

BRIEFING PAPER

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THE SITUATION OF HUMAN RIGHTS DEFENDERS IN NIGERIA


Contacts

Tess McEvoy
International Service for
Human Rights
t.mcevoy@ishr.ch

Ivy Fidelia Basil-Ofil
Partnership for Justice
ivyodia@yahoo.com

Adaobi Egboka
Legal Defence and Assistance
Project
adaobiegboaka@gmail.com

Bose Ironsi
Women's Rights and Health
Project
ironsi_b@yahoo.com



During the last Universal Periodic Review (UPR) of the Republic of Nigeria in October 2013, Nigeria accepted 184 of 219 recommendations. Two of the accepted recommendations concerned human rights defenders (HRDs) and called on the State to both protect their rights and guarantee a favourable climate for them. In addition, Nigeria accepted a recommendation on freedom of association and another advocating the creation of a human rights monitoring system.¹

RISKS FACING HUMAN RIGHTS DEFENDERS

- Journalists, bloggers, and HRDs criticising the government or covering sensitive issues have regularly been subjected to abductions, beatings, arbitrary detention, and other forms of intimidation by the Nigerian security forces and police.²
- Human Rights Watch reports that HRDs working for the rights of lesbian, gay, bisexual and trans (LGBT) people in particular have come under increased threat since the passage in 2014 of a law outlawing participation in LGBT-related groups. They often face intimidation, discrimination and physical abuse.³
- HRDs and journalists working on minorities have come under increasing pressure following Government crackdowns against non-violent Biafran independence groups and the Islamic Movement of Nigeria.⁴
- Since President Muhammadu Buhari's election in 2015, the ruling All Progressives Congress has drafted a series of bills restricting the right to freedom of expression, freedom of association, and space for civil society. While some of these bills have been withdrawn, others have been passed or are still under consideration.
- In 2015, the Pan-African Human Rights Defenders Network reported that because of their gender and work on women's rights, which often involves challenging societal gender norms (such as child marriage, polygamy and inheritance issues), women HRDs face particular threats and risks. This is particularly the case in northern states which apply Sharia law, and in rural areas.⁵
- Human Rights Watch reported that in August 2017, the government threatened to charge under the Terrorism Prevention Act all those found to be spreading 'hate speech, anti-government and anti-security information' on social media, without providing a clear definition of these terms.⁶

OFFICIAL RESTRICTIONS ON THE SPACE FOR HUMAN RIGHTS DEFENDERS

- Bill HB 585, which has passed two readings in the Nigerian House of Representatives, would establish a regulatory commission to oversee non-governmental organisations in Nigeria. Amnesty International reports that the bill, which received overwhelming opposition at the public hearing organised in December 2017, would impose undue restrictions on NGOs and place NGO formation and

operations under government control, contrary to the UN Declaration on Human Rights Defenders.⁷

- On 7 January 2014, then-President Goodluck Jonathan signed into law the Same-Sex Marriage (Prohibition) Act (SSMPA). Among other measures, the law imposes a 10-year prison sentence on anyone who 'registers, operates or participates in gay clubs, societies and organizations' or supports such groups.⁸ The Act has been associated with an increase in violence, discrimination and harassment of LGBT persons and defenders.
- In May 2015, the Cyber Crime Act was voted into law. The Committee to Protect Journalists calls the law an attempt 'to muzzle the press,' noting that the law has been used to press charges against bloggers for 'cyber-stalking.'⁹
- In August 2017, the Director of Defense Information announced the military would monitor social media for 'hate speech, anti-government and anti-security information.' The government threatened to use the Terrorism Prevention Act to prosecute broadcasters for hate speech.¹⁰

