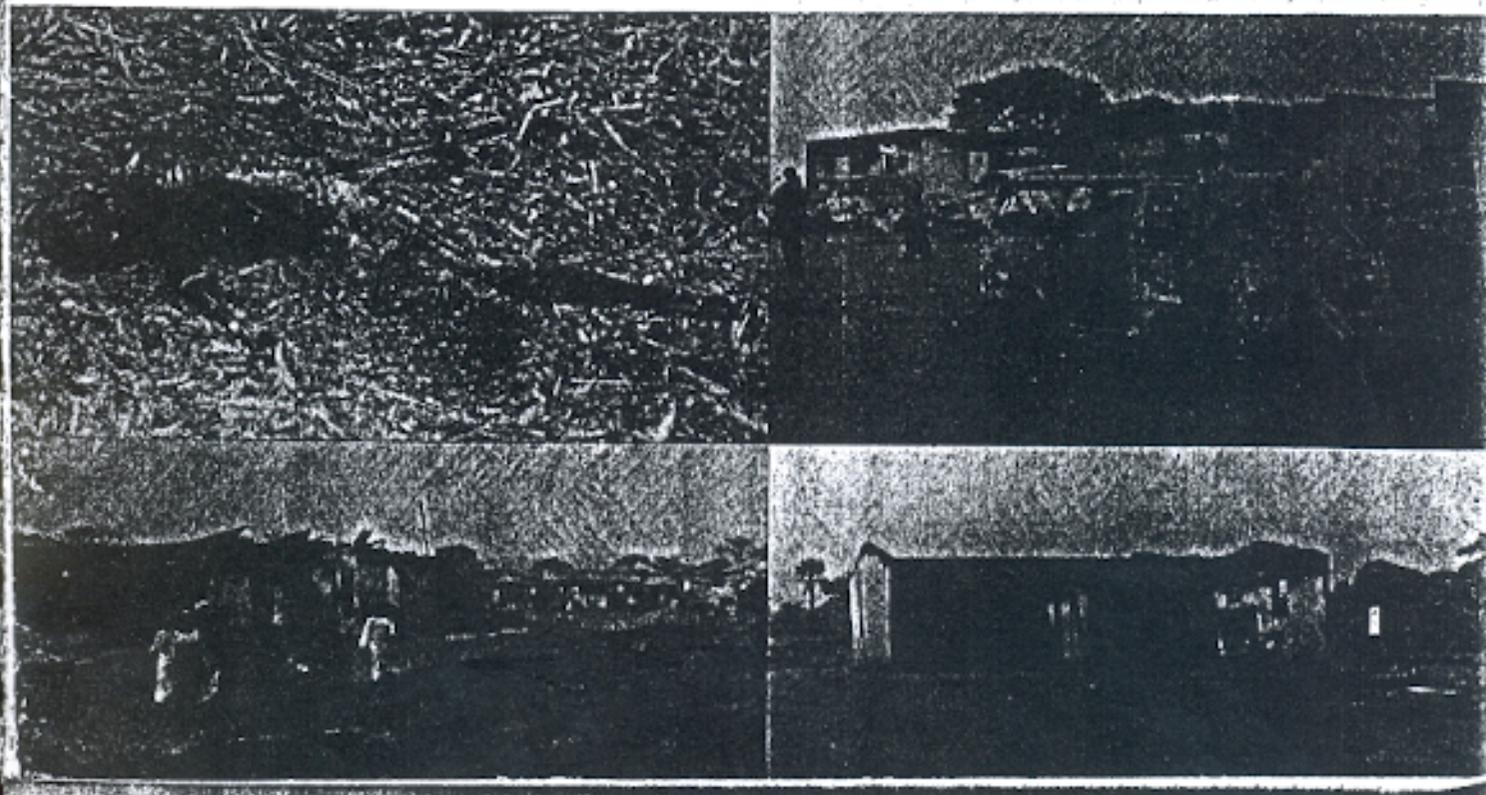
REPORT

OF

ZANGON KATAF (MARKET) RIOTS

JUDICIAL COMMISSION OF

INQUIRY

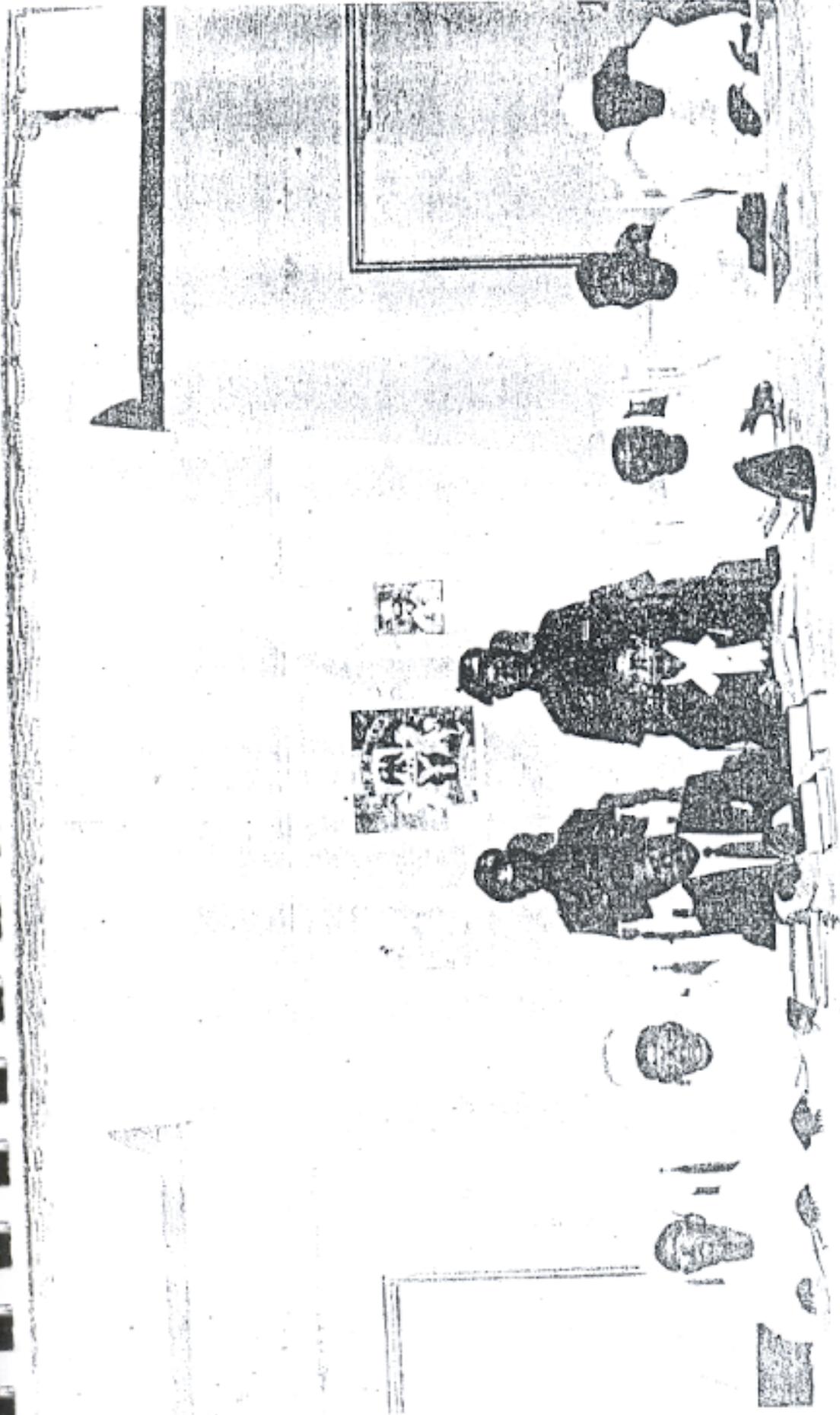


R E P O R T

ZANGON KATAF MARKET (RIOTS)

JUDICIAL COMMISSION OF INQUIRY

JUNE, 1992



MEMBERS OF THE ZANGON KATAF (MARKET) RIOTS JUDICIAL COMMISSION OF INQUIRY

From left to right (sitting) are: Alhaji Abbas Usman, Malliam Musa Gaiya, Massoud Abdulrahman Oredola Esq., Hon. Justice Rahila Hadea Cudjoe (Chairperson), Alhaji Ja'afaru Makarfi, Mr. William Fogei Shera and Alhaji Garba Galadima.

ZANGON KATAF (MARKET) RIOT JUDICIAL COMMISSION OF INQUIRY

Our Ref: KDGG/JCI/ZK/7/10

Your Ref: _____

Date: 2nd June, 1992

Alhaji Dabo Mohammed Lere,
The Executive Governor of Kaduna State,
Sir Kashim Ibrahim House,
P. M. B. 2001,
Kaduna.

Your Excellency,

By instrument issued and given under your hand and dated 10th February, 1992, you constituted and appointed the Zangon Kataf (Market) Riots Judicial Commission of Inquiry, appointing us, the undersigned as Chairperson and Members respectively, with full powers and authority to hold public and private hearings. You further directed us to submit our report to you not later than one month from the date of our first sitting. We started sitting on 2nd March, 1992, but could not start hearing evidence until the 5th March, 1992 as we had to hear and dispose of some preliminary objections first. Due to the volume of work involved and certain constraints and limitations, we applied for extension of time twice, which you graciously granted.

We now have the honour, Your Excellency, to submit to you our Report (3 bound copies) containing our observations, findings and recommendations. We also submit with the Report, the following:

1. 3 bound copies of Memoranda.
2. 45 Exhibits as listed in Appendix 7 to the Report.
3. Commission's Record of Proceedings as recorded by the Chairperson - Volumes I & II.

.. / 2

CHAIRPERSONS:- Hon. Justice R. H. Cudjoe

MEMBERS:- Messoud A. Oredola Esq. William Fogel Shers, Alh. Ja'faru Makarfi, Alh. Garba Galedima,
Alh. Abbas Usman, Makaman Zareu, Member of Ekitate Council M. Musa Galiya, District Head of Kachia.

4. 1 bound copy of the Verbatim Reporter's Record of Proceedings.
5. 46 pieces of Audio Cassette Recordings of Record of Proceedings.
6. 3 bound copies of Counsel's Written Addresses
7. List and File of Independent Claims submitted directly to the Commission.

We thank you, Your Excellency, for the confidence you reposed in us in commissioning us to this assignment. We hope our modest efforts as contained in this Report will prove useful to Kaduna State and help your Government achieve the purpose for which the Commission was set up.

Please accept, Your Excellency, our highest esteem.

We remain,

Yours most respectfully,

THE HON. JUSTICE RAHILA HADEA CUDJOE
(Chairperson)

HASSOUD ABDULRAHMAN OREDOLA ESQ.
(Member)

MR. WILLIAM FOGEI SHERA
(Member)

ALH. JA'AFARU HAKARFI
(Member)

ALHAJI GARBA GALADIMA
(Member)

ALHAJI ABBAS USEMAN
(Member)

MALLAM HUSA GAIYA
(Member)

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- (3C) Response to the Chairperson's Opening Speech by Yahya Mahmood Esq. on behalf of himself and all Counsel appearing before the Commission.
- (4) List of Counsel who appeared before the Commission.
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- (12) Chairperson's Closing Remarks.

REPORT OF THE ZANGON KATAF
(MARKET) RIOTS JUDICIAL COMMISSION OF INQUIRY

INTRODUCTION:

The old Zango Market situated in the heart of Zango Town of Zangon Kataf District is as old as Zango town. It started as a resting place for traders travelling from the North (Kano etc.) to the Southern part of the country. Zango town is centrally located in Kataf land and Zango market has been the trading centre for not only the Kataf and the Hausas but has served the purpose of the entire Southern Kaduna communities. In 1914 Zangon Kataf District was created and it encompasses Zango town, a mainly Hausa settlement which has been there from time immemorial, as well as other surrounding Kataf settlements. Sometime in 1961, Thursday of every week was fixed as the weekly market day. Although there have been moves to move the market out of Zango town to a new more spacious area, it was only on the 30th of January, 1992 that the positive step of clearing and grading the new market site along Magamiya Road was taken by the present Local Government. The exercise was completed in three days. On the same 30th January, 1992, the Local Government Chairman issued a proclamation that the weekly Zangon Kataf market of Thursday the 6th February, 1992 would hold at the new site along Magamiya Road. On 3rd February, 1992, one Alhaji Danbala A.T.K. was heard on a popular FRN programme "Jakar Magori" appealing to those against the relocation of the market to remain calm pending the outcome of the case he had earlier on filed before the Kafanchan Upper Area Court in a representative capacity, on behalf of the people of Zango who were against the relocation of the market to the new site. The market did take off as directed in the proclamation but ran into trouble later on at around 11.00 a.m. when a disturbance broke out between factions that are in support of the new market and against the new market. By the end of the day after the dust had settled down, a considerable number of lives had been lost and property worth millions of naira damaged in Zango town and some surrounding Fulani settlements.

2. On the 10th February, 1992, His Excellency, the Governor of Kaduna State, Alhaji Dabo Mohammed Lere constituted and appointed the Zangon Kataf (Market) Riots Judicial Commission of Inquiry (hereinafter referred to as the Commission). The members of the Commission were sworn in on the 11th of February, 1992. The Instrument constituting this Commission is hereby reproduced as published in the Kaduna State of Nigeria Gazette No.2, Vol.26 of 20th February, 1992:

THE INSTRUMENT:

"KD.S.L.N. No.1 of 1992

COMMISSION OF INQUIRY LAW (CAP.25)
INSTRUMENT CONSTITUTING THE ZANGON
KATAF (MARKET) RIOTS JUDICIAL COMMISSION
OF INQUIRY

3. In exercise of the powers conferred upon me by section 2 of the Commission of Inquiry Law, Cap.25 Laws of Kaduna State, 1963 and all other powers enabling me in that behalf I ALHAJI DABO MOHAMMED LERE, Governor of Kaduna State of Nigeria hereby constitute and appoint a Commission of Inquiry (to be called the "Zangon Kataf (Market) Riot- Judicial Commission of Inquiry") with the terms of reference hereinafter appearing.

1. AND for this purpose I appoint:-

- (i) Hon. Justice R.H. Cudjoe - High Court of Justice, Kaduna
- (ii) Massoud Oredola - Oredola and Co. Yoruba Road, Kaduna,
- (iii) William Fogeji Shera,
- (iv) Alhaji Ja'afaru Makarfi,
- (v) Alhaji Garba Galadima,
- (vi) Alhaji Abbass Usman - Makaman Zazzau, Member of Emirate Council Zaria and
- (vii) M. Musa Gaiya - Ma'aji Babba, District Head, Kachia.

To be members of the Commission with full powers and authority to hold hearings in public.

2. And I direct that Honourable Justice R. H. Oudjoe aforesaid shall be the Chairman of the Commission. I appoint Bashir U. Sukola Esq. of Ministry of Justice, Kaduna to be Secretary to the Commission. I appoint Gideon I. Kurada of Kaduna State Ministry of Justice as Counsel to the Commission.

3. The Chairman and 4 other members shall constitute a quorum.

4. The Commission may co-opt such number of persons to assist the Commission in carrying out its work.

5. And I further direct that, in accordance with section 6 of the Commission of Inquiry Law, the Commission shall have power to regulate its own proceedings.

TERMS OF REFERENCE:

6. The Commission shall:-

- (a) Inquire into or investigate, ascertain and identify the immediate and remote causes of the Riot and or disturbance;
- (b) Assess the extent of damage caused during the Riot and or disturbance;
- (c) Ascertain and identify the roles played by individuals and groups in causing tension and outbreak in violence;
- (d) Determine the extent of loss of lives and property;
- (e) Examine any other matter incidental to the foregoing; and
- (f) In the light of its findings, recommend appropriate actions to be taken against those responsible for the Riot and or disturbance and also recommend measures to be taken to prevent future occurrence.

7. No member of the Commission shall be liable in any action or suit in respect of anything done or omitted to be done by him as a member.

8. AND I hereby direct the Commission to submit its report to me in Kaduna within ONE month (1) after the date of its first sitting, or within such extended period as I may hereafter allow in writing.

MADE at Kaduna this 10th day of February 1992.

ALHAJI DABO MOHAMMED LERE
Governor of Kaduna State of Nigeria."

MODUS OPERANDI:

4. The Secretary to the Commission by adverts in some national newspapers, The Federal Radio Corporation of Nigeria (FRON), Kaduna and the Kaduna State Media Corporation (KSMC) Kaduna invited memoranda from the general public allowing 13 days for the submission of the memoranda. The period had to be extended for another 12 days to allow more memoranda to be submitted. The reception of memoranda was finally closed on the 11th of March, 1992, 9 days after the Commission has started its public sittings. (See Appendix 2).

5. Although the Governor in his speech at the swearing in ceremony of the Commission stated that the venue of the sittings shall be Kafanchan, the Commission later in exercise of its powers under section 6 of the Commission of Inquiry Law and Section 5 of the Instrument constituting it changed its sitting venue to Kaduna. The Commission took this decision due to security and logistics reasons.

6. The Commission held its inaugural sitting at 10.00 a.m. on Monday 2nd March, 1992 at the Banquet Hall, State House, Kawo Kaduna and on the 5th of March, 1992 started hearing witnesses. The Commission sat throughout in Banquet Hall, Kawo Kaduna until it concluded its public sittings on Wednesday the 6th of May, 1992. Even though Section 8 of the Instrument constituting the Commission directed that the Commission should submit its report within one month after the date of its first sitting, the Commission due to certain constraints and limitations, applied for extension of time twice which were

graciously granted. At its inaugural meeting the Chairperson of the Commission, Hon. Justice R. H. Cudjoe read her opening address. (Appendix 3A). Counsel to the Commission, Mr. G.I. Kurada also read his opening remarks, which Mr. Yahaya Mahmood, Counsel to the Hausa Community of Zango Kataf responded to on behalf of all the other counsel representing various interest groups. (Appendices 3B and 3C).

7. In her address, the Chairperson of the Commission referred to the terms of reference which she said are wide and symbolic of a desire to ascertain the root cause of the unfortunate Zangon Kataf (Market) Riots of the 6th of February, 1992 and recommend the appropriate actions to be taken against those responsible for the riots as well as recommend the appropriate remedial measures which will help prevent future recurrence of the riot. She assured the general public that the Commission is alive to its responsibility and would pursue its sworn task diligently and unravel the truth from the facts or evidence to be placed before it, however entangled they may be. She also called for the assistance of the general public and the mass media to give the Commission every assistance in reaching its desired objectives. She also informed the general public that free transportation from the Local Government Secretariat Zonkwa and the District Head's official residence in Zango town, would be made available to and fro daily for members of the public who may wish to come and testify before the Commission. She finally assured the generality of the public that the Commission is purely a fact finding one. It is not out to witchhunt or convict and send anyone to prison, but shall only make a report to the Governor of Kaduna State at the end of this exercise based on the Commission's terms of reference.