HUMAN RIGHTS DEFENDERS FACING PARTICULAR RISKS

- Numerous reports from the LGBT community indicate that SSMPA has increased stigmatisation of the community and resulted in arrests, mob violence, and vigilantism towards LGBT individuals and HIV awareness or LGBT rights groups.¹¹
- On 1 June 2017, LGBT rights advocate Chibuikwe Obi disappeared in an apparent kidnapping. Obi had previously reported being threatened on the basis of his identity and LGBT-themed writing.¹²
- On 20 March 2017, a previously unknown group calling itself the Global Peace and Rescue Initiative occupied the Abuja office of Amnesty International Nigeria, accusing it of supporting Boko Haram and separatists, and ordered it to leave the country within 24 hours. The group held protests at Amnesty's office for several days. A coalition of 40 Nigerian civil society groups condemned the incident as a 'siege' by paid protestors and organised a rally in support of Amnesty.¹³
- According to Amnesty International, from August 2015 to November 2016 at least 150 members and supporters of the Indigenous People of Biafra (IPOB) were killed by security forces at non-violent protests and gatherings.¹⁴
- IPOB claims that as many as 20 of its supporters were killed by security forces at a pro-Trump rally

the group held on 20 January, 2017. Nigerian police disputed this figure, stating that 65 were arrested but none killed.¹⁵

- Sunday Chucks Obasi, a pro-Biafra activist, was shot and abducted from his home on 16 August 2016 by armed men believed to be agents of the Nigerian State. He was detained until December 2016 and charged with obstructing Department of State Services (DSS) officials.¹⁶
- In January 2017, publisher Peter Eke and nine journalists from the Biafra Times newspaper were arrested for the 'publication and circulation of alleged seditious and malicious information.'¹⁷
- On 6 September 2016, DSS officers arrested journalist Emenike Iroegbu for violation of the Cyber Crime Act but released him the next day due to a lack of evidence. Iroegbu had published a story alleging that Governor Ikpeazu of Abia State was involved in the killing of Biafran activists.¹⁸
- On 12 December 2015, Nigerian soldiers opened fire on Shiite protestors in Zaria. Over the next two days, 350 protesters and supporters of the Islamic Movement of Nigeria were killed in the city.¹⁹
- In June 2017, journalist Ibraheema Yakubu with the Hausa radio service of the German Deutsche Welle was arrested while covering a procession by a Shiite group in Kaduna and detained for six hours. Yakubu was beaten and had his laptop and recording equipment destroyed by police.²⁰
- In July 2017, HRD Maurice Fangnon was detained for 4 days by Nigerian police after reporting that a royal family member was involved in a campaign of arson and murder that resulted in the forced eviction of 30,000 members of the Otodo-Gbame community. Amnesty International called this detention an attempt at intimidating Fangnon and impeding his human rights work. Fangnon was rearrested on 12 December before being released on bail 10 days later.²¹
- A 2017 report by Amnesty International states that HRD Raymond Gold faced criminal charges and threats for asking Integrated Oil and Gas Ltd, an oil company, to do an Environmental Impact Assessment.²²
- On 3 August 2016, indigenous rights activist Ezekiel Daniel of the Ijaw Peoples Development Initiative was arrested by DSS officers on suspicion of being a spokesperson for the militant group Niger Delta Avengers. According to Daniel, who was released after one year and three months, about 50 other

protestors from the Niger Delta remain in DSS custody without trial.²³

- A November 2017 report by Amnesty International found that in the 1990s oil company Shell encouraged and provided logistical support for the Nigerian military's campaign of violence against peaceful protestors in Ogoniland, an oil-producing region in the Niger Delta. Shell was also complicit in the unfair trial and arbitrary execution of the Ogoni Nine, including HRD Ken Saro-Wiwa.²⁴
- On 6 June 2017, HRD Justus Ijeoma was beaten by Nigerian police at Onitsha Area Command.²⁵ Justus Ijeoma had previously been assaulted and illegally detained along with fellow HRD Obi Efediorah on 9 February 2015.²⁶
- The Media Foundation for West Africa reports that four Nigerian journalists have been murdered in separate incidents from April-November 2017.²⁷
- On 23 January 2018, former Minister of Education and founder of BringBackOurGirls (BBOG) Oby Ezekwesili was arrested and detained by police in Abuja, along with several members of her group. They were released later that day without charge.²⁸
- In August 2017, police arrested and detained journalist Danjuma Katsina after he posted comments on Facebook asking why a local politician could stand for election despite facing court action on corruption charges.²⁹
- In January 2017, police arrested the publisher and judiciary correspondent of the Premium Times for expressing 'deep hatred for the Nigerian army.'³⁰
- In August 2016, blogger Abubakar Sidiq Usman was dragged from his home by agents of the Economic and Financial Crimes Commission. He was accused of unspecified 'cyber stalking related offences' in violation of the Cyber Crimes Act.³¹

THE RESPONSE OF THE STATE REGARDING PROTECTION OF HUMAN RIGHTS DEFENDERS

- In July 2016, Nigeria voted against Human Rights Council Resolution 32/31, which urges States to create a safe and enabling environment for civil society. Human Rights Watch refers to the vote as part of 'a disturbing pattern of anti-human rights and civil society rhetoric in the current Nigerian administration.'³²
- Despite the general trend of legislation restricting freedom of expression, the Nigerian House of Representatives passed the Digital Rights and Freedom bill in December 2017. Human Rights Watch welcomed the bill, stating that it 'aims to protect the rights and freedoms of internet users.'³³

RECOMMENDATIONS TO THE GOVERNMENT OF NIGERIA

- Combat impunity by ensuring prompt, thorough and transparent investigations of all violations against HRDs, the prosecution of perpetrators, and access to effective remedies for victims.
- Refrain from criminalising the legitimate activities of HRDs and repeal all laws and policies that restrict their activities and rights, including the discriminatory Same-Sex Marriage (Prohibition) Act and the Cyber Crime Act.
- Refrain from adopting bills aimed at restricting CSOs funding and interfere with their financial autonomy, such as the Act to provide for the Establishment of the Non-governmental Organizations Regulatory Commission for the Supervision, Coordination and Monitoring of Non-governmental Organizations, Civil Society Organizations, Etc in Nigeria and For Related Matters.
- In consultation with civil society, develop and enact a specific national law in conformity with the UN Declaration on HRDs to recognise, promote and protect the work of HRDs. The law should also provide for the establishment and operation of a properly mandated and adequately resourced human rights defender protection mechanism.
- Ensure that the right to freedom of assembly, as provided by article 40 of the Constitution of Nigeria, is guaranteed especially the safety of HRDs advocating for minority rights.
- Take all measures to promote and protect human rights defenders while countering terrorism in Nigeria, by referring to best practices such as the African Commission on Human and Peoples' Rights', '*Principles and Guidelines on Human and Peoples' Rights while Countering Terrorism in Africa.*' Refrain from using the Terrorism Protection Act to stifle free speech.

ABOUT THIS BRIEFING PAPER

ISHR, the Legal Defence and Assistance Project (LEDAW), Partnership for Justice (PJ), and the Women's Rights and Health Project (WRAHP) encourage States to consult UPR submissions by local activists and make recommendations to Nigeria regarding the protections of HRDs. This paper is a result of compiling public information and direct contact and experience of LEDAW, PJ, and WRAHP in the protection of HRDs. Readers should consult sources provided for additional information.