8. Counsel to the Commission Mr. G.I. Kurada in his opening remarks promised to assist the Commission in its onerous task of unearthing facts that are relevant to its terms of reference. He further stated that nobody is on trial before the Commission and neither is he out to prosecute anybody. Towards achieving the Commission's objective, he mentioned his intention to present before the Commission, only those witnesses who have facts and who are in a position to testify on facts

relevant to the Commission's terms of reference or incidental thereto. He further intimated the Commission that at some stage during the inquiry, he would request the Commission to visit the locus in quo (Zangon Kataf) and perhaps other places that may be relevant to the inquiry for the perception of matters and facts upon and in respect of which evidence would be led before the Commission. In response to the opening speech of the Chairperson and opening remarks by Counsel to the Commission, Mr. Yahya Mahmood on behalf of himself and other counsel representing various interest groups assured the Commission of cooperation and their recognition of the extent and seriousness of the task before the Commission.

Memoranda and Exhibits

9. The Commission received a total of 48 memoranda (Appendix 6) some of which were adopted by witnesses before it. It also admitted a total of 45 exhibits (Appendix 7).

Witnesses

10. A total of 47 witnesses (Appendix 5) testified before the Commission out of which two testified in camera. The first witness to testify in camera was Danjuma Iliyasu Danyaro (WB) who was the Councillor for Zonzon Ward which comprises Zango town, Zonzon and Magamiya in Zangon Kataf Local Government. At the time he testified, the atmosphere or situation was generally tense and volatile. Thus at his own request and on the grounds of his personal safety and security, due to the threat on his life by both the Hausa and the Kataf Communities, the Commission granted his request and heard him in camera. The evidence of CSP, Luka Gish (W4) was taken partially in camera also at his request because he informed the Commission that he would rather disclose certain information to it only in camera in the interest of peace in the area. It is pertinent to point out here that not all witnesses who wanted to testify before the Commission were called. Neither were all those who submitted memoranda called to testify before the Commission. Suffice it to say, however, that this

did not impair the conduct of the inquiry, since it would have been superfluous to call witnesses who would merely repeat what is already before the Commission or deny allegations made against them by other witnesses. This is *moreso*, in view of the terms of reference of the Commission which is primarily a fact finding Commission of Inquiry rather than one set up to try and establish culpability, since no one is on trial before it. There is also the issue of time limit. Initially the Commission was given one month within which to complete its assignment. Subsequently it sought and obtained extensions to the 2nd of June, 1992. It would therefore have been impossible for the Commission to hear all witnesses who want to testify, or who various counsel thought should be called merely to come and deny allegations made against them.

VISITS TO LOCUS IN QUO

11. In its avowed bid to sift the facts from fantasy and determine the truth of the matter, the Commission deemed it expedient for better perception, appraisal and grasp of evidence to visit the scenes of the riots and or disturbances even before it commenced its first sitting. The first visit to Zangon Kataf town was made on Monday 24th February, 1992. On the said visit, the Commission was taken round Zangon Kataf town inclusive of both the old and new market sites by the Assistant Area Commander of Police, CSP Iaka Gish and Secretary, Zangon Kataf Local Government, Mr. Aliyu Anthony Wakili. The Commission saw some of the burnt houses, goods, filling stations and motor vehicles which were destroyed during the riots and or disturbances (See Exhibits 44 and 45, being a photo album containing a picture of burnt houses, goods, corpse and their negatives. See also Appendix 10A being brief report of the visit by the Commission).

12. The Commission made the second visit on Thursday 16th April, 1992 in the company of all the Counsel appearing before the Commission and representing various interest groups. During this visit, the Commission was shown round Zango town and several other places affected by the riots and or disturbances. The Commission was

specifically shown the old market inside Zango town and the new market site along Magamiya Road, as well as the third alternative market site at Kwata (Abattoir). The Commission also saw the place known and popularly referred to as Project by some of the witnesses who appeared before the Commission, Bakin Rafi, The District Head's official residence, District Head's personal staff quarters, Mr. Chundusu's Clinic, the Area Court, the residence of the Area Court Judge, Barado/Bararadawa, L.E.A. Primary School and last but not the least, the hoe allegedly used to found Zango town. (See Appendix 10B, being brief report of the visit by the Commission).

13. In view of time constraint and lack of adequate security, the Commission was unable to visit any of the affected Fulani settlements. Since there was no evidence before the Commission of riot or disturbance in any Kataf settlement other than Samaru Kataf, and despite the request by the Commission to be shown such settlement, the Commission was not taken to any such Kataf settlement. However, the Commission made a brief visit to Samaru Kataf, where it was shown the burnt house of Hajia Lolo the mother of Alhaji Idiya Usman (W39).

Conclusion of Hearing of Evidence

14. The Commission concluded hearing evidence on Thursday the 30th of April, 1992 at 6.15 pm. at Banquet Hall, State House, Kawo Kaduna after hearing the 47th witness. Counsel were then given up to Tuesday the 5th of May, 1992 to submit their written addresses.

Addresses of Counsel and Chairperson's Closing Remarks

15. On Wednesday the 6th of May 1992, Counsel adopted their written addresses (See List of Written Addresses Filed by Counsel Representing Various Interest Groups - Appendix 11) filed before the Commission after granting Mr. Toro, learned Counsel for the Kataf Community, an extension of time to that afternoon to file his address. The Chairperson then declared the public sittings of the Commission as closed and went on to say that the Commission would retire to write

its report which they hoped to submit to His Excellency, the Governor of Kaduna State, Alhaji Dabo Mohammed Lere, on or before Tuesday the 2nd of June, 1992. She also sincerely thanked all those who have helped to make the daily sittings of the Commission a success details of which are as per Appendix 12. She finally prayed the Almighty God will guide the Commission and grant it the wisdom to extract the truth from all that has been said before it and the courage to state it. In the interim, she implored all those concerned to continue to live peacefully with one another.

16. We have drawn up our Report following strictly the order of our terms of reference and itemizing the terms of reference under "ITEMS (A) to (F)" signifying sub-heads (a) to (f) of the Commission's Terms of Reference.

17. In order to carry out its assignment and arrive at its findings and recommendations, the Commission assembled all information gathered, both oral and documentary, extensively scrutinized, analytically and critically examined and deliberated upon same before conclusions/findings were reached on each salient point as per the terms of reference.

18. Additionally, the Commission in reaching its findings applied the principle that for evidence, whether oral or documentary to be acceptable it has to be subjected to the test of credibility, weight and cogency. It is not acceptable just because it has not been contradicted or challenged.

THE REPORT

Item A

Inquire into or investigate, ascertain and identify the immediate and remote causes of the Riot or disturbance.

IMMEDIATE CAUSES

19. There are three immediate causes of the Zangon Kataf (Market) Riots which occurred on 6th of February, 1992 hereinafter referred to as the Riots.

20. The first is the decision of the Local Government Chairman, Mr. Juri Babang Ayok to move the Zango weekly market from its old site in the heart of Zango town to a new site along Magamiya Road at the time he did that is the 6th February, 1992, without first complying with all constitutional requirements, for instance, tabling it before his council as well as ensuring that basic infrastructural facilities are put up on the new market site. The new market site along Magamiya Road is situated within a five kilometre radius from the centre of Zangon Kataf. It therefore falls within an area constituting urban land as designated by the Kaduna State (Designation of Land in Urban Areas) Order 1990 - KDSIN No.4 of 1990. Exhibits 7 and 8 refer. The area where the new market site is situated therefore is not within the area of jurisdiction of the Zangon Kataf Local Government and therefore, it does not have the power to enter upon, use and occupy for public purpose that land without first obtaining the requisite approval from the State Government, under whose area of jurisdiction the land falls. We refer here to Sections 2(1)(a) 3, 5(1)(a) and 6(3)(a) of the Land Use Act (CAP 202) LFN 1990. While we do accept the submission of Mr. Daudu, learned Counsel to the Zangon Kataf Local Government Council in his address to the Commission that the Local Government has the constitutional power to establish a new market for Zangon Kataf, it is our considered view that the Local Government can only exercise these powers after complying with all other requirements

of the constitution and other relevant laws. As we have just stated, the Local Government has not complied with certain mandatory provisions of the Land Use Act which is enshrined in the Constitution of the Federal Republic of Nigeria 1979 under Section 274 (5) (d). Even though from the memoranda of the Local Government Council, the Local Government Secretary and the District Head of Zangon Kataf, as well as the testimony of Juri Babang Ayok (W1), Mallam Bala Ade Dauke Gora, the District Head of Zangon Kataf (W2) and Aliyu Anthony Wakili, the Secretary to the Local Government (W5), the issue of the movement of the market to a new site has been long standing before various Local Governments as far back as 1986, when Zangon Kataf was under the Kachia Local Government, one would have thought that the market ought to have been moved only after basic infrastructural facilities have been put up on the new market site. However, inspite of the elaborate plan showing a detailed design for the new market tendered and admitted by the Commission as Exhibits 5 and 6, we discovered to our utter dismay, when we visited the new market site along Magamiya Road that not a single store or public convenience has been put up on that site. All that is there is empty cleared space. Indeed, it is the testimony of Councillor Danjuma Ilyasu Danyaro (W8) that it was only in the morning of 6th February, 1992 that the Local Government started sharing out spaces to people to put up their own stalls. The evidence of Juri Babang Ayok also refers. In view of all the surrounding circumstances, the decision of Juri Babang Ayok, the Zangon Kataf Local Government Chairman to move the Zango weekly market to a new site at the time he did, was not only ill-timed but also that decision was definately not in the interest of the people of Zangon Kataf whose interest and progress he claimed to be serving. The unfortunate riots that followed on that market day and subsequent happenings since that day in Zangon Kataf clearly substantiate this finding.

21. The second immediate cause is the action of Alhaji Danbala A.T.K. in relation to the court order which he obtained in an action filed by him on behalf of the people of Zango town who were opposed to the movement of the new market to that particular site along Magamiya Road. Alhaji Danbala persisted in seeing that the order issued by

the Upper Area Court Kafanchan on the previous day that is 5th February, 1992 restraining the Local Government from moving the market to a new site on 6th February, 1992 is duly publicised and complied with even after the new market had taken off. There is conflicting evidence before the Commission as to what Alhaji Danbala did or did not do at the new market site on that day. However, the Commission is more inclined to accept the testimony of Inspector Usman Daudu Paiko (W34) and Sgt. Ayuba Gim (W35) as to what Alhaji Danbala did on that day at the new market site. We say so because both these witnesses are Police officers, independent of the market dispute between the Hausas and the Katafs unlike the other witnesses who are clearly partisan on the market issue and clearly have an axe to grind with Alhaji Danbala. Furthermore, the evidence of the other witnesses were staggeringly contradictory in all material particulars, whereas the evidence of Inspector Paiko and Sgt. Gim were fully corroborative of one another as well as the evidence of Danbala A.T.K. (W30). However, his brandishing the court order to some Hausa Youth at the new market site on the market day aroused jubilation by one faction and resentment by the other and thereafter there was confusion at the new market site. Eventually, people started to pack away their wares and leave. Be that as may be, however, there is no evidence before the Commission that there was actual riot or fighting at the new market site.

22. The third immediate cause is the behaviour of the D.P.O. Zonkwa, Supt. Damian Audi (W7) which precipitated and complicated issues and subsequently led to the outbreak of violence. He testified before the Commission that he sent a signal to his Headquarters in Kaduna vide Exhibit 11, intimating them of his fear of a possible breakdown of law and order over the relocation of the old market to a new site. In spite of this, he did nothing to dissuade the Local Government Chairman from going on with his plan to relocate the market on the 5th of February, 1992. On the contrary, he even gave him policemen to help with the smooth movement to the new site. This notwithstanding, when Alhaji Danbala later in the morning came to him with the court order (Exhibit 3) restraining the Local Government

from relocating the weekly market to the new site on 6th February, 1992, he nevertheless, sent a counter-directive to his men at the new market site, instructing them that those who wish to hold the market at the new site should do so, while those who want to remain at the old market should remain there. This led to a reluctance and division amongst his men at the new market site to carry out his subsequent order. The testimony of Danjuma Iliyasu Danyaro (W8) and Alhaji Danbala A.T.K. (W30) refer. When Councillor Danjuma Danyaro reported the changing situation at the new market to him, he went to Kafanchan to report the situation to the Assistant Area Commander without even bothering to go and assess the situation himself first. This is so in spite of the fact that he has also received other reports from his men that things were getting out of hand at the new market site. The Commission is of the view that the behaviour of D.P.O. Zonkwa, Supt. Damian Andi leaves a lot to be desired and it is a clear case of dereliction of duty. Without doubt, it is the third immediate cause of the market riot.

23. Having carefully considered what we think are the three immediate causes of the riots, it is pertinent to add that one cause per se might not have led to the disturbances or riots.

REMOTE CAUSES

24. The first remote cause of the riot is the inadequacy of the old market situated in the heart of Zango town. It is not in dispute from the memoranda and the evidence before the Commission that the old market which has been described to be as old as Zango town itself can definitely not serve the demands of present twentieth century commercial activities. The old market does not have public conveniences, and sufficient stalls for all who now come to buy and sell in the market. The market also lacks drainage facilities. Hence the discontent of the Katafs with the old market, since most of the stalls there are owned by Hausas with no room for expansion. It is the considered view of the Commission therefore, that the weekly Zango market should be moved out of the old market site to a new site.

However, in view of our earlier observations that the site along Magamiya Road is urban area and therefore outside the jurisdiction of the Local Government, coupled with the protracted feud over the new market site along Magamiya Road, the weekly market should be moved to another completely new, neutral and centrally located site other than inside Zango town, Kwata (Abattoir) or Magamiya Road. It is also recommended that some basic infrastructure should be put up before the new market is opened. If the Local Government is not in a position to build up the new market, it could grant rights to those who can develop it to do so but this should be done on a fair and equitable basis. It is also suggested that when this new market comes into operation, a new weekly market day other than Thursday should be declared for the new market. The Zangon Kataf Local Government should therefore look into this issue and take appropriate action.

25. The second remote cause is entrenched in the socio-economic set-up peculiar to Zangon Kataf. Various memoranda submitted before the Commission particularly those of the Kataf Youth Development Association as well as the testimony of numerous witnesses (Col. Yohanna A. Madaki Rtd.- W19, General Zamani Lekwot Rtd.- W24, Tonak Daboh - W25, Zamani Kazah - W43) have all placed before the Commission the bitterness of the Katafs towards the Zaria Emirate system, which has been the system of governance over the Katafs since the advent of the colonialists. The main bone of contention of the Katafs against this system is that they have a distinct culture and religion different from that of their "Rulers" under the Emirate system. Because of this difference, they do not feel happy having anything to do with the Emirate system in Zaria which they regard as being basically islamic in nature, even if that today is purely for ceremonial purposes. It is true that the present District Head of Zangon Kataf, Mallam Bala Ade Dauke Gora (W2) who has been in office for twenty-five years is Kataf and a Christian. However, the numerous witnesses that testified before the Commission still feel that he is merely a puppet of the Zaria Emirate Council. The Katafs are therefore calling that they be given a graded Chief like in Moro'a, Kagoro and Jaba. We have carefully considered the various memoranda

and evidence adduced before us as well as the numerous historical works referred to in the two memoranda of the Kataf Youth Development Association, particularly Tribal Studies in Northern Nigeria by C.K. Meek, a one time Government Anthropologist in Nigeria, and it is our general consensus that one cannot run away from the fact that the system of indirect rule which was carried out through the Emirate system in Northern Nigeria was a tested, workable and practical system, particularly suited to our circumstances which the British found and sensibly decided not to tamper too much with. Perhaps the Katafs regard the imposition of that system as exploitative and oppressive. However, the testimony of Tonak Daboh (W25) and Zamani Kazah (W43) both of whom claim to be experts on the Kataf Traditional system of rule of their people, only brought out clearly before the Commission, the reasons why the British must have decided to impose the Zaria Emirate system on the Katafs. From what has been placed before us, reverting back to the traditional way of rulership of the Katafs would be a step backwards rather than forward. We refer specifically here to the testimony of Tonak Daboh (W25) and Zamani Kazah (W43) who told the Commission that the system of rulership of the Katafs is tied to the mode of their religion of old, details of which are as per record of proceedings. This was further confirmed by the custodian of the hoe whom the Commission saw in Ungwan Tabo when they visited Zangon Kataf, in that the Commission was told by him that certain rituals have to be performed before they could see the hoe and indeed, women are normally not allowed to see the hoe, but they made an exception for the Chairperson of the Commission who happened to be a lady. It can therefore be seen that the system of rulership of the Katafs will hardly be practicable in present day Nigeria. We further venture to add that the period when the system of indirect rule was at its peak, was one of peace and stability, if not particularly of materialistic advancement. Recent happenings in Zangon Kataf are a true testimony of this. On this desire of the Katafs to be given their own graded Chief, we have considered various provisions of our laws pertaining to the granting of Chiefdoms. We refer particularly to Section 5 of the Chiefs (Appointment and Deposition) Law, Cap.20 Laws of Northern Nigeria 1963, Sections 1 and 8 of the Local Government

Emirate and Traditional Councils Instrument, 1983 (KDSLN No.2 of 1984) and Sections 178(b) and 179 of the 1979 Constitution of the Federal Republic of Nigeria. In view of these provisions, it is our considered view that the Katafs should channel their request for the grant of Chieftdom through the appropriate channels that is to say the Governor and House of Assembly of Kaduna State. The Commission further condemns the resort to violence in any form whatsoever by the Katafs to press home their demand.

26. The third remote cause is the religious intolerance and disregard for each others customs and traditions by both the Katafs and Hausas. The Commission has carefully considered the evidence adduced before it on this issue, in the light of the written addresses of various Counsel particularly Mr. Toro and Mr. Kurada and is of the view that the Katafs take offence at the use of the word "Arna" or "Arna" "Kafiri" or "Kafirai" (unbeliever or non-Muslim) against them by the Hausas. It is however our observation from the countenance of one of the Witnesses who testified before us, Bassana Aruwa (W16) that no offence is really meant by the use of the words "Arna" or "Kafirai". They are merely words that have been commonly used from time immemorial and are not limited to that area alone. However, in view of their derogatory meaning, even if not intended, the Commission is calling on all concerned to try and desist from the use of these words. However, it is not a thing that could be destroyed by mere wishful thinking, resentment or legislation. Rather, Social Scientists and Educationists should work behind the scene and through mass enlightenment programme, eradicate it. On the other hand, the Hausas are averse to the breeding, sale and consumption of pork and the brewing, sale and consumption of "Burkutu" (native beer) within Zango town. This aversion of the Hausas to pork and "Burukutu" is based on their religious tenets. However, even though these are forbidden for the Moslems, Islam preaches tolerance. Religion undoubtedly is a sensitive issue. Howbeit, with tolerance, perfect understanding and accommodation, it can be desensitised. No true religion advocates violence or condemnation of other religions. Both

the Hausa and Kataf communities should therefore endeavour to be tolerant of one another and live as good neighbours especially as respect begets respect.

27. The fourth remote cause is the mutual suspicion between both Communities. The Hausas are highly suspicious of the Katafs living in their midst. Hence the negligible number of Katafs living in Zangon Kataf town. The Katafs on the other hand, advocate the concept of mixed living and are suspicious of the Hausas for negating this concept of mixed living which they so much desire. The evidence of Lami Bawa (W23) and Tonak Daboh (W25) refer. This mutual suspicion now permeates the new market issue which is also tied to the Zangon Kataf Medium Density Residential Layout (Exhibit 7) which the Local Government proposed and approved. However, this mutual suspicion is predicated on wrong premises, for instance, the Zangon Kataf Medium Density Residential Layout (Exhibit 7) having been planned in an area designated as an urban area by the State Government, the Local Government would thus have no power whatsoever to allocate plots therein, under the provisions of the Land Use Act (Cap. 202) Laws of Federation of Nigeria 1990. It is in evidence before the Commission that the Eid (Sallah) praying ground of the Hausa Community is adjacent to the new market along Magamiya Road. During the visit of the Commission, this Eid praying ground was pointed out to the Commission and it is on the periphery of the new market site. Additionally, there was no demarcation between the two. We also observe that Exhibit 7 did not make provision for this Eid praying ground. Indeed, the Zangon Kataf Medium Density Residential Layout has completely swallowed this Eid praying ground without indicating it at all. This, we perceive as another time-bomb which if not defused, might explode any time. We therefore recommend that the matter be given a serious consideration and the anomaly rectified.

28. The fifth remote cause is the issue of mixed marriages between the Hausas and the Katafs. From the various memoranda and the evidence of the Katafs before us, it is very clear that the Katafs feel very bad about the manner the Hausas marry their daughters but

refuse to allow their own daughters marry Kataf men. The Katafs have lots of examples of their daughters marrying Hausas while the refusal of the Hausas to allow their daughters marry Katafs is inexplicable and unacceptable to the Katafs. In defence of their attitude, the Hausas rely on their Islamic religious doctrines. In as much as the Commission agrees that such mixed marriages should be encouraged, we however feel that this is a personal matter, which even if there is legislation compelling it, it would be very difficult for such a legislation to be enforced.

29. The sixth remote cause concerns the issue of Hurumi and Barado or Bararadawa. It is the claim of the Katafs that Mallam Ja'afaru, the late Emir of Zazzau in 1920 when he was the District Head of Zangon Kataf, appropriated Kataf farmlands within a four kilometre radius around Zango as Hurumi (land within his protection and control). However, the facts are clear before the Commission. No Kataf has come and proved before the Commission his title to any piece of land now occupied by the Hausas. All we have before us is the testimony of various witnesses saying that the Hausas met them there when they came to settle, and their (Hausas) ancestor, one Mele was allowed to build his house on a piece of land. This was over 300 years ago. The testimony of Tonak Daboh (W25) and Anthony Wakili (W5) amongst others refer. Ever since, the Hausas are still in occupation of not only the land Mele was allowed to build his house on, but also the whole of the surrounding area now known as Zango town and its environs. Therefore, there is no established proof of better title before us by the Katafs against the Hausas. Rather, with this evidence of long possession by the Hausas, their title could be affirmed under Sections 34(2) and 36(2) of the Land Use Act, 1990 which came into force in 1978. Furthermore, in every matter where tenets of customary law and statutes are applied, native law must be proved and merely asserting that it is under Native Law and Custom is not enough. Indeed, both Mr. J.B. Daudu, learned Counsel for the Zangon Kataf Local Government and Mr. Yahaya Mahmood, learned Counsel for the Hausa Community in their respective written addresses to the

mission touched on this issue and supported this position of the

It will be pertinent to repeat here Mr. Daudu's submission in the last paragraph of page 14 of his address where he submitted :

"Consequently, not having challenged the validity or otherwise of the declaration of the said lands as Hurumi presupposedly under the Land Native Rights Protection Ordinance 1902 and with the emergence of subsequent legislations validating the possession of an occupier, it will be unconstitutional to tamper with the acquired rights of all those who have benefitted from the gifts of land within Hurumi zone.

In any event, there is evidence from the Katab Community that land is not the main problem but the disrespect shown to them by the Hausa Community."

Similarly, Mr. Mahmood submitted in paragraph (e) of page 14 of his written address:

"(e) there is no connection, in evidence or in any memo between Male 1650 or 1750 and Late M. Ja'afaru, the District Head (of blessed memory) to enable this Commission say with certainty that all the land demarcated by M. Jaafaru in 1920 for the Hausas were actually farmlands belonging to Katabs, or were just virginlands; and none of Katab leaders who testified was able to say who and whose lands was confiscated by Late M. Jaafaru."

30. On the other hand, it is one of the grievances of the Hausa Community that they are still being referred to as settlers or guests by the Katabs after having stayed in Zango for more than 300 years as the evidence before the Commission. We therefore view with concern these utterances about the status of the Hausa Community in Zango Katab particularly as they sometimes come from people of prominence amongst the Katabs. We wish to refer here to Exhibit 28, being the BBC recorded audio cassette of General Zamani Ikwot's interview with BBC, where he referred to the Hausas as "Bakinmu" meaning "Our Guests". At any rate, even the recent laws of this

country and the policy of our Government are now trying to steer away from regarding Nigerians as aliens in certain parts of their country. Every Nigerian should be made to feel fully at home wherever he or she resides and to live and settle peacefully in any part of the Federation without suffering any stigma or disability. It is rather too soon for us to forget that Nigerian soldiers fought, shed their blood and died in the Nigerian Civil War (1967 - 70) with the slogan "To keep Nigeria one is a task that must be done". They did achieve that laudable cause and Nigeria is better off for it today. Indeed, after the war, the slogan became "no victor and no vanquished". In the circumstances, therefore, any move by any ethnic group in this country to sow the seeds of disintegration must be unreservedly condemned.

31. The Barado/Bararadawa was referred to by the Katafs as one of the remote causes of this riot. It is an area measuring 100 square yards in Zango town situated near the first police barracks where the Katafs hold their rituals and meetings. At a certain point in time, a dispute arose in respect of the area. This dispute became a subject matter of a court case in 1984 and at the end of the day, the Zonkwa Area Court confirmed the place to the Katafs. Exhibit 31 refers. Thereafter, the assistance of the Emir of Zazzau, His Royal Highness, Alhaji Shehu Idris, CFR, LLD was sought and he did assist and with his assistance, the matter was put to rest. Exhibits 32 A - C refer. However, having listen to the testimony of Mr. Tonak Daboh before the Commission and having witnessed the near scuffle between Mr. Tonak Daboh and one of the Hausas at the Barado site when we visited Zangon Kataf on 16th April, 1992, it appears there is still more than meets the eye over this Barado issue. A near scuffle arose when in answer to a question put to Tonak Daboh at the Barado site by the Commission, he replied that the Katafs still meet and perform their rituals at that site. Whereupon, one of the Hausas around challenged him, saying that was a lie. Be that as may be, however, since the decision of Zonkwa Area Court is still subsisting, the Hausas should in the interest of peace, hamony and good neighbourliness, respect the rights of the Katafs over this site known as Barado.

Item B

Assess the extent of damage caused during the Riot and or disturbance.

32. This term of reference is closely linked with sub-head (d) of the Commission's terms of reference which is to determine the extent of loss of lives and property. We shall therefore consider it when we come to item (d).

Item C

Ascertain and identify the roles played by individuals and groups in causing tension and outbreak in violence.

INDIVIDUALS - HAUSAS:

33. Alhaji Danbala A.T.K. (W30): He presented himself before the Commission as the accredited representative of the Hausa Community in Zangon Kataf in the case over the relocation of the market against Zangon Kataf Local Government. There was supporting evidence in this direction. There was evidence of varying dimensions regarding his activities at the new market site on 6th February, 1992. However, the evidence of Inspector Usman Daudu Paiko (W34) and Sgt. Ayuba Gim (W35) as to what he did on that day belied all other versions as to what he did or did not do on that day. At the end of the day, direct physical participation in the riots or disturbances on that day cannot be placed on him. At any rate, he was arrested and detained by the Police in Zonkwa just about the time the riot started. From available evidence before the Commission, the disturbances around the new market site started around 11.30 a.m. There was an assertion both in the memo submitted by Zangon Kataf Local Government and in the oral evidence submitted before the Commission that Danbala did incite or made a counter-proclamation thereby engineering the riot. The Commission, having listen to both the recorded audio-cassette in "Jakar Magori" (Exhibit 12) and the denial by Alhaji Danbala in his oral evidence, we find that he did nothing inciting. On the contrary, he was appealing to people to be calm, law-abiding and await the outcome of the court action.

34. Alhaji Mato: There isn't much that has been adduced before the Commission against Alhaji Mato except that Juri Babang Ayok (W1) and Zamani Kazah (W43) told the Commission that he is a trouble-shooter and behind all the troubles that start in Zango. On the other hand, Aliyu Anthony Wakili (W5) described him merely as a conservative, rather than a trouble-shooter. On the part of Danjuma Iliyasu Danyaro (W8), described him as one of the elders in Zango who

have considerable influence over the people of Zango. There is therefore no evidence of his having played any specific role with regards to the riot of 6th February, 1992.

35. Maitala Laki: Mr. Ishaya Fon Chundusu (W18) identified him as the young man who hit him on his head with a wire and injured him. Jummai Dangana (W27), Tonak Daboh (W25) and Inspector Timothy Adams (W40) all mentioned that they saw Maitala Laki on the day of the riot, and all except Tonak Daboh said he participated in the riot. Tonak Daboh merely said that he saw him among the Zango youth at the new market. He could therefore, be one of the rioters, moreso, as he had no other cause for hitting Mr. Chundusu.

36. Idris Nalado Abubakar Zango (W14): He was identified by Mr. Chundusu (W18) as having handled a machine gun and leading a group of youth who came out of Zango in defence of their town and that they succeeded and drove the Katafs out. Idris Nalado (W14) testified before the Commission and said he came out to put out the fire in the Area Court Judge's house. In the process, he was hit in the leg by a bullet. He said ASP Samuel Kwando (W11) hit him but Samuel Kwando denied hitting him. The evidence of Mohammed Idris Aliyu (W42) and Adamu Usman Kachia (W44) was to the effect that no one was armed with a dangerous weapon on the Hausa Community side. However, the totality of other surrounding evidence shows that someone somewhere on the side of the Hausa Community must have been armed with a dangerous weapon. The evidence of ASP Samuel Kwando shows that empty shells were picked around the bridge near Chundusu's clinic, and this was the same position where he said he saw someone handling a machine gun. The totality of the evidence before the Commission therefore tilts towards some members of the Hausa community as having used some dangerous weapon other than merely sticks to defend their town and drive out the Katafs. It is also only reasonable that the Katafs having been armed with dane guns, bows and arrows, knives and matchets would only have retreated in the face of an equal or more superior resistance. Suffice it to add also that from the evidence of Mr. Chundusu, whom we

find to be a very credible witness, Idris Nalado Abubakar Zango acted in defence of his town and the lives and property of the people therein.

INDIVIDUALS - KATAFS:

37. Juri Babang Ayok, Chairman Zangon Kataf Local Government

(W1): Actually, his decision to move the market at the time he did was ill-timed and showed lack of foresight. There is however, no evidence before the Commission to show that he was privy to planning the riot or that he actually participated in the riots. For more details on Juri Babang Ayok please refer to paragraph (20) above.

38. Bala Dauke Ade Gora (Ruyambanan Zazzau) District Head (W2)

Similarly, there are also allegations in some memoranda and in evidence before the Commission that because he left his official residence early in the morning of the riot, he must have had foreknowledge of it. It was also alleged that he evacuated his family from his official residence a day before the riot. He denied all these in his evidence before the Commission. However, it has been established before the Commission that his family was only evacuated from his official residence with the help of the Police after the riots. The evidence of the District Head himself and that of Iuka Gish (W4) refer. We cannot therefore hold that he had foreknowledge of the riot and therefore left the place and evacuated his family from Zango before the riot broke out. There is also nothing before us to show that he actually participated in the riot.

39. General Zamani Lekwot (Rtd.) (W24) Quite a number of memoranda and some witnesses mentioned that General Zamani Lekwot (Rtd.) was behind the riot. He testified before the Commission as W24 and denied all these allegations. One of those who made these allegations was Ibrahim D. Bisalla of NIDB Kaduna. However, although he was called upon to testify before the Commission, he failed to show up. It is also clear on the face of his memorandum that he based his allegation on what he heard from others. We refer particularly to

page 13 of his memorandum that:

"It has also been alleged that General Zamani Lekwot (Rtd) has played a crucial role in instigating and inciting the Katafs against the Hausa/Fulani community before and on the eve of the onslaught".

Mohammed Idris Aliyu (W42) also mentioned Zamani Lekwot at page 5 of his memo. However, when testifying before the Commission, he gave his reasons for mentioning Zamani Lekwot to be his prominence and status in the society. There is therefore no proof before us that Gen. Zamani Lekwot (Rtd.) actually planned or participated in the riots or disturbance which started on 6th February, 1992. The Commission is however of the opinion that in view of the series of allegations levelled against him, his activities should be investigated by the Police.

40. John Toro (W22): He was mentioned by Alhaji Mohammed Tasiu Abdullahi (W12) and Dauda Aliyu (W15). Alhaji Mohammed Tasiu Abdullahi told the Commission that John Toro told him when he was escorting him, after he had visited him that there would be bloodshed in Zango the following day. John Toro further informed him that he had told his wives that unless they have two lives, they should not venture out on that day. However, John Toro (W22) in his testimony before the Commission, denied Alhaji Tasiu's story. His version is that his two wives went to the market on that fateful day and he also set out later to go to the market. However, on his way to the market, at Kibori village, he saw a lot of people coming towards them from the market. He was with his elder brother Dogara Ayok. On inquiry, they were told that there was misunderstanding in Zango market and were asked to go back, but he refused saying he had to go and look for his two wives. At this point his elder brother went back. On reaching the tarred road, he saw his wife who told him she could not trace her mate when they were running away. However, he later came across some other women who told him that his second wife had gone home through a short cut. He felt more at ease and was about to return home when he saw one Inspector Timothy Adams (W40). Inspector Timothy had been cut

on the head and he alleged that Maitala Laki cut him. He accompanied him to the ECWA dispensary at Kibori and stayed with him until they sutured his head. He was there with Inspector Timothy and others and eventually they all went together to Project where they stayed under a mango tree until 6.00 pm.

41. Dauda Aliyu (W15) told the Commission that John Toro shot his brothers, Danbala and Saminu and himself in the right eye. Danbala and Saminu died and Dauda Aliyu still had his eye bandaged when he appeared before the Commission. John Toro also denied shooting and killing Danbala and Saminu on the day of the riot. In answer to questions put to him by the Commission, John Toro said he was discharged as a Sergeant from the Nigerian Army, 1 Mechanised Division. Although he was in general duties while in the army, he took active part in the civil war and was trained to handle arms. He fought in the civil war and was even injured. He however denied having a gun and said he has never owned one since he left the army. He also said he belongs to the ExServicemen Association, Zangon Kataf Local Government. It was also his testimony that after they left Inspector Timothy Adams, they left for Kibori in a group and he subsequently went to his house. He did not see any policeman on that day or notice anything on his way home. He got home around 8.00 p.m and did not see any roadblock on the way. There are clearly a lot of discrepancies in the testimony of John Toro. Certainly there is more about him with regards to the riots of 6th February, 1992 than meets the eye. It is our considered view therefore that John Toro could have been a rioter and should be properly investigated by the police after which they should take whatever action they deem necessary.

42. Inspector Timothy Adams (W40) He was at one time the Inspector in charge of Zangon Kataf Police Post. On 20th January, 1992, he resumed at Madakiya Police Station as the Station officer. He told the Commission of his presence in Zango town on 6th February, 1992, the reasons for his coming the day before that is 5th February, 1992 and his movements. He further mentioned his meeting with John Toro (W22) and all the subsequent happenings between them and others,

details of which are as per the record of proceedings. It is the observation of the Commission that the evidence of Mr. Timothy Adams contain so many gaps and loopholes. Here was a concerned officer who left his family for his new station without making any provision for their upkeep. He was in Zonkwa on 27th January, 1992 for his salary which was paid through the Bank in Zonkwa. But instead of immediately proceeding to Zango and catering for his family, he went back to Madakiya. He did not come to Zango the following weekend (that is 1st February, 1992) to cater for the needs of his family. But on the following Wednesday, 5th February, 1992 a working day and the day before the riot, he came to Zango town allegedly to give his family their feeding allowance then. What is more, he came in mufti but armed with his pistol and rounds of ammunitions. Infact, he failed to surrender this officially issued arms when he moved to the new station. According to his story, the pistol with six rounds of ammunition was later brought to him by his 15 year old son named Joel Adams, while he was under the mango tree at the Project on the day of the riots. Additionally, his version about their meeting with John Toro substantially contradicted the one which John Toro placed before the Commission. On the whole, he was rather an unconvincing witness when he appeared before the Commission. We thus consider his movement on 6th February, 1992 as being highly suspicious. We therefore recommend that he should be investigated by the police as he could have been one of the rioters.

43. Quite a number of witnesses who testified before the Commission and who were attacked during the riots mentioned the names of people who attacked them.

44. Hassana Aruwa (W16) the only survivor in a family of eight (8) mentioned Markus Jibiro as being the man who killed her husband. One Sule, she said killed her son, Bashiru. She said both Markus and Sule live in the same house. She also mentioned Dodo Soya and Dodo whom she said was the leader of the group that attacked her family.

45. Ibrahim Kutumbi Umaru, (W17) also known as Ibrahim Chakaikai gave the names of people who attacked and burnt his residence. He claimed that the people who burnt his house to be Dawa who lives at Matai, Shehu Mijin Budurwa who lives in Unguwar Ruhogo and seem to be the leader, Adamu Gwanja, a retired soldier and who works as Securityman in the District Head's official residence in Zangon Kataf. He also mentioned Zamani Dangiwa of Unguwar Ruhogo, Bitrus Dauda, Unguwar Ruhogo, Pastor Yunana, Bivan, Haruna Tonak all of Unguwar Ruhogo. There were also Yarai Matai, Tinat of Unguwar Ruhogo, a woman called Agwai Bobai of Unguwar Ruhogo who was cheering the group and Jaraba Babang of Unguwar Ruhogo.

46. Musa Lauya (W20) mentioned Shehu, Saidu, Garba Agwanjang, Zamani Giwa, Dogo Gidani as being amongst the first batch of Katafs he encountered as he was going to bring his children from the farm on the day of the riots. He further said that these people he mentioned know the people who killed his children. However, he did say that four of his children were rescued by a Ninzam Pastor and returned to him after two days. They were with the Pastor during the two days. Also, after he went back and stood in front of his house, he saw Yahaya Duniya giving a machine gun to Garba Agwanjang who fired at him but he dodged and the bullet flew past him and hit a prison warder who was coming from the prison towards him.

47. Not all these people mentioned by Musa Lauya, (W20) and other witnesses were called to testify before the Commission because of time limit and the fact that no one was on trial before the Commission. However, Yahaya Duniya testified as W28. He denied being a rioter as stated by Musa Lauya (W20). He also told the Commission that Musa Lauya has a personal grievance against him, details of which are as per the record of proceedings. He also said that what Musa Lauya said about Garba Gwanjang is wrong because Garba Gwanjang was his brother and has died since 1990.

48. Suffice it to say here that we do not find it necessary to call all the numerous people mentioned as being involved in the riots to come and testify before us. We say so not only because we had a time limit within which to conclude our assignment, but also it is our considered view that because the few called came and denied all allegations of involvement in the riots, the others mentioned, if called, could have similarly denied their involvement. Furthermore, our Commission being primarily more of a fact finding Commission of Inquiry, it is our considered view that some of the people mentioned before us could later be arraigned before an appropriate Court or Tribunal after the police must have carried out all necessary investigations. Furthermore, such people mentioned, if called, may not stop at mere denial but as Yahaya Duniya (W28) did before the Commission, they may give unbelievable evidence. For instance, Yahaya Duniya (W28) told the Commission that between 11.00 a.m and 1.00 p.m when he was inside and around Zango town, on 6th February, 1992 he did not witness any fighting or riot and did not see any smoke or fire. This piece of evidence certainly did not tally with the abundance of evidence before us. He must therefore be lying and could have been a rioter.

49. In the case of Alhaji Jibrin Mato (W21), he identified Mallam Baba Kataf Mawashi, Isti Dan Yunana of Kibori, the driver of Yunana's pick-up and Dogo Minti Yunana also of Kibori whom he said shot Bature. He further gave evidence before the Commission that both Baba Mawashi and Isti Yunana were among the group of rioters that burnt Alhaji Mato's house and his tipper lorry after they had looted his premises. He emphasised that these people are Katafs and that they were armed. He finally said that his evidence was not out of bitterness or to seek revenge.

50. Hajiya Zulai Anta (W41) identified some of the people who attacked her restaurant, looted it, set it ablaze and beat her to a state of unconsciousness. Indeed, she said she grew up with some of the people she as among the rioters and at first, when she saw them with the rioters, she thought they were going to save her, but they

simply melted into the crowd. These are the Tailor near her shop, whom she had seen a day before the riot moving his luggage away. Under further questioning by Mr. Mahmood, she admitted that the Tailor is known as Bestman Tailor. There was also Ayuba and Tonak, all of Ungwan Wakili.

51. Lawal Aliyu (W45) was the young man whom Alhaji Idiya Usman (W39) told the Commission witnessed the burning of his mother's house at Samarun Kataf. In his evidence before the Commission, Lawal Aliyu mentioned one Mallam Ayuba who lives in Ungwan Wakili and works with the Education Department in Zangon Kataf. Bala Mai Mai who sells petrol, also known as Agwan Bala, and Tagan Kude. He then mentioned a fourth man whom he described "as the tall messenger with a burn or scar on the neck who works with the Project." This witness repeated before the Commission in fluent Kataf the conversation he overheard between Ayuba and the rest of those mentioned above, and translated it thus: "Hausas in Zango are being killed, what are you people in Samaru waiting for?". Thereafter, they blocked the road, and in a rush headed for the residence of Hajia Lolo in Samarun Kataf and set it ablaze after looting it. Hajia Lolo escaped with only the dress she had on.

52. Sarkin Fulani Hussaini Maturba (W46) who lives in Goran Gida, Zangon Kataf mentioned one Yola Dambo who came into his room, closed the door behind him and said to him "Sarkin Fulani today you are dead." The other Katafs with him then started firing and throwing stones and poured petrol in his room and set it ablaze with him still inside. His family's quarters were also set ablaze with his 15 year old crippled daughter crying "are you going to kill me?" However, himself and his family including the crippled daughter were able to escape. He also identified Waje Boma, Luka Shawai, Duniya Sherman, Waje Sherman, Baye Babang - his neighbour, Yakubu Achi, Sambo who stabbed his crippled daughter and Bala Achi. All these people he mentioned live in Gora except Yakubu and Bala who live in Runji.

53. Learned Counsel for the Katafs, Mr. Emmanuel Toro submitted at page 27 of his address that Adamu Usman Kachia (W44) the Area Court Judge Zangon Kataf at the time of the riot was one of the rioters of the 6th February, 1992. Adamu U. Kachia testified before the Commission as Witness No.44. Briefly put, Adamu U. Kachia's evidence is that on the day of the riot, he was in his court to hear cases but the court did not sit when they discovered that very few people have shown up that day. By about 10.30 a.m, he went home and warned his family about what was happening but while still there, his Registrar followed him and told him that some people were following them and before they knew what was happening, petrol had been poured on his house and set ablaze with him and the Registrar still there. With the help of his Registrar, he managed to evacuate his family through the back of his house. They all ran away with shots being fired at them. Fortunately, none of them was killed. He then returned to the Court, put all the Christians in his Chambers and the Moslems in the Registrar's office and locked them up. When each side (Katafs or Hausas) came, he would show them their brother Christians or Moslems and they would go away without harming anyone or burning down the Court. Later, he went out to check his family but was immediately surrounded by people armed with axes, dane guns, knives, bows and arrows. However, he escaped and started seizing guns and throwing them into the fire. With the help of God, he was not hurt but people thought he had some supernatural powers. He then decided to help the wounded to safety and prevent the dead from being burnt. They kept shooting at him but miraculously, he was not hit. He tendered before the Commission his blood-soaked "yarchiki" and trouser which he was wearing that day and they were admitted and marked as Exhibits 43A and 43B. The Police eventually came at about 5.00 p.m and when they saw what he was doing, they requested him to compile a list and he compiled a list of 96 wounded persons. Then another wave of attack came and they dispersed. Later he could not find the list of the dead which he had started compiling, but he gave the Police the list of the wounded he compiled.

54. In answer to questions put to him by Mr. Toro, he said he rescued Nalado (W14) to safety but did not know who he was then. He only came to know who he was when he heard over the radio after Nalado testified before the Commission that they gave him (A. U. Kachia) the bullet removed from Nalado's body. Before he rescued Nalado, he had removed one lady from the clinic near the court. She was very ill and after he rescued her, he gave her to some Hausa Samaritans but she died later. He further said when he first saw Nalado, he was crying "Wayyo Allah Kafana, Wayyo Allah Kafana". But he was carrying the woman on his back then, so he took her to safety and came to find Nalado unconscious and rescued him to safety. He found him between the court and the clinic. A.U. Kachia also tendered a bullet he later picked in the place where he threw one of the guns. He also tendered Exhibit 44, an album containing 56 pictures of various scenes of the riot including a burnt corpse.

55. It was also his testimony that he was in Zango only 16 days before the incident happened. His residence was the official Area Court Judge's residence. He said he got to know Idris Aliyu (W42) not long ago but added that he did not see him on that day. He further said he rescued Nalado in the afternoon after the Katafs had been pushed out and were behind the bridge, while the Hausas were keeping vigil on their own side of the bridge. He refused to agree that the Hausas used guns and weapons but said they used sticks. He continued to work with the Police until about 6.00 p.m when the officers commented that he must be new in town and he answered, yes, he was. Eventually, they gave him and his family help to go out of town. He left the town with his bloodsoaked clothes still on. All his belongings and that of his family had been lost in the fire. Indeed, some members of his family even left without a headtie on. They met four roadblocks on their way to Zankwa, and at each, they wanted to kill him because he was Hausa. Infact at Samarun Kataf they asked him to come out and lie down to be slaughtered, but he refused saying that his life was in the hands of God. They threw a stone at him but

missed him and hit an SSS man on the forehead. The SSS man hit on the head was one of the officers accompanying him and his head was gashed. Eventually, they all escaped to safety.

56. He went on to make recommendations to the Commission which include the creation of three districts out of the present Zangon Kataf District, namely Samaru, Zango and Gora. It was also his testimony that normalcy has still not returned to Zangon Kataf. On the 11th April, 1992, he received information that there was trouble in the town. He sent word to the Police. Eventually, the Hausas dispersed. When the Assistant Area Commander later came, it turned out that the issue was not mere rumour. The Assistant Area Commander told them this when they went to the Village Head of Zonzon. The Assistant Area Commander also said he actually saw some of the Katafs and some of them had guns. It was also A. U. Kachia's testimony that no arrests have been made by the Police even after the skirmishes after the riots. He concluded his testimony by telling the Commission about a peace meeting which he initiated with the leaders of both communities and his approaching the Emir of Zazzau on the issue. He also suggested that the creation of a Chiefdom is desirable.

57. Having carefully considered the testimony of the Area Court Judge, it is the general consensus of the Commission that Adamu Usman Kachia is not a rioter as per the submission of Mr. Toro in his written address (p.27). If anything, Adamu Usman Kachia deserves commendation for his courageous behaviour and leadership qualities displayed on 6th February, 1992. However, it is also our considered view that he should be transferred out of Zangon Kataf particularly because of his personal safety and that of his family. It is also pertinent to point out at this juncture that nowhere in the evidence of Mr. Churdusu (W18) whom we consider as a highly credible witness was Adamu Usman Kachia mentioned as having participated in the riots. No one else mentioned him as a rioter before the Commission. We therefore find no basis for the submission of Mr. Toro at page 27 of his address and we accordingly disregard it.

58. For ease of reference we restate the names of individuals mentioned by various witnesses as having played diverse roles in causing tension and outbreak of violence on 6th February, 1992 and who could be regarded as rioters and or participants in the disturbances. They are: Maitala Laki (mentioned by W18, W25 and W27); Markus Jibiro, Sule, Dodo and Dodo Soya (All mentioned by W16); Dawa, Shehu Mijin Budurwa, Adamu Gwanjang, Bitrus Dauda, Pastor Yunana, Bivan, Haruna Tonak, Yarai Matai, Tinat, Agwai Bobai, Laraba Babang and Zamani Dangiwa (All mentioned by W17); Shehu, Saidu, Garba Agwanjang, Zamani Giwa, Dogo Gidani and Yahaya Duniya (All mentioned by W20; John Toro, Mallam Baba Kataf Mawashi, Isti Dan Yunana of Kibori and Dogo Minti Yunana (All mentioned by W21); Bestwan Tailor, Ayuba and Tonak (All mentioned by W41); Mallam Ayuba, Bala Mai Mai a.k.a. Agwan Bala, Tagan Kude, the tall messenger with burn or scar on the neck who works with the Project (All mentioned and or described by W45); Yola Dambo, Waje Boma, Luka Shawai, Duniya Sherman, Waje Sherman, Bayei Babang, Yakubu Achi, Bala Achi and Sambo (All mentioned by W46). There is thus the need that all these people should be considered for thorough investigation by the Police and thereafter, appropriate actions could be taken in respect of each individual.

GROUPS:

59. In the light of the memoranda and evidence before the Commission, the following are our views on the roles played by each group in causing tension and outbreak of violence.

HAUSAS:

60. There was no evidence before the Commission that the Hausas went beyond the boundary of Zango town during the riots. Evidence of ASP Samuel Kwando (W11), Ishaya Fon Chundusu (W18), CSP Luka Gish (W4), Inspector Usman Daudu Paiko (W34) amongst others refer. Furthermore, the evidence of these witnesses clearly show that the Hausas acted in self defence of their lives and property. The two communities and the Police also tendered lists of the dead and

wounded. Appendix A to the memorandum of the Hausa community, Appendices A and B to the memorandum of the Police, Exhibits 16, 17, 18 and 20 refer.

61. Most of the dead and wounded on these Appendices and Exhibits are Hausas. Additionally, the graphic picture perceived by the Commission on its visits to Zango town is that most of the houses burnt are houses in Zango which belonged to the Hausas, even though there were a few houses owned by Katafs and within Zango, which were apparently burnt by the Hausas in retaliation. In particular, we refer to the testimony of ACP Yusufu Haruna who said:

"Yes, I was also one of the officers taken hostage around 11.00 a.m on 7th February, 1992. We were taken hostage just as we were about to leave the town. These people were more than 5,000 and they were armed with bows, arrows and dane guns. They said some of their people had been taken hostage and unless they are released, they will kill us and all the Hausas in Zango town. These people who took us hostage were Katafs not Hausas. I took them seriously under the given circumstances".

The people whom the Katafs alleged to have been taken hostage were actually 9 Katafs who were arrested by Police Anti-Robbery Patrol Unit from Kaduna. They were arrested at Unguwar Gaiya Village. They were arrested and detained for disturbance of public peace and being armed with dangerous weapons. Exhibits 1E, 10E, 15 and evidence the of various witnesses refer.

62. The totality of all the evidence before the Commission is that the Hausas of Zango town as a group acted in defence of their lives and property during the riots and disturbances of 6th February, 1992.

KATAFS:

63. On the other hand, the overwhelming evidence before the Commission with regards to the roles played by the Katafs in the riots

is that they attacked Zango town, its inhabitants and environs as well as some Fulani settlements. There is evidence before the Commission that the attacks launched on Zango Town took place around 9.00 a.m to 10.00 a.m. in some places and around 10.00 a.m to 11.30 a.m in other places, whereas, the disturbances in the new market area did not start until around 12.00 noon. ... The record of proceedings refer. Additionally, there is also the testimony of Sarkin Fulani Hussaini Maturba (W46) who said he became apprehensive when he saw armed Katafs moving from Akaku and Gora in the direction of Zango as early as 7.30 a.m in groups on 6th February, 1992. Indeed, days before the riot, Juri Babang Ayok had commented to Councillor Danjuma Danyaro (W8) that ex-servicemen of Magamiya had threatened to deal with anybody who acted as obstacle to the relocation of the market. Hajiya Zulai Anta (W41) has also told the Commission that she saw her neighbour, Bestman Tailor packing his belongings away a day before the riots/disturbances.

64. All these pieces of evidence when put together, unfortunately and regrettably lead to only one logical conclusion and that is that the Katafs as a group must have planned to attack the Hausas, and they did attack them on 6th February, 1992. The market relocation issue is therefore nothing but a smokescreen.

The Police:

65. The general basic duties of the Police are:

- (i) the prevention and detection of crime
- (ii) the apprehension of offenders
- (iii) the protection of property
- (iv) the preservation of law and order
- (v) the due enforcement of all laws and regulations with which they are directly charged

See Section 4 Police Act 1964.

66. From the evidence before the Commission, the Police were aware of the stiff opposition to the relocation of the new market by the Hausas even before the 6th of February, 1992. Councillor Danjuna Danyaro (W8) had told the Commission that when the Local Government initially attempted to grade the new market site along Magamiya Road, the driver of the grader was beaten up and the matter was reported to the Police. After the intervention of the Police, the new market site was graded. Also, Supt. Damian Audi (W7) told the Commission that on 29th January, 1992, he received the letter of complaint from Alhaji Danbala A.T.K. about the relocation of the market to a new site. He then sent a signal to Police Headquarters, Kaduna on 31st January, 1992, informing them about a land dispute between the Hausas of Zangon Kataf and Zangon Kataf Local Government. He also stated in the signal that the case is already in court and coming up on 5th February, 1992. He ended his signal by saying:

"We are afraid if they may cause break of law and order. Meanwhile, area calm and quiet please".

Exhibit 11 refers. He further stated that he did not receive a response from Police Headquarters, Kaduna to this signal. The D.P.O. Supt. Damian Audi was served with the court order (Exhibit 3) early in the morning of the 6th of February, 1992. Thereafter, his handling of the issue (details of which we have already considered earlier on in this report while considering the role of D.P.O. Supt. Damian Audi) left a lot to be desired and contributed greatly to the outbreak of the riots and disturbances.

67. It is clear from the evidence adduced before the Commission that the Police were greatly handicapped in quelling the riot. Not only because there were very few policemen on the ground but also because they were ill-equipped. Furthermore, although most of the policemen who testified before the Commission said that they got there as soon as hostilities broke out they could not do much immediately, and were only able to penetrate into Zango town around 5.00 p.m. The evidence of Mr. Chundusu (W18), A. U. Kachia (W44) refer. There were also allegations that the Police took side during the riot but this has not been satisfactorily proved before the Commission.

68. Sarkin Fulani Hussaini Maturba narrated to the Commission his ordeal in the hands of the Police when he went to report that Alhaji Aruwa and his family had all been killed by the Katafs. He was first asked to bring some money to enable them buy paper to record the statement. Of course, because he himself just narrowly escaped with his life, he had no money to give them for the paper. They did nothing until some good samaritan Fulani saw him sitting outside the Police station, took pity on him and gave him twenty Naira. He gave ten Naira to the Police to buy paper and bought some food with the balance. It was only then that his statement was recorded. Eventually, they gave him some policemen to go and see Alhaji Aruwa's settlement. It was his testimony that by the time they got there, it was getting dark and they could not locate the corpses. On return to the Police station, Zonkwa, he was locked up for giving false information. He was not alone as two of his Fulani brothers were also locked up. Not only did they remain in custody overnight, but somewhere along the line, the Police agreed to release them if they would pay two thousand Naira. One of these Fulani men locked up with him was Alhaji Beiza, Alhaji Aruwa's brother. They refused to pay and they remained in custody until when Bassana Aruwa (W16) came and told the Police where seven members of her family were killed. The D.P.O. gave them a Police photographer and some other policemen and they visited the scene and saw the corpses, pictures of which were taken before they were buried. On return, the D.P.O. finally released them.

69. From the foregoing, the attitude of the Police before and after the riot certainly leaves a lot to be desired. This is further compounded by their behaviour after the riots and during the public sittings of this Commission. In spite of letters written to the Police by the Commission on the general security situation in Zangon Kataf, the general situation at the Commission's sitting venue as well as open remarks made by the Commission at its sittings while listening to the testimony of various Police officers, no arrests were made by the Police up to the time the Commission completed its public sittings.

Not only did the witnesses come before the Commission and openly mention names of people they know, who have participated in the riot, destroyed property and killed people, but even from the Police investigation file shown to the Commission by ASP Yakubu Madaki (W32) during the course of his testimony before the Commission, the Police already had statements recorded from witnesses which disclosed names of people who allegedly participated in the riots. The Police gave three reasons for failing to make any arrests or confiscate any firearms or dangerous weapons. The first is that some of them including some of their top ranking officers were taken hostage after some policemen arrested some 9 persons. Secondly, they stated their fear of another possible outbreak of violence if arrests were to be made. Thirdly, the Police said they did not want to interfere with the work of the Commission.

70. On the hostage issue, even if the Police were really outnumbered at the time in question by the people holding them hostage, one would have thought that they would have subsequently re-arrested these 9 persons after they were released. However, they did not do so and indeed Exhibit 15 which contained the names of these arrested 9 persons, did not have any other particulars about them. That notwithstanding, however, exhibits 1E and 10E show that these people were arrested at Unguwar Gaiya Village. If the Police were really serious on getting these people, they could have done so. Their excuse that making arrests might lead to another possible outbreak of violence also does not hold water. Indeed, we regret to say that the second worse outbreak of violence in Zangon Kataf of 15th May, 1992 which spilled over into Kaduna and other parts of the State happened partly because of the inaction of the Police after the first riots which are the subject matter of this inquiry. We warned the Police several times about the danger of failing to make any arrests and confiscating the dangerous weapons used in the first riots, both in our public sittings and in subsequent correspondence to the Governor of Kaduna State which the Police were intimated of KXG/JCI/ZK/7/7 of 22nd April 1992 refers. This was after the Commission had been informed that the Katafs were still preventing the

Rausas from farming their lands around Zango. Yet the Police did nothing. Perhaps if the culprits of the riots of 6th February, 1992 had been apprehended and put behind bars, subsequent riot of 15th May, 1992 might have been averted or if there was a disturbance because of arrests, it would have been on a much smaller scale which the Police would have been able to contain and check without an spillover into Kaduna or elsewhere. We are mindful of the fact that identifying the roles played by individuals and groups in the riot of the 6th of February, 1992 is one of our terms of reference, that per se should not however have prevented the Police from carrying on with their duties as set out in Section 4 of the Police Act. As we opined publicly while listening to Police witnesses and in camera, the Commission could have ordered for the production of whoever was in custody, should the need have arisen and the Police would have had to comply. To state therefore as the Police have done, that one of their reasons for failing to make any arrests was because the Commission had not completed its assignment, is therefore not tenable and a subtle form of buck passing. Be that as may be, however, what is done is done and cannot be undone.

71. To prevent future occurrences, however, we hereby make the following recommendations:

- (i) The Police should respond promptly, decisively and effectively to reported incidents of riots or disturbances. This is necessary to stem such incidents from spreading like bush fire during harmattan. This will further prevent perpetrators of mayhem from interpreting such slow or indecisive response by the Police as official sympathy, identification with their cause and approval.
- (ii) The system of posting certain categories of Police officers (mainly the lower ranks) to their Local Government Areas of origin should be reviewed with the view of reversing same. Once this is done, chances of policemen taking sides in any disturbance or dispute

will be greatly minimised. Then policemen will see themselves as independent officers purely carrying out their assigned roles without fear or favour; strictly remaining as professionals to the core.

- (iii) The practice of mass transfer of senior Police officers at the same time should be discouraged. We say so because we found in the course of our investigation that the Assistant Area Commander, Kafanchan Zone, CSP Luka Gish (W4), the D.P.O. Zonkwa, Supt. Damian Audi (W7) Station Officer, Zango Police Post, Inspector Usman Daudu Paiko (W34) were all new in their respective posts at the time of the riots.
- (iv) The Police Post in Zango Kataf should be elevated to the status of a Police Station and it should be fully equipped with all logistical supply capable of quelling any mob action. These should include serviceable motor vehicles, communication equipments, full range of anti-riot gears and so on.
- (v) The general intelligence network in Zango Kataf in particular and in Kaduna State in general should be overhauled and be more alert, fully prepared and ready to live up to its responsibilities and expectations.
- (vi) The Police should strictly enforce all provisions governing the possession of firearms and other dangerous weapons. There might still be the need for a thorough search of Zango Kataf Local Government with the view of confiscating all firearms and other dangerous weapons not being held in strict compliance with our laws. Indeed, in view of recent happenings, there is the need for further legislation to curtail and control the possession and use of firearms and other dangerous weapons.

EX-SERVICEMEN AND RETIRED MILITARY OFFICERS:

72. It is clear from the evidence before the Commission that there is a large reservoir of ex-servicemen and retired military officers resident in Zangon Kataf Local Government. It is also in evidence before the Commission that some of the people who handled firearms during the riots were exservicemen and retired military officers. Indeed, some were alleged to have been dressed in army uniform during the riots. Ex-servicemen were also sighted at various roadblocks set up during and after the riots. There is therefore no running away from the fact that they play vital roles in the unfortunate incident of 6th February, 1992. We therefore strongly recommend that the activities of all Kataf ex-servicemen and retired military officers, and retired officers whether resident within or outside Zango Kataf Local Government should be looked into and appropriate action taken.

ZANGON KATAF LOCAL GOVERNMENT:

73. From what has been placed before us, most of the actions taken on behalf of the Zangon Kataf Local Government concerning the market relocation issue which culminated in the riots were taken by the Local Government Chairman without consulting the Zangon Kataf Local Government Council. No minutes of Local Government Council meeting supporting the Local Government Chairman's action were placed before the Commission. We cannot therefore squarely lay any blame at the door of Zangon Kataf Local Government as a body since there is nothing before us to show that that body actually took any step concerning the market relocation issue. Their failure, however, to check his excesses leaves a lot to be desired. They failed to live up to their responsibilities.

Item D

Determine the extent of loss of lives and property.

EXTENT OF LOSS OF LIVES:

74. Various lists were tendered before the Commission with regards to the number of lives lost as a result of the riots or disturbances of 6th February, 1992. Exhibits 16, 17, 18 and 20 and Appendix A attached to Police memorandum refer. None of these lists is exhaustive. However, Exhibit 20 contains the largest number and is the latest list drawn up having been dated 23rd March, 1992. It was tendered through Ibrahim Kutumbi Unaru (W17) who compiled the list on behalf of the Hausa Community of Zango. On comparison with the other lists, it still remains unclear whether the three unknown corpses listed in Exhibit 17 are included in Exhibit 20. If they are not included in Exhibit 20, which has a total of 84, then they should be added to that total in Exhibit 20 bringing the total number of dead to 87. There is also one Nuhu Danbala listed on Exhibit 17 among those listed as admitted and discharged but who later died. When he is added to the 87 dead, the total become 88. There are also 6 corpses on Exhibit 16 not listed on Exhibit 20. If these 6 corpses are added, that would bring the number of dead to 94 as per the evidence before us. In reaching this figure, we have taken into consideration the facts that Ibrahim Kutumbi Unaru admitted that he listed Sunday Waziri (No.10 on Exhibit 17) as Sale (No.54 on Exhibit 20). He said he listed him as such because that was the name which he was given. Sunday Waziri was the prison warder shot and killed outside Zango Prison. There is also one other corpse not mentioned in any of the lists and that was Lili Angau whom Mr. Churkusu (W18) said was killed just outside his Clinic as he was trying to run to safety. That brings the total number of dead persons as per the evidence before the Commission to 95. There is also one Daniel Sofa Shekari who has been listed as missing on Exhibit 16. As rightly submitted by Mr. Kurada in his written address, this person cannot be presumed dead until after seven years if he is not seen within that period. Section 144

(1) of the Evidence Act, 1990 refers. He is accordingly not included in the total list of persons killed. It should be pointed out that it is possible there are others who have been killed whose names have not been submitted to the Commission. These also could not obviously have been included in the total number of 95 stated in this report.

75. Even though our terms of reference did not specifically request for the number of injured, Exhibits 17, 18 and 20 as well as Appendix B attached to Police memorandum gave names of those injured. Once again, Exhibit 20 being the latest and most exhaustive could be taken as a rough guideline with regards to the number of people injured. It will be difficult to have the exact number of people injured as quite a number of them could have been treated at home without going to any hospital. Hence no record could have been placed before us. However, as per the evidence before us, we put the total number of injured as 252. We arrived at this figure by adding the 29 names from Exhibits 17 and 18 not already on Exhibit 20 which has a total of 223.

EXTENT OF DAMAGE TO PROPERTY:

76. With regards to the extent of damage to property caused as a result of the riots and disturbances of 6th February, 1992, Appendices B and B1 attached to the memorandum of the Hausa Community gave a total of N45,318,369.00 as the estimated value of property damaged. There were individuals who individually submitted independent claims to the Commission. These total N4,481,388.60. However, the Commission requested government officials to evaluate and assess property damaged during the riots. To this end, Exhibits 38 and 39 were placed before the Commission by these experts. The details of their reports are as in Exhibits 38 and 39. The summary of Exhibit 38 is as follows:-

- (i) 28 completely burnt motor vehicles/plants were estimated to cost N4,152,000.00.
- (ii) 10 partly burnt or damaged motor vehicles/plants were

estimated to cost N412,100.00.

- (iii) 9 completely burnt motor cycles estimated to cost N120,850.00.
- (iv) some spare-parts, generating sets, water pumps, bicycles, sewing machines, air-compressors, welding machines etc. were completely burnt, and were estimated to cost N4,228,828.00.

All the items listed above total N8,913,278.00.

With regards to immovable property, the details are specified in Exhibit 39. The 133 burnt houses and huts therein have an estimated cost value of N7,297,906.00. Similarly the 26 farmlands destroyed have an estimated cost value of N821,140. These houses, huts and farmlands all total N7,380,046.00. We thus have a grand total of N16,293,324.00 from the property on both Exhibits 38 and 39.

77A. Yusuf Suleiman (W37) also tendered before the Commission Exhibits 40A - O which are claims of household items, foodstuffs, etc; the estimate of which he did not include in his report since he did not see them before they were destroyed. Hence he could not estimate their value. The total of Exhibits 40A - O is N424,175.00. This represents the total sum claimed by only four claimants namely:-

- (1) Alhaji Ahmadu Zango - N88,280.00
- (2) Mallam Zakari Usman Zango Kataf - N256,000.00
- (3) Alhaji Mansir Carpenter - N10,545.00
- (4) Late Alhaji Mohammed Saminu Abdu
c/o Alhaji Mohammed Tasiu - N69,350.00

Other remaining claims in Exhibits 40A - O have been taken into consideration in Appendices B and B1 attached to the memorandum of Hausa Community of Zango town. It should be noted that all the claims other than those which the experts have seen and evaluated could have been inflated. For instance the total of the claim by the Hausa Community alone comes to N45,318,369.00; whereas, the evaluation by

the two experts show a total of only N16,293,324.00; There is therefore the need for a Sub-Committee to be empanelled to look into all these claims vis - a - vis the reports of the experts and reach a decision on the amount of compensation to be paid to each individual. We recommend that appropriate compensation should be paid to each claimant as per the decision to be reached by the Sub-Committee - this should be done with dispatch.

77B. Our observations and recommendations under paragraphs 74 to 77, we believe also cover items (b) of our terms of reference, since items (b) and (d) are closely linked.

Item E

Examine any other matter incidental to the foregoing.

Fair Hearing

78. The Commission's interpretation of its role as being primarily a fact finding Commission of Inquiry came under criticism by Mr. Emanuel Toro, learned Counsel for the Kataf Community and Mr. J.B. Daudu, learned Counsel for Zangon Kataf Local Government in their written addresses respectively. We have carefully considered their submissions in the light of our earlier ruling on this issue and we must say that we find no reason to vary our earlier stand on the issue. Strictly speaking there are no opposing parties before us. All that we have before us, is a subject matter which we are to inquire into or investigate and in the light of our findings make recommendations within the ambit of our terms of reference. The Commission is not exercising any form of disciplinary authority on anybody. Indeed the findings and recommendations of the Commission would not amount to a sentence or conviction of anyone. We cannot therefore see how Section 33 of the 1979 Constitution can be brought into play here. As a Judicial Commission of Inquiry, we are mindful of the fact that we have a duty to act fairly. But nevertheless, how can a Commission of this nature set up to inquire into disturbances/riots with time constraints and other logistical problems be expected to call virtually everybody mentioned as having participated in one way or the other, truly or otherwise in the riots to appear before it. Definitely, if that is done, there will never be an end to this inquiry. Basically, nobody is on trial before this Commission. Fairness and justice is a two way traffic. The Commission has already sought and obtained extension of time within which to submit its report on two occasions. One month has stretched to three months. Yet, there are grumblings. It is obvious that there will be dissatisfaction, fear or hope, whether real or imagined, even if the Commission sits for three years. It is pertinent and for emphasis to restate that our findings and recommendations remain as

considered opinions subject to acceptance or otherwise by the Governor, and even if they are so accepted, as far as roles of individuals and groups are concerned, conclusive actions will only be subsequently taken after thorough investigations have been carried out. Thereafter, those charged would be arraigned before a Court or a Tribunal and properly tried, convicted and sentenced. In the interim however, we have strived to discharge our functions diligently and to the best of our ability without fear or favour, in accordance with our judicial oath sworn to by each and every member of the Commission at the beginning of this exercise.

Area Courts

79. The role of the judiciary at the lower level came up in some of the memoranda submitted to the Commission and was also mentioned by some of the witnesses who testified such as Col. Yohanna A. Madaki (Rtd.) (W19) and General Zamani Lekwot (Rtd.) (W24). Mr. Toro also considered it in his written address. We have carefully considered these memoranda, evidence and submissions of Counsel and it is our considered view that whenever Islamic law is applied in the adjudication of matters to which that law is not applicable, the aggrieved party has the right of appeal to the High Court. However, we do admit that there is the necessity for a Customary Court of Appeal to be established in Kaduna State since the Area Court Edict 1967 does recognise the application of native law and custom prevailing in the area of jurisdiction of the Court or binding between the parties. Section 20 (1) (a) of the Area Courts Edict, 1967 refers. Without a Customary Court of Appeal, the determination of issues that pertain strictly to native law and custom falls upon the High Court which discharges this function through the help of assessors versed in native law and custom. This we feel is not the ideal, since there is a Sharia Court of Appeal for the determination of appeals touching on questions of Islamic law where all the parties are Moslems, or Moslem personal law. We therefore recommend that the House of Assembly of Kaduna State should look into the issue of establishment of a Customary Court of Appeal for the State.

80. We have considered the submissions of Mr. J.B. Daudu in respect of the actions of Alhaji Aliyu Mohammed (W31) the Upper Area Court Judge Kafanchan, regarding his conduct and handling of the case filed by Alhaji Danbala A.T.K. against Kachia Local Government and later Zangon Kataf Local Government. Alhaji Aliyu Mohammed explained to the Commission the reason why he signed the order only at about 5.00 p.m in Kafanchan on 5th February, 1992. On that day, he sat in Kachia and later in a village called Dagwarga, and by the time he got back to his office in Kafanchan and got the court order signed, the Court Bailiffs had closed. He therefore allowed Alhaji Danbala A.T.K. to go and serve the court order because if it was not served and anything should happen, he could be accused of sleeping over the issue. We find this explanation reasonable. It however, came out before the Commission that some of the proceedings in relation to this case were not recorded in the Area Court's record of proceedings. We observe and state that Area Court Judges at all times should ensure that they comply with requirements of the law, both substantive and procedural. At times, however, exigency of the situation might dictate otherwise provided there is no breach of law.

Lack of decisive and prompt action by various Governments in the State.

81. The point has been made by various witnesses who testified before the Commission and reiterated by Mr. Toro in his written address that lack of decisive action by various Governments in the State contributed to this incident. These various witnesses harped on the issue of creation or grant of a chiefdom to the Katafs. We have partly touched on this in paragraph 25 of this report. We however wish to emphasise that we should all inculcate the spirit of nationalism and patriotism. We should first and foremost think of ourselves as Nigerians rather than as Katafs, Hausas, Ibos, Yorubas or any other ethnic group we may belong to. What is more, confrontation begets rejection rather than acceptance. It is important for us to be concerned as to what legacy we are bequeathing to generations of

Nigerians yet unborn. We should therefore respect human life and advocate non-violent solutions to problems. Perhaps this is the proper place to mention that although the Kaduna State Government in its white paper on the report of the Committee set up to investigate causes of riots and disturbances in Kaduna State in 1987 decided at pages 22 - 23 that the issue of Customary Court of Appeal amongst others was to be referred to the Judicial Service Committee for advice and presumably necessary action. We observe that five years thereafter, the matter seem to remain still in the pipeline. We therefore call on the State Government to henceforth implement with dispatch accepted findings/recommendations in white papers on reports submitted by Committees/Commissions such as this Commission of Inquiry.

Rumour Mongering

82. Aliyu Anthony Wakili (W5) the Secretary, Zangon Kataf Local Government stated both in his memorandum and evidence before the Commission, that rumour mongering escalated and sustained the riot. He gave various examples, such as the most widely spread rumour that "yantauri" or mercenaries had been imported by the Hausas from neighbouring Local Governments and States to aid them. This, the Katafs claimed was the reason for the roadblocks. Before the Commission, no iota of evidence was adduced to buttress or substantiate this high flying rumour. It started and ended as nothing but rumour. Indeed, Supt. Damian Auxli (W7) told the Commission that he went as far as Saminaka in the course of investigating this rumour but no such thing was found. The Commission thus regard the rumour as an excuse to justify an unjustifiable act. Rumour mongering seems to have become a national pastime of Nigerians. It should therefore be discouraged through effective educational strategies and mass enlightenment.

Item F

In the light of its findings, recommend appropriate actions to be taken against those responsible for the Riot and or disturbance and also recommend measures to be taken to prevent future occurrence.

83. The Commission in the light of its observations and findings made in this report has also made some recommendations while considering the other terms of reference. Under this term of reference and within the mandate that we have been given, we shall now, therefore, make some general comments /observations and thereafter restate our important recommendations.

General Comments/Observations.

84. Once again, riots have brought to the forefront our insecurity and the fragile nature of the nation's acclaimed unity in diversity. Nigerians in this age and era should be realists. The situations dotting the horizon are dicey and this country is ticking like a time bomb and could explode if nothing is done to defuse the tension. Remaining together as a nation should prevail over any other selfish motives. But it is saddening to note that Nigerians are more of bigots than anything else. All over the place you find Nigerians who are obstinately or intolerantly devoted to their own beliefs or opinions whether religious or otherwise. Manifestation of bigotry in violence is dehumanizing. A market without doubt is a public place. However, the attempt and approach by the people of Zango town to somehow personalize and regard the market as theirs is untenable and should be frowned upon. Similarly, the violent retaliation of the Katafs towards the resistance of the Hausas to relocate the market is worthy of condemnation.

85. We all suffer from the yoke of excruciating economic conditions, trials and tribulations now prevalent in the country. Rising unemployment, harsh effects of SAP and diminished future prospects affect most Nigerians in varying degrees. Unabashedly, all

these and more have been held out as basis for the destructive and ready to kill attitude now found amongst Nigerians. This attitude we feel is not good enough. Invariably in most cases, the human propensity to find someone to blame gives rise to scapegoatism; whereat, negative thoughts and retaliatory postures are assumed towards those perceived as being responsible or regarded simply as enemies. This is intensified when it is heightened and fanned by ethnicity with unabated fervour. We opine that, Nigerians do not have valid cause to denounce, denigrate and condemn our past. Afterall, the past is a guide to the future. Thus violence should be avoided in settling whatever grievance we might harbour against the rest of the society. In fact, agitation for anything in life should not be a matter of life and death.

86. Elders do not sufficiently motivate the youth towards positive attitudes and aspirations. We believe that the right motivation, qualitative and exemplary leadership, must be inculcated in our youth through practical examples rather than rhetorics. Whatever is to be done, the benefits should be computed beforehand and in good faith. We say so because the sanctity of human life should not be violated at all. Violent rocking of the boat will definitely throw everybody over board. It is thus our bounden responsibility to embrace human life, promote and encourage its growth with enthusiasm, gratefulness and prayers to our Creator. Let us learn from the lessons of history. We should not be like the Bourbon of France who learnt nothing and forgot nothing from history.

Highlights of Recommendations.

87. The Commission recommends that:

- (i) All the individuals mentioned by various witnesses as having played diverse roles in causing tension an outbreak of violence of 6th February, 1992 and who could be regarded as rioters and/or participants in the disturbances should be considered for thorough

investigation by the Police and thereafter appropriate action should be taken in respect of each individual. Their names have already been listed in paragraph 58 of this report.

(ii) Offenders should be prosecuted before Courts of Law or Tribunals and should be duly punished. This will inspire and instill confidence in our criminal justice system.

(iii) Juri Babang Ayok, Chairman Zangon Kataf Local Government; Supt. Damian Audi, D.P.O. Zonkwa and Alhaji Danbala ATK were not listed in paragraph 58 of this report because we did not consider them as rioters since they were not mentioned by any Witness to have actually participated in the riots. However, in view of our findings in paragraphs 19 - 22, it is clear that they played diverse roles which caused tension and led to the subsequent outbreak of violence on 6th February, 1992. For this reason, we hereby recommend:

(a) The President, Commander - In- Chief of the Armed Forces of Nigeria, should take whatever appropriate action he may deem necessary under Section 34 of the Local Government (Basic Constitutional and Transitional Provisions) Act 1990 in respect of Juri Babang Ayok - Chairman, Zangon Kataf Local Government.

(b) The Inspector General of Police should take appropriate action in respect of Supt. Damian Audi's conduct and handling of the riots.

(c) Alhaji Danbala ATK should be strongly warned and placed under observation for at least twelve months.

- (iv) The activities of all Kataf ex-servicemen and retired military officers, whether resident within or outside Zangon Kataf Local Government Area should be looked into and appropriate actions taken.
- (v) The Zangon Kataf weekly market should be moved to another completely new, neutral and centrally located site, other than inside Zango town, Kwata (Abattoir) or Maganiya Road. Some basic infrastructures befitting a modern market should be put up before the new market is opened and a new weekly market day other than Thursday should be declared for the weekly market. If the Local Government is not in a position to build up the new market, it could grant rights to those who can develop it to do so but this should be done on a fair and equitable basis. The Zangon Kataf Local Government should therefore look into this issue and take appropriate action.
- (vi) In view of the derogatory meaning attached to the words "Arne" or "Arna", "Kafiri" or "Kafirai" (unbeliever or non-Muslim) even if not intended, we call on all concerned to try and desist from the use of these words.
- (vii) Both the Hausa and Kataf communities and indeed all Nigerians should eschew bitterness and embrace dialogue, tolerance and mutual understanding as keys to our survival in this nation.
- (viii) The issue of Eid praying ground for the Hausa community of Zango town for which no provision has been made, and which has been completely swallowed up or taken over in the Zangon Kataf Medium Density Residential Layout (Exhibit 7) should be seriously reconsidered and the anomaly rectified.

- (ix) The Katafs should channel their request for Chiefdom through the appropriate channels, that is to say, the Governor and House of Assembly of Kaduna State.
- (x) The creation of three districts out of the present Zangon Kataf District should be given serious urgent consideration.
- (xi) Accepted findings/recommendations in White Papers on Reports submitted by Committees/Commissions of Inquiry should be implemented and with dispatch.
- (xii) The House of Assembly, Kaduna State should look into the issue of establishment of Customary Court of Appeal for Kaduna State.
- (xiii) Area Court Judges at all times should ensure that they comply with requirements of the law both substantive and procedural.
- (xiv) The Police should respond promptly, decisively and effectively to reported incidents of riots or disturbances. This is necessary in order to stem such incidents from spreading like bush fire during harrattan. This will further prevent perpetrators of mayhem from interpreting such slow or indecisive response by the Police as official sympathy, identification with their cause and approval.
- (xv) The system of posting certain categories of Police officers (mainly the lower ranks) to their Local Government Areas of origin should be reviewed with the view of reversing same. Once this is done, chances of policemen taking sides in any disturbance or dispute will be greatly minimised. Then policemen will see

themselves as independent officers purely carrying out their assigned roles without fear or favour; strictly remaining as professionals to the core.

- (xvi) The practice of mass transfer of senior Police officers at the same time should be discouraged. We say so because we found in the course of our investigation that the Assistant Area Commander, Kafanchan Zone CSP Iuka Gish (W4), the D.P.O. Zonkwa, Supt. Damian Audi (W7), Station Officer, Zango Police Post, Inspector Usman Daudu Paiko (W34) were all new in their respective posts at the time of the riot.
- (xvii) The Police Post in Zangon Kataf should be elevated to the status of a Police Station and it should be fully equipped with all logistical supply capable of quelling any mob action. These should include serviceable motor vehicles, communication equipments, full range of anti riot gears and so on.
- (xviii) The general intelligence network in Zangon Kataf in particular and in Kaduna State in general should be overhauled and be more alert, fully prepared and ready to live up to its responsibilities and expectations.
- (xix) The Police should strictly enforce all provisions governing the possession of firearms and other dangerous weapons. There might still be the need for a thorough search of Zangon Kataf Local Government with the view of confiscating all firearms and other dangerous weapons not being held in strict compliance with our laws. Indeed, in view of recent happenings, there is the need for further legislation to curtail and control the possession and use of firearms and other dangerous weapons.

(xx) Commensurate and adequate compensation should be paid to all victims of the riots or their ascertained heirs for loss of life or damage to property where this has been established.

(xxi) The following individuals deserve being singled out for commendation:

- (a) The Ninzam Pastor who rescued four of Musa Lauya's children, kept them safe and returned them after two days.
- (b) Mallam Lawal Suleiman of Zango who gave refuge to the midwife in Mr. Chundusu's Clinic and was prepared to die with his family if any harm should afflict her.
- (c) Daboh Akut who took and hid Alhaji Usman Idiya's seven children safely, cared for them and returned them to their father after three days.

(xxii) Adamu Usman Kachia, Zangon Kataf Area Court Judge deserves commendation for his courageous behaviour and leadership qualities displayed on 6th February, 1992. However, he should be transferred out of Zangon Kataf for his personal safety and that of his family.

CONCLUSION

The Inquiry was a demanding but challenging assignment. We often sat until about 6.00 p.m even during Ramadan (fasting) and Lent. The atmosphere was charged with tension throughout our sittings. This was worsened when just before we concluded deliberating on our report, another worse riot erupted in Zangon Kataf and engulfed other parts of Kaduna State. That was on 15th May, 1992. For four days thereafter, we could not continue with our deliberations because work virtually came to a standstill in Kaduna. However, we eventually continued with our deliberations as best as we could inspite of the charged atmosphere and the curfew which was only lifted a day before we finished compiling this report (31st May, 1992).

It is gratifying to note, however, that all those concerned, from the Chairperson and Honourable Members of the Commission to our Secretariat and all other supporting staff worked diligently and enthusiastically until the report was completed. Indeed, during the last few days all those involved in writing the report stayed up working late into the night. However, it has been a worthwhile experience in the interest of peace and harmony in Kaduna State in particular and Nigeria in general.

THE HON. JUSTICE RAHILA HADEA CUDJOE

(C H A I R P E R S O N)

MASSOUD ABDULRAHMAN OREOLA ESQ.

(M E M B E R)

MR. WILLIAM FOGEI SHERA

(M E M B E R)

ALHAJI JA'AFARU MAKARFI

(M E M B E R)

ALHAJI GARBA GALADIMA

(M E M B E R)

ALHAJI ABBAS USMAN

(M E M B E R)

MALLAM MUSA GAIYA

(M E M B E R)

L I S T

O F

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(36d)

B. U. Sukola Esq.
Secretary to the Commission

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SWORN BY HIS EXCELLENCY, THE GOVERNOR OF KADUNA STATE ALHAJI
WABU MOHAMMED LERE AT THE SWEARING-IN CEREMONY OF THE
JUDICIARY COMMISSION OF INQUIRY, TO INVESTIGATE THE
ZANGON-KATAF MARKET RIOTS OF THURSDAY THE 6TH
FEBRUARY, 1992

The swearing-in ceremony we have just witnessed is the Judicial Commission of Inquiry appointed by me, (in accordance with CAP 25 of the Laws of Kaduna State, 1963) purposely to look into the unfortunate Zangon-Kataf disturbances of the 5th February, 1992.

The seven member Commission just sworn-in, has been empowered to investigate and establish the immediate and remote causes of the disturbances, make suggestions and recommendations as to the appropriate measures the Government should take to deal with those involved in the civil disturbances, and also how to prevent occurrence of such incidents in the future.

The terms of reference given to the Commission are as follows:-

The Commission shall:

- a) inquire into or investigate, ascertain and identify the immediate and remote causes of the riots;
- b) assess the extent of damage caused during the riot and or disturbance;
- c) ascertain and identify the roles played by individuals and groups in causing tension and outbreak of violence;
- d) determine the extent of loss of lives and properties;
- e) examine any other matter incidental to the foregoing; and
- f) in the light of its findings, recommend appropriate actions to be taken against those responsible for the riot and or disturbance and also recommend measures to be taken to prevent future occurrences.

This Judicial Commission of Inquiry has been given one month, after the date of its first sitting, to complete its assignment and the venue of the sittings shall be Kafanchan.

Furthermore, the Commission may co-opt any person or persons to assist it in carrying out its work. Anybody who has useful information or evidence to give to the Commission is free to do so and will be allowed to present his case without intimidation.

The Government of Kaduna State views the riots at Zangon-Kataf as a great catastrophe and I warn citizens of the State to desist from such barbaric acts of lawlessness. The Government will never tolerate any further vandalism and wanton destruction of lives and property.

I wish to state once more that my Government will deal ruthlessly with anybody found guilty by this Commission of inquiry.

I have placed my confidence in you, members of the Commission of Inquiry. Therefore place the interest of the state above everything and perform your duty honestly without fear or favour.

..../A

To the innocent victims of these unfortunate riots, who have passed away, lay their Soul Rest in Peace and to those who are injured I wish them quick recovery.

Thank you.

APPENDIX 2

PUBLIC ANNOUNCEMENT
ZANGO KATAP (MARKED) RIOT
JUDICIAL COMMISSION OF INQUIRY

The general public is hereby informed that the Zango Katap (Marked) Riot Judicial Commission of Inquiry has been constituted and sworn in by the Governor of Kaduna State of Nigeria, Alhaji Dabo Muhammed Lere.

Membership of the Commission is as follows:-

1. Hon. Justice R.H. Cudjoe - (Chairperson)
2. Mansour A. Oredola Esq. - (Member)
3. Mr. William Fogeji Shera - (Member)
4. Alhaji Ja'afar Makarfi - (Member)
5. Alhaji Garba Galadima - (Member)
6. Alh. Abbas Usman -
Mikansa Zazzau, Member of
State Council, Zaria - (Member)
7. Mallam Musa Gaiya - Ma'aji Babba,
District Head, Kachia - (Member)
8. Bashir U. Sokola Esq. - (Secretary)
9. Gideon Isa Kurada Esq. - (Counsel).

The terms of reference of the Commission are:-

- (a) Inquire into or investigate, ascertain and identify the immediate and remote causes of the Riot and or disturbance;
- (b) Ascertain the extent of damage caused during the Riot and or disturbance;
- (c) Ascertain and identify the roles played by individuals and groups in causing tension and outbreak in violence;
- (d) Determine the extent of loss of lives and properties;
- (e) Examine any other matter incidental to the foregoing; and

- (f) In the light of its findings, recommend appropriate actions to be taken against those responsible for the Riot and or disturbance and also recommend measures to be taken to prevent future occurrences.

Memoranda are hereby invited from members of the public and interested parties who may have any information or facts to help and assist the Commission in its Terms of Reference.

All memoranda should be delivered by hand or forwarded by post on or before Friday, 28th February, 1992 to the Secretary to the Commission, Zango Kafaf (Market) Riot Judicial Commission of Inquiry, c/o Attorney-General's Chambers, Ministry of Justice, P.M.B. 2072, Kaduna or to the Office of the Secretary to the State Government, State House, Kwo, Kaduna or to the Secretary, Zango Kafaf Local Government Council, Zangon Kafaf Local Government Secretariat, Zonkwa, Kaduna State.

The general public is further informed that the Commission will hold its first public sitting on Monday, 2nd March, 1992 by 10.00 a.m at the State House Banquet Hall, Kwo, Kaduna.

B. U. SUKOLA (M).
(SECRETARY TO THE COMMISSION)

APPENDIX 3A

SPEECH BY HON. JUSTICE RAHILA HADEA CUDJOE,
CHAIRPERSON OF THE ZANGON-KATAF (MARKET) RIOTS
JUDICIAL COMMISSION OF INQUIRY AT THE COMMISSION'S
INAUGURAL SITTING ON MONDAY, 2ND MARCH, 1992
AT BANQUET HALL, STATE HOUSE, KANO, KADUNA.

By an instrument issued under his hand on the 10th day of February, 1992, the Governor of Kaduna State, His Excellency, Alhaji Dabo Mohammed Lere constituted and appointed the Zangon-Kataf (Market) Riots Judicial Commission of Inquiry, comprising my humble self as Chairperson and Mr. Hassoud Ouedola, Mr. William Fogei Shera, Alhaji Ja'afaru Nakarfi, Alhaji Garba Galadima, Alhaji Abbas Usman and Mallam Musa Galya as members. The Commission has been given full powers and authority to hold public hearings (and private hearings should the need arise) and submit its report within one month after its first sitting, which is today.

Our terms of reference are as follows:-

- (a) Inquire into or investigate, ascertain and identify the immediate and remote causes of the Riot and or disturbance;
 - (b) Assess the extent of damage caused during the Riot and or disturbance;
 - (c) Ascertain and identify the roles played by individuals and groups in causing tension and outbreak in violence;
 - (d) Determine the extent of loss of lives and properties;
 - (e) Examine any other matter incidental to the foregoing;
- and

- (f) In the light of its findings, recommend appropriate actions to be taken against those responsible for the Riot and or disturbance and also recommend measures to be taken to prevent future occurrence.

These terms of reference are wide and symbolic of a desire to ascertain the root cause of the unfortunate Zangon-Kataf market riots of the 6th February, 1992, and recommend appropriate actions to be taken against those responsible for the riots as well as recommend the appropriate remedial measures which would help prevent future recurrence of the riots.

The Commission is alive to its responsibility and would pursue its sworn task diligently and unravel the truth from the facts or evidence to be placed before us however entangled they may be. To achieve this objective, I hereby call for the assistance of the generality of the public in our quest to secure:-

- (a) truth from all witnesses;
- (b) accurate and balanced reporting by mass media;
- (c) calm within the precincts of the venue of the Commission;
- (d) avoidance by the public (including the press) of prejudicial, incisive and inflammatory statements;
- (e) exercise of moderation and restraint in the course of the proceedings; and
- (f) assistance to Counsel for the Commission in the discharge of his arduous task by placing at his disposal all available information honestly and truthfully without any adulteration or embellishment.

The Commission will conduct its hearings in Kaduna and already the Secretary of the Commission has by adverts in a national newspaper and the F.R.C.N., Kaduna and K.S.M.C., Kaduna invited memoranda from the public. We wish to hereby extend the closing date of the receipt of these memoranda to the 6th March, 1992. Free transportation from the Local Government Secretariat, Zonkwa and the District Head's official residence in Zango town will be made available for members of the public who may wish to come and testify before the Commission. The buses will leave Zonkwa and Zango at 7.00 a.m. every morning for Kaduna, and will return to Zonkwa and Zango at the end of each day's sittings. We have already paid one visit to Zango town and seen the scene of the unfortunate riots. We shall pay more visits later as and when the need arises.

Finally, may I seize this opportunity to assure the generality of the public that this Commission is purely a fact finding one. It is not out to witch-hunt or convict and send anyone to prison. We shall only make a report to the Governor of Kaduna State at the end of this exercise on our terms of reference.

We call on all members of the public to give us full support and assistance in the discharge of our functions, so that we shall come out with a report that will aid in restoring peaceful co-existence between the people of not only Zangon-Kataf, but Kaduna State and indeed this country as a whole.

May the Almighty God in his infinite wisdom guide and protect us all, Amen.

HON. JUSTICE RAHILA HADEA CUDJOE
CHAIRPERSON.

APPENDIX 3B

OPENING REMARKS BY COUNSEL TO THE ZANGON
KATAB (MARKET) RIOT COMMISSION OF INQUIRY
G. I. KURADA ESQ.

My Lord, the Chairman of the Commission,
Honourable Members of the Commission,
Members of the Bar;
Distinguished ladies and gentlemen:

By now all and sundry within and perhaps outside Kaduna State should, I guess, be aware of the unfortunate incident that necessitated the constituting and appointing this Commission of Inquiry. However, for those who may not be aware, it is the unfortunate Zangon Katab (Market) Riot of Thursday, 6th February, 1992, which led to the death of a number of persons and loss of properties.

My duty as Counsel to the Commission is to assist it in its onerous task of unearthing facts that are relevant to its terms of reference. The Commission is not trying any one and I am not prosecuting anybody.

In response to the Commission's invitation for memorandum, so far we have received a total of seven (7) memoranda from different individuals and interest groups or organisations.

However, in discharging my duty, I intend to put before the Commission only those witnesses who will have facts and who will be in a position to testify on facts relevant to the Commission's terms of reference or ancillary thereto. To this end, I will start by examining those witnesses who have something to say about the unfortunate incident that occurred in Zangon Katab and its environs on Thursday, the 6th day of February, 1992; namely; the fighting, the arson and the killings of fellow human beings that took place during the riot.

I will also, as and when desirable, and at some stage during the inquiry, humbly request my Lord the Chairman and members of the Commission to visit the locus in quo and, perhaps, other places that may be relevant to the inquiry, for the perception of matters and facts upon and in respect of which evidence will be led before the Commission.

My Lord, I believe that the task before the Commission is not an easy one but, I also believe that with the help of God Almighty and with the cooperation of witnesses that will be testifying before the Commission and learned Counsel appearing and representing various interest groups, the Commission will succeed in finding a lasting solution that will prevent future occurrence of similar incidents. This will be in the interest of all of us. I therefore pray for God's guidance. Thank you.

(SGD)
G. I. KURADA ESQ.
COUNSEL TO THE COMMISSION

RESPONSE BY YAHAYA MAHMOOD ESQ. TO THE
OPENING SPEECH OF THE CHAIRPERSON AND
AND OPENING REMARKS BY COUNSEL TO THE
COMMISSION

"I am Yahaya Mahmood appearing for the Hausa Community of Zangon Ketaf. Hon. Chairperson of the Commission, my lord, distinguished members of the Commission, on behalf of myself and Mr. J. B. Dando for the Zangon Ketaf Local Government, we assure you of our co-operation and we appreciate the extent of the work and seriousness of the task before all of us. We trust that we will be with you".

(Sgd)
Yahaya Mahmood Esq.
Counsel to the Hausa Community
of Z/Ketaf

APPENDIX 4

LIST OF COUNSEL WHO APPEARED BEFORE THE COMMISSION

<u>S/No.</u>	<u>Name</u>		<u>Interest Represented</u>
1.	G. J. Gurude	Esq.	Counsel to the Commission
2.	Yahaya Mahmood	"	Counsel to the Hausa Community of Zongo Town
3.	Bala Umar	"	-do-
4.	Garba Shehu	"	"
5.	Iskiya Kaltungo	"	"
6.	J. B. Daudu	"	Counsel to Zangon Kafaf Local Government
7.	J. I. Okoduwa	"	-do-
8.	Uche E. Agumoh	"	"
9.	Emmanuel J. J. Toro	"	Counsel to Kafaf (Atyap) Community
10.	Citrus Duniya	"	-do-
11.	S. Didiem	"	"
12.	B. James	"	"
13.	Rebecca Sako	"	"
14.	Pino Uba Usung	"	Counsel to Nigeria Police Force Kaduna State Police Commn
15.	Mohammed Seni Aminu	"	Observer
16.	Mohammed Adams	"	"

(SGD)
 U. U. SUNDU Esq.
 SECRETARY TO THE COMMISSION

APPENDIX 5

LIST OF WITNESSES WHO APPEARED BEFORE THE COMMISSION

<u>Witness Number</u>	<u>Names</u>	<u>Date Evidence Afforded</u>
1.	Juri Babang Ayok	5th March, 1992
		9th " "
2.	Mallam Bala Ade Dauke Gore	10th " "
3.)	Abullichei Lawal C.S.P.	11th " "
4.	Leke Gish C.S.P.	11th " "
		12th " "
		23th " "
5.	Mr. Aliyu Anthony Wakili	9th April, "
		12th March, "
		15th " "
6.	Sgt. Yusuf Daga	17th " "
7.	Dawlan Audi (S.P.)	17th " "
8.	Danjuma Iliyasu Danyaro	18th " "
		19th " "
9.	Musa Waziri	23rd " "
10.	Samuel Ali Danbaba	23rd " "
11.	ASP Samuel Kwendo	24th " "
12.	Ali. Mohammed Tasi'u	25th " "
13.	Mohammed Gamba Hassan	25th " "
14.	Idris Nalado Abubakar	25th " "
15.	Musa Aliyu	25th " "
16.	Hassana Aruwa	26th " "
17.	Ibrahim Kutumbi Umaru	26th " "
18.	Ishaya Fon Chundusu	30th " "
19.	Yusuf Anteyan Adaki	31st " "
20.	Alh. Musa Laury	1st April, "
21.	Jibrin Gato	1st " "
22.	John Foro	5th " "
23.	Ladi Lawa	6th " "

APPENDIX 5 (CONTINUED)

24.	Gen. Usmani Laketa (197)	6th	April, 1962
		7th	" "
25.	Fauna Dabo	7th	" "
		8th	" "
26.	Agan Bakashi	8th	" "
27.	Mrs. Jumai Dangana	8th	" "
28.	Abay Dahiya	8th	" "
29.	Ayuba Yeshin	9th	" "
30.	Mb. Danbala A.T.K.	9th	" "
		13th	" "
31.	Aliyu Achamga	13th	" "
32.	M.S.P. Yakubu Adesola	13th	" "
33.	M.C.P. Yusufu Haruna	13th	" "
34.	Insp. Usman Daudu Paik	14th	" "
		15th	" "
35.	Sgt. Ayuba Gim	15th	" "
36.	Usman Sello	15th	" "
37.	Yusuf Juleiman	15th	" "
38.	Mb. Danbala Usman	15th	" "
39.	Mb. Idiya Usman	15th	" "
40.	Insp. Fiethy Adams	22nd	" "
41.	Abiyi Ladi Adu	22nd	" "
42.	Abdullah Idris Aliyu	27th	" "
43.	Usman Kazali	27th	" "
44.	Abdu Usman	27th	" "
		30th	" "
45.	Ladi Aliyu	30th	" "
46.	Jakin Fulani Hussaini	30th	" "
47.	Abdu Idris	30th	" "

(SGD)
 (B. U. SUKOLA ESQ.)
 Secretary to the Commission

APPENDIX 6

LIST OF MEMORANDA RECEIVED

1. P. O. Kofe Kurama Association.
2. Hellen Adams B. Monammed,
Abubakura College, Zaria.
3. Gaji Local Government Council.
4. H. Ibrahim Abdullahi,
P. O. Box 10211, Kaduna.
5. Hellen Dan'azumi Isa Kachia.
6. Zangon Kataf Residents,
(Hausa Community of Zangon Kataf).
7. Kataf Youth Development Association
(Y.D.A.) Zaria Branch.
8. Zangon Kataf Local Government Council.
9. Some Progressive Kataf Sons.
- Master I. K. Aboyi
- Major J. A. Kudoh (Rtd).
10. Deputy Commissioner Zangon and District Head of Zangon Kataf,
H. Bala A. Dauko Gora.
11. Mr. H. G. Kwasu, Gora Bafai,
P. O. Box 103, Zonkwa.
12. Mr. Bala T. Lekwet,
Council Leader, Zangon Kataf Local Government,
P. O. Box 136, Zonkwa.
13. Mr. Dango A. A. Yerima,
Federal Technical College,
P. O. Box 1017, Kafanchan.
14. Hellen Isayas F. Chundusi,
Zangon Kataf Medical Centre and
Maternity Home.
15. Messrs. Bitrus Bivan and Thomas Bawan Kait,
Representing Kataf Community,
Kafanchan Branch.
16. Mr. Is'ac Sole Sarki and Others,
- Emmanuel Shaw Musa
- Mr. Sole Sarki
- Samuel Yakubu

LIST OF MEMORANDA RECEIVED (CONTINUED)

17. Nnamdi T. Abu,
c/o L.S.A. Ungwan Tabo via Zangon Kafaf.
18. Kafaf Students Union,
Abubakar Belli University,
Zaria.
19. Hellen Aliyu Anthony Wakili,
Secretary, Zangon Kafaf Local Government,
P. O. Box 136, Zonkwa.
20. Teachers - taƙa Atyap (Kafaf) Women Association,
Headquarters (Home Branch),
Zangon Kafaf.
21. Members of the Kafaf Youth Forum; the Kafaf Youth Forum,
Messrs John A. Usman and
Christopher Yerima.
22. Messrs Simon Yohanna and Peter Iggi Bako,
On behalf of Ikulu Community,
In Zangon Kafaf Local Government Area.
23. Mageshi Ayok Keura and Others,
As Representatives of Ungwan Gayah, Kafaf.
24. Tawon Bakoshi, Zemandabo, Kafaf.
25. Latah Gankor, Ungwan Wakili,
Zangon Kafaf.
26. Mrs. Janet Samuel, Ungwan Wakili;
Zangon Kafaf.
27. Dahir Shekari,
P.M. C/E 345, Ungwan Tabo, Zangon Kafaf.
28. Hellen Yehaya Duniya, Ungwan Wakili,
Zangon Kafaf.
29. Alon Angulu and Nagejin Zonzon.
30. Ayuba Yashim Gidan Zaki.
31. Kaba Yashim Nageji, Gidan Zaki.
32. Bilivon Yashim (Village Head) and Others,
Magalya, Kafaf.
33. Zangon Kazah, Kurmin Masera, Kafaf.
34. Kafaf Youth Development Association,
(K.Y.D.A.)

LIST OF MEMORANDA RECEIVED (CONTINUED)

35. Julius T. Sarki,
Zangon Dabo, P. O. Box 22, Zangon Kataf.
36. Dagacin Gora, M. Albehu Dauke,
P. O. Box 57.
37. Igbo Community in Zangon Kataf.
38. Thomas T. Haruna, Kano.
39. Chairman Co-ordinating Committee,
H.S.S. of Nigeria.
40. Dabo Daniel Atar,
Area II Block 1, Flat 6,
Pankshin Close, Garki - Abuja.
41. Mr. Abdullahi Lawal (C.S.P.),
On behalf of Kaduna State Police Command.
42. Alhaji Muhammadu Tanimu Jama'a.
43. Col. Y. A. Ndadaki (Rtd),
A3, Ahmadu Bello Way, Kaduna.
44. Ibrahim Danladi Bisallah,
N.I.D.B. Ltd., No. 18, Waff Road, Kaduna.
45. Rurum Youth Development Association,
Kauru Local Government.
46. Ibrahim Nadebo Kankara,
A1, Korau Road, Ungwar Rimi, Kaduna.
47. Yusuf Mohammed Tasiu Abdullahi.
48. Mohammed Idris Aliyu, People's Bank of Nigeria,
Zangon Kataf.

(B. U. Sukola Esq.)
Secretary

B. U. Sukola
Secretary

LIST OF EXHIBITS TENDERED BEFORE COMMISSION

<u>Mark of Exhibits</u>	<u>Description</u>	<u>Tendered By</u>
EXH. 1A	Radio Message from Zangon Kataf Local Government Chairman to Secretary to the State Government Dated 6th February, 1992.	Juri Babang Ayo Chairman Zangon Kataf Local Gov
EXH. 1B	" Dated 7/2/92	"
EXH. 1C	" " "	"
EXH. 1D	" Undated	"
EXH. 1E	" Dated 7/2/92	" dated 7/2/92
EXH. 1F	" " "	" "
EXH. 1G	" " 10/2/92	" " 10/2/92
EXH. 1H	" " 11/2/92	" " 11/2/92
EXH. 1I	" " 14/2/92	" " 14/2/92
EXH. 1J	" " "	" "
EXH. 1K	" " 18/2/92	" " 18/2/92
EXH. 1L	" " 19/2/92	" " 19/2/92
EXH. 1M	" " 20/2/92	" " 20/2/92
EXH. 1N	" " 21/2/92	" " 21/2/92
EXH. 1O	" " 24/2/92	" " 24/2/92
EXH. 1P	" " 25/2/92	" " 25/2/92
EXH. 2A	Situation Report on Zangon Kataf Civil Disturbance Dated 2/2/92	"
EXH. 2B	Report on Zangon Kataf District Dated 6/2/92	Zangon Kataf District Council dated 6/2/92
EXH. 2C	Report on Zangon Kataf Civil Disturbance Dated 26/2/92	Zangon Kataf District Council dated 26/2/92
EXH. 3	Court Order from Upper Area Court, Kafanchan in the case of Alhaji Dandala A.T.K. Vs. Zangon Kataf Local Government Dated 5/2/92	Aliyu Anthony Wal Secretary, Zangon Kataf Local Government.

APPENDIX 7 (CONTINUED)

<u>Mark of Exhibits</u>	<u>Description</u>	<u>Tendered By</u>
EXH. 19C	Shell of used Bullet	ASP Samuel Kwando Anti-Robbery Commander Zone III Kafanchan.
EXH. 19H	"	"
EXH. 19d	"	"
EXH. 20	List of Dead and injured persons during the Zangon Kafaf Crisis of 6/2/92.	Ibrahim Kutumbi Un
EXH. 21	Letter to the Emir of Zaria by the People of Ruruma dated 8/12/92	Col. Yohanna A. Ma (Rtd)
EXH. 22	Minutes of meeting of Northern Leaders of Thought held on 14/7/90	"
EXH. 23	Letter to the Governor of Kaduna State by Gbagi Community dated 24/1/92	"
EXH. 24	Letter Indicating Trouble in Zonkwa Dagaci dated 22/8/90	"
EXH. 25A	Certificate of Incorporation of Kafaf Youth Development Association dated 4/10/89	Gen. Zameni Lekwot (Rtd)
EXH. 25B	Constitution of Kafaf Youths Development Association	"
EXH. 26A	Notice of Meeting of Marine and Oil Services Nigeria Ltd.	"
EXH. 26B	Minutes of the Meeting (see Exhibit "26A" above)	"
EXH. 27	Board of Bezalet Construction Engineering dated 5/2/92	"
EXH. 28	Recorded B.B.C. Programme on Cassette of 13th and 14/2/92	"
EXH. 29	Letter to Military Governor of 16/9/91 from Kafaf Youth Development Association.	"
EXH. 30	List of Persons that has Farms lands at the New Market Site dated 29/2/89.	"

APPENDIX 7 (CONTINUED)

<u>Exh. of Exhibits</u>	<u>Description</u>	<u>Tendered by</u>
EXH. 11A	Radio Message from Sup. Pol. Zonkwa to ACPOL OPS/TRG. Kaduna dated 31/1/92	SP Damian Audi Provost Police Headquarters Kaduna.
EXH. 12	Recorded Cassette Programme of Jakar Magori of 3/2/92	Musa Waziri, Prod Programmes, F.R.C Kaduna.
EXH. 13	Programme of Jakar Magori dated 3/2/92	"
EXH. 14	Record of Proceedings in the case of Danbala A.T.K. Vs. Kachia Local Government dated 9/1/89	Samuel Ali Danbab Acting Registrar, Upper Area Court Kafanchan.
EXH. 15	Station Diary Entry dated 7/2/92	Luka Gish, Chief Superintendent of Police
EXH. 16	List of Victims of Zangon Katof Uprising dated 19/2/92	"
EXH. 17	Names of Victims admitted and Discharged at General Hospital Kafanchan.	"
EXH. 18	Zangon Katof Crisis Casualties Admitted at St. Louis Hospital Zonkwa	"
EXH. 19A	Shell of used bullet	ASP Samuel Kwando Anti-Robbery Commander Zone II Kafanchan.
EXH. 19B	"	"
EXH. 19C	"	"
EXH. 19D	"	"
EXH. 19E	"	"
EXH. 19F	"	"
EXH. 19G	"	"
EXH. 19H	"	"
EXH. 19I	"	"
EXH. 19J	"	"
EXH. 19K	"	"

APPENDIX 7 (CONTINUED)

<u>Rank of Exhibits</u>	<u>Description</u>	<u>Endored By</u>
EXH. 9I	Re-assessment of Zangon Kataf New Market.	Juri Babang Ayok
EXH. 9J	Assessment of Lands Acquired for the New Zangon Kataf Market	"
EXH. 9K	Governor's Speech of the 15/2/92	"
EXH. 9L	Letter to Religious Leaders and Village Heads dated 12/2/92	"
EXH. 9M	Local Government Circular Dated 11/2/92	"
EXH. 9N	Circular Letter for the Opening of the New Market dated 30/1/92	"
EXH. 9o	Letter dated 8/2/92	"
EXH. 10A	Radio Message from the Chairman Zangon Kataf Local Government Council to the Secretary to the State Government dated 6/2/92	"
EXH. 10B	" " "	"
EXH. 10C	" " 7/2/92	"
EXH. 10D	" Undated draft.	"
EXH. 10E	" dated 7/2/92	"
EXH. 10F	" " 8/2/92	"
EXH. 10G	" " 10/2/92	"
EXH. 10H	" " 11/2/92	"
EXH. 10I	" " 14/2/92	"
EXH. 10J	" " 14/2/92	"
EXH. 10K	" " 14/2/92	"
EXH. 10L	" " 18/2/92	"
EXH. 10M	" " 19/2/92	"
EXH. 10N	" " 20/2/92	"
EXH. 10 ^O	" " 21/2/92	"
EXH. 10P	" " 24/2/92	"
EXH. 10Q	" " 25/2/92	"

APPENDIX 7 (CONTINUED)

<u>Mark of Exhibits</u>	<u>Description</u>	<u>Tendered by</u>
EXH. 4	Civil Summons Dated 30/1/92	Aliyu Anthony Wa
EXH. 4B	Letter Dated 30/1/92	"
EXH. 4C	Court Order Dated 30/1/92 From Upper Area Court Kafanchan	"
EXH. 5A	New Zangon Kataf Market Detail Design, Negative Copy	Juri Babang Ayok
EXH. 5A	New Zangon Kataf Market Detail Design Printed Copy	"
EXH. 6	New Zangon Kataf Market Commodity Plan	"
EXH. 6A	New Zangon Kataf Market Zoning Plan	"
EXH. 7	Zangon Kataf Medium Density Residential Layout	"
EXH. 8	Kaduna State Designation of Land in Urban Areas	"
EXH. 9A	Condition of Zangon Kataf Market Dated 24/4/85	"
EXH. 9B	Minutes of the Meeting of Revenue Generating Committee held on 5/7/88	"
EXH. 9C	Letter to Emirate Council on proposed New Market and Motor Park in Zangon Kataf dated 31/10/88	"
EXH. 9D	Letter to Secretary to the Military Government on New Market dated 26/1/88	"
EXH. 9E	Letter to Emirate Council on the New Market dated 31/10/88	"
EXH. 9F	Letter to the Hon. Judge Upper Area Court Kachia dated 16/1/92	"
EXH. 9G	Minutes of Site Board Meeting Held on the 11/10/88	"
EXH. 9H	Re-assessment of Lands and Economic Trees Acquired for New Zangon Kataf Market	"

APPENDIX 7 (CONTINUED)

<u>Mark of Exhibits</u>	<u>Description</u>	<u>Tendered By</u>
EXH. 31	Court Proceedings dated 7/2/84 Between Ndung and Alhaji Daabala Tanke Kumatu	Taunak Dabo
EXH. 32A	Court case of Ndung Namman Vs. Lawal Tanke Kumatu	"
EXH. 32B	Letter from the Sole Administra- tor Kachia Local Government to S.M.G. Kaduna State dated 8/8/84	"
EXH. 32C	Letter from the Sole Administra- tor Kachia Local Government to the S.M.G. Kaduna State dated 20/8/84	"
EXH. 33	Letter to the Chairman Kachia Local Government dated 25/2/87	"
EXH. 34	Letter from Musa Lauya to Yahaya Duniya - undated.	Yahaya Duniya Community Develop- ment Officer.
EXH. 35A	Empty Shell of used Bullet	Luka Gish (C.S.P.)
EXH. 35B	Used Bullet	"
EXH. 36A	Post Mortem Report	"
EXH. 36B	"	"
EXH. 36C	"	"
EXH. 36D	"	"
EXH. 36E	"	"
EXH. 36F	"	"
EXH. 37A	Statement made to Police by Daabala A.T.K. at Zankwa Police Station	Alh. Daabala A.T.K.
EXH. 37B	House Copy of the Statement of Exhibit "37A" above dated 6/2/92	"
EXH. 38	Assessment of Burnt/Damaged Vehicles during Zankon Kafaf (Market) Riot dated 9/4/92	Shehu Bello Principal Mechanic Superintendent, Ministry of Works and Transport, Kad
EXH. 39	Valuation Report of Properties Damaged during Zankon Kafaf (Market) Riot	Yusuf Sulaiman, Quantity Surveyor, Dept. of Lands, Survey and Country Planning, Valuation Division, Gov's Of

APPENDIX 7 (CONTINUED)

<u>Mark of Exhibits</u>	<u>Description</u>	<u>Tendered By</u>
EXH. 40A	List of items Belonging to Alh. Mnasur Carpenter Damaged on 6/2/92 at Zangon Kataf	Yusuf Sulaiman, Quantity Surveyor, Dept. of Lands, Survey and Country Planning, Valuistic Division, Governor Office, Kaduna.
EXH. 40B	Items Belonging to	"
EXH. 40C	Properties of Alh. Islako Abubakar Damaged during the Zangon Kataf (Market) Riot on 6/2/92	"
EXH. 40D	Properties Belonging to Alh. A. A. Zango Damaged during the riot of the 6/2/92	"
EXH. 40E	Properties belonging to Mal. Ahmadu Tanko Damaged during the Market Riot of 6/2/92 in Zangon Kataf	"
EXH. 40F	Properties of Mal. Ibrahim Kutumbi Umaru Damaged during the Zangon Kataf Riot of 6/2/92	"
EXH. 40G	Estimate of Destroyed Eight Four-Bed-Room Flats Belonging to Alh. Danbala Mohammed on the 6/2/92	"
EXH. 40H	Items Belonging to Alh. Danbala Farms Ltd. Damaged during the Zangon Kataf Riot of 6/2/92	"
EXH. 40I	Items Belonging to Late Alh. Mohammed Saminu Abdu Damaged during the 6/2/92 Zango Riot	"
EXH. 40J	Estimate of Damaged Done to Hajia Lolo's property at Samaru, Kataf.	"
EXH. 40K	Estimate on Alh. Mohammed Tasi'u's properties Damaged on the 6/2/92 during the Zango Riot	"
EXH. 40L	Items/Properties in Alh. Abdu Loyisi's House Damaged during the Riot of 6/2/92 in Zango Town.	"

APPENDIX 7 (CONTINUED)

<u>List of Exhibits</u>	<u>Description</u>	<u>Tendered By</u>
EXH. 40M	Items/Properties Belonging to Mal Barau Yahaya's house Damaged on the 6/2/92 during the Riot in Zango.	Yusuf Suleiman Qty. Surveyor
EXH. 40J	Items/Properties in Hal. Zakari Usman Bafillace's House Damaged during the Zango Riot on 6/2/92.	"
EXH. 40 ^U	Items/Properties Destroyed in Hal. Bawa Sakatare's House during the Zango Riot of 6/2/92	"
EXH. 41	Claims of Damaged Items Belonging to Timothy Adams (Inspector)	Inspector Timothy Adams o/c in-charge Madakiya Police Sta
EXH. 42	Used Bullet	Adamu Usman Kachia Area Court Judge, Court I, Zangon Ka
EXH. 43A	Blood Stained Trouser	"
EXH. 43B	Blood Stained Gown	"
EXH. 44	Album Containing Photographs of Burnt Houses in Zango Katsf Town.	"
EXH. 45	Negative of Pictures in exhibit "44" above.	"

(D. U. SUKOLA ESQ.)
Secretary

APPENDIX B

LIST OF STAFF CO-OPTED TO THE COMMISSION

- | | | |
|------------------------|---|---|
| 1. Gideon Kadu | - | Government House, Kaduna |
| 2. Haffeo A. Tari | - | Kaduna State House of Assembly |
| 3. Alh. Sani Abdu | - | High Court of Justice, Kaduna |
| 4. Hajera Alkali | - | -do- |
| 5. Mohammed Ledan | - | Ministry of Justice, Kaduna |
| 6. Cpl. Samuel Pine | - | Nigerian Police Force, Kaduna |
| 7. Cpl. Bola Sani | - | -do- |
| 8. Elisha Kwado | - | Ministry of Justice, Kaduna |
| 9. Elisha Daniyang | - | High Court of Justice, Kaduna |
| 10. Daniel Kadu | - | Governor's Office, Kaduna |
| 11. Sani Hussainky | - | Ministry of Justice, Kaduna |
| 12. Haruna Nomiiji | - | High Court of Justice, Kaduna |
| 13. Hussaini Mohammed | - | -do- |
| 14. Shakara Ibrahim | - | District Head's Office, Kachia |
| 15. Abubakar J. Umaru | - | Kaduna State Council of Chiefs |
| 16. Salisu Mohammed | - | Governor's Office, Kaduna |
| 17. Haladu Ahmed | - | -do- |
| 18. Veronica T. Makama | - | -do- |
| 19. Ibrahim Suleiman | - | High Court of Justice, Kaduna |
| 20. Haniga Mohammed | - | KSTA, Kaduna |
| 21. Dickson Igo | - | KSTA, Kaduna |
| 22. Shehu Dello | - | Ministry of Works, Kaduna |
| 23. Yusuf Suleiman | - | Dept. of Lands, Survey,
& Country Planning,
Kaduna. |

(D. U. Sukola Esq.)

Secretary

APPENDIX 9

LIST OF PRESS CORRESPONDENTS WHO COVERED THE
COMMISSION'S PUBLIC SITTINGS

- | | | | | |
|-----|----------------------|---|---|--|
| 1. | Felix Danda | - | Director Media Affairs) | Media Crew
Sir Kahim
Ibrahim Hou
Kaduna |
| 2. | Rilwanu Umar | - | Deputy Press Secretary) | |
| 3. | Ibrahim Ismaila | - | Cameraman | |
| 4. | Abdullahi M. Agungu | - | Nigeria Television Authority,
Kaduna | |
| 5. | Nadeuly Hanuhashi | - | -do- | |
| 6. | Maikano Mohammed | - | -do- | |
| 7. | Yunusa Nungu | - | -do- | |
| 8. | Sani Ingawa | - | -do- | |
| 9. | Aminu Yahaya | - | -do- | |
| 10. | Aliyu Yahaya | - | Federal Radio Corp. of Nigeria,
Kaduna | |
| 11. | Salisu K. K. | - | -do- | |
| 12. | Shu'aidu Abdullahi | - | Kaduna State Media Corporation | |
| 13. | Aliyu Hato Iere | - | -do- | |
| 14. | Peter N. Yaro | - | -do- | |
| 15. | Kaja Turaki | - | Ministry of Information, Kaduna | |
| 16. | Augustine Sarki | - | -do- | |
| 17. | Mahmud Jega | - | Citizen Communications, Kaduna | |
| 18. | Tawfi Zakka | - | -do- | |
| 19. | Margaret Johnson | - | Reporter Newspapers, Kaduna | |
| 20. | Sau Nimfa Jan | - | The Nigerian Standard, Jos | |
| 21. | A'aroon Ogal | - | Daily Times of Nigeria Limited | |
| 22. | Emmanuel Osisiogu | - | New Nigerian Newspapers, Kaduna | |
| 23. | Isa'araha Ladan Lemu | - | Gaskiya Tafi Kobo, Kaduna | |
| 24. | Aminu Yusuf | - | B.B.C. London (Hausa Service) | |

(Sgd)
D. U. SUKOLA
SECRETARY TO THE COMMISSION

BRIEF REPORT OF ZANGON KATAP (MARKET)
RIOTS: JUDICIAL COMMISSION OF INQUIRY (1ST) VISIT TO LOCUS
IN QUO ON 24TH FEBRUARY, 1992

In keeping with its plan of action to visit the Locus in quo for better perception and appraisal of evidence during the course of its public sittings, the Chairperson and Members of the Commission made their first visit to Zangon Kataf on 24th February, 1992 (with a view to inspecting some of the areas affected by the riot for ease of reference during the course of its public sittings).

The Commission's first place of call was the Local Government Secretariat, Zonkwa where members were met on arrival by the Zangon Kataf Local Government Chairman, the Secretary of the Local Government and the Assistant Area Commander of Police, Kafanchan Zone. From there the Commission, in company of the Assistant Area Commander and the Local Government Secretary proceeded to Zango town to undertake the inspection tour. However, the Chairman could not go with the entourage due to the Area Commander's advice that tension was still high in Zango town, and it was thus unsafe for him and the District Head to go to Zango.

The Commission while on its way to Zango, was shown a Peugeot 150cc Station Wagon completely burnt somewhere near the Samarun-Kataf round-about. Thereafter, the Commission drove to Zango through Unguwar Wakili where they noticed that some houses, petrol filling stations and stalls in Zango town were also burnt. In fact one fertilizer store said to belong to one Alhaji was still burning as at the time the Commission visited Zango town.

On reaching the new market site along Magamiya Road, the Commission observed that not even a single stall has been constructed/erected.

On their way back to Kaduna, members had a brief stop-over at the Local Government Secretariat. In his short address to the Commission, the Local Government Chairman congratulated the Chairperson and members of the Commission for their appointment and hoped that they would accomplish their assigned task successfully.

In response, the Chairperson thanked the Local Government for the warm reception accorded her and members of her entourage. She added that the purpose of the visit was to see the damages caused by the riots so as to enable them follow the proceedings with ease when public sittings fully commence.

She also on behalf of herself and members of the Commission, expressed her sympathy over the loss of lives and property brought about by the unfortunate riots and called on the Chairman and District Head to appeal to their subjects to live in peace with one another.

The Commission thereupon embarked on its trip back to Kaduna at about 2.15 p.m.

(Sgd.)
GIDEON KADU
Confidential Secretary
to the Commission

BRIEF REPORT OF ZANGON KATAF (MARKET)
RIOTS JUDICIAL COMMISSION OF INQUIRY (SECOND) VISIT TO
LOCUS IN QUO ON 16TH APRIL, 1992

The Zangon Kataf (Market) Riots Judicial Commission of Inquiry embarked on its second visit to the Locus in Quo on the 16th April, 1992 so as to verify the evidence of certain witnesses particularly that of Tonak Daboh (W25) who had earlier on told the Commission that he was the custodian of the hoe said to have been used by the Katafs to settle Mele (the first Hausa man to settle in Zangon Kataf).

Bearing this in mind, the Commission, on leaving the Local Government Secretariat headed straight for Unguwar Tabo where the hoe is kept. On getting there, some elders of the Zangon Kataf community offered some explanations through an interpreter in the person of Mr. John Bala Gora, as to the rules governing the hoe. According to them, not everyone is allowed to see the plough particularly women. However, the Chairperson of the Commission being a woman was exempted in view of her role.

Having complied with one of the rituals, which was the giving of some money to the custodian of the hoe by one of the members, the Chairperson and other members of the Commission were ushered into an inner room where they were shown a small hoe with a sickle tied to it. The sickle was said to have been used to cut grass for roofing Mele's house. The hoe was used to make the mud bricks used to build Mele's house.

In answer to a question as to who was the person showing the hoe, he said his name is Donkuot Dung. Mr. Tonak Daboh explained that he is more or less their Chairman whose role revolves round heading meetings, taking decisions etc, while Donkuot Dung keeps the hoe.

When asked as to how long the hoe has been there and whether another hoe can be found elsewhere, the elders said the hoe has been there for a very long time and that it is

peculiar to Zangon Kataf alone. However, the Commission observed it looked new. Also, Bonkuot Dung explained that the hoe and the sickle have no handles because they are just kept for record purposes only. Both the hoe and the sickle are said to have been handled by six generations now.

The Commission, on leaving Unguwan Tabo visited the new market site, drove past the ECWA Dispensary at Kibori, the place commonly called "Project", stopped at Bakin Rafi and later drove into Zango town through the new market site, since the vehicle used could not pass through the bridge leading to the heart of Zango town.

At the new market site, one Hajiya Zulai Anta complained to the Commission that the rioters on reaching her canteen, ate up her food, drank her drinks and made away with some of her property before burning the canteen. She was advised by the Chairperson of the Commission to come to Kaduna, its sitting venue so as to testify and also give a comprehensive report. Members then proceeded to inspect the extent of damage done to the four room apartment she used as the canteen.

The Commission passed through Zango town and the houses of various residents of Zango who gave evidence before it were pointed out. The old market was also shown to the Commission. The official residence of the District Head, Area Court Judge's residence, Mr. Chundusu's Clinic and other places including Zango Police Post and the bridge/cocoyam ridges where ASP Samuel Kwandó (W11) and his men testified that they took cover. The Commission was also shown the Kwata (Abattoir) market site which the Hausa Community of Zango wanted.

Also among the places visited by the Commission was the Barado/Bararadawa site used by the Katafs to perform their rituals/meetings. This area was said to have been the subject matter of a court case in 1984.

It was later confirmed to belong to the Katafs. When asked whether the Katafs still perform their rituals there, Tonak Daboh answered in the affirmative, but was challenged by one of the Hausas that he was telling lies. This almost led to another scuffle. The Commission immediately left after the Chairperson of the Commission had directed that the police should ensure that the crowd are dispersed.

Furthermore, the Commission was shown the spot where police were held hostage, and also Hajiya Lolo's residence at Samarun Kataf which was burnt during the riots/disturbances.

Finally, the Commission rounded up its tour with a brief stop over at the Local Government Secretariat, Zonkwa.

(Sgd.)

GIDEON KADU

Confidential Secretary
to the Commission

Appendix 11

List of Written Addresses By Counsel
Representing Various Interest Groups

1. Written Address by G. I. Kureda Esq. Counsel to the Commission.
2. Written Address by Yahya Mahmood Esq. Counsel to the Hausa Community of Zangon Kafaf.
3. Written Address by J.U. Daudu Esq. Counsel to Zangon Kafaf Local Government.
4. Written Address by Emmanuel J. J. Toro Esq. Counsel to Kafaf (Atyop) Community.
5. Written Address by Plus Ube Usang, Counsel to the Nigeria Police Force, Kaduna State Command.

(Sgd)
U. U. Sukole Esq.
Secretary to the Commission

CHAIRPERSON'S CLOSING REMARKS

This brings us to the end of our public sittings. We shall now retire to write our Report which we hope to submit to His Excellency, the Governor of Kaduna State, Alhaji Dabo Mohammed Lere on or before the 2nd day of June, 1992.

Before we retire, however, we would want to sincerely thank all those who have helped to make our daily sittings a success. These include all Counsel who have appeared before the Commission, our Secretariat staff, members of the Police Force who have worked with the Commission, drivers of vehicles attached to the Commission, particularly, the two drivers who drove the two buses that conveyed members of the public daily to and fro between Zangon Kataf and Kaduna, domestic staff of the State House, Kawa, Kaduna who ensured the smooth welfare of Members of the Commission, members of the Mass Media who have, on the whole, ensured balanced reporting of the Commission's proceedings, and all others too numerous to mention here.

We pray the Almighty God will guide us and grant us the wisdom to extract the truth from all that has been said before and the courage to state it, so that we come out with a Report that will be beneficial not only to the people of Zangon Kataf but this country as a whole. Meanwhile, we call on all concerned to continue to live peacefully with one another. We thank you

(Sgd)
Hon. Justice R.H. Cudjoe
6/5/92



SECRETARY AND COUNSEL TO THE ZANGON KATAF (MARKET)
RIOTS JUDICIAL COMMISSION OF INQUIRY