¹ https://www.upr-info.org/sites/default/files/document/nigeria/session_17_-_october_2013/recommendations_and_pledges_nigeria_2014.pdf

² <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

³ <https://www.hrw.org/report/2016/10/20/tell-me-where-i-can-be-safe/impact-nigerias-same-sex-marriage-prohibition-act>

⁴ <https://www.amnesty.org/en/latest/news/2016/09/nigeria-crackdown-and-shrinking-civic-space/>

⁵ <https://www.africandefenders.org/wp-content/uploads/2015/04/StateofAfricanHRDs2015.pdf>

⁶ <https://www.hrw.org/world-report/2018/country-chapters/nigeria>

⁷ <https://www.premiumtimesng.com/news/headlines/252322-live-updates-reps-hold-public-hearing-ngo-bill.html>

⁷ <https://www.amnesty.org/en/documents/afr44/7590/2017/en/>, <https://www.reuters.com/article/us-nigeria-rights/nigeria-ngos-slam-civil-society-bill-as-grave-threat-to-freedoms-idUSKBN1E72CO>

⁸ <https://www.hrw.org/report/2016/10/20/tell-me-where-i-can-be-safe/impact-nigerias-same-sex-marriage-prohibition-act>

⁹ <https://cpj.org/blog/2016/09/how-nigerias-cybercrime-law-is-being-used-to-try-t.php>

¹⁰ <https://www.hrw.org/world-report/2018/country-chapters/nigeria>

¹¹ <https://www.hrw.org/report/2016/10/20/tell-me-where-i-can-be-safe/impact-nigerias-same-sex-marriage-prohibition-act>

¹² <http://www.pulse.ng/gist/in-owerrri-nigerian-gay-rights-advocate-reportedly-kidnapped-id6784830.html>

¹³ <http://saharareporters.com/2017/03/22/large-civil-society-coalition-blasts-'shameful'-siege-amnesty-international-offices-abuja>

¹³ <https://www.premiumtimesng.com/news/headlines/226879-leading-nigerian-civic-groups-senator-sani-falana-condemn-attack-amnesty-international.html>

¹⁴ <https://www.amnesty.org/en/latest/news/2016/11/peaceful-pro-biafra-activists-killed-in-chilling-crackdown/>

¹⁵ <https://globalnews.ca/news/3197026/pro-donald-trump-rally-in-nigeria-leaves-20-dead-many-missing/>

¹⁶ <https://www.amnesty.org/en/documents/afr44/6122/2017/en/>

¹⁶ <https://www.amnesty.org/en/documents/afr44/4716/2016/en/>

¹⁷ <http://www.mfwa.org/nigeria-newspaper-publisher-9-others-arrested-and-detained/>

¹⁸ <https://www.premiumtimesng.com/news/headlines/246348-special-report-nigerian-law-suppressing-citizens-freedom-internet.html>

¹⁹ <https://www.amnesty.org/en/documents/afr01/3883/2016/en/>

¹⁹ <https://www.hrw.org/world-report/2017/country-chapters/nigeria#0a5928>

²⁰ <https://www.premiumtimesng.com/news/more-news/235033-police-brutalise-nigerian-journalist-arrest.html>

²¹ <https://www.amnesty.org/en/documents/afr44/6775/2017/en/>, <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

²² <https://www.amnesty.nl/content/uploads/2017/05/HRD-briefing-26-April-2017-FINAL.pdf?x18276%20at%20page%202014>

²³ <https://www.vanguardngr.com/2017/12/suspicion-avengers-spokesperson-dss-seizes-detains-activist-daniel-18-ft-cell-15-months/>

²³ <http://saharareporters.com/2017/12/11/detention-niger-delta-activists-ivc-petitions-un-africa-commission-human-and-peoples>

²⁴ <https://www.amnesty.org/en/documents/afr44/7393/2017/en/>

²⁵ <https://www.amnesty.org/en/countries/africa/nigeria/report-nigeria/>

²⁶ <https://www.frontlinedefenders.org/en/case/case-history-justus-ijeoma>

²⁷ <http://www.mfwa.org/nigeria-four-journalists-killed-in-8-months/>

²⁸ <https://www.premiumtimesng.com/news/top-news/256496-former-minister-oby-ezekwesili-speaks-release-detention.html>

²⁹ <https://www.premiumtimesng.com/news/top-news/237181-police-release-nigerian-journalist-detained-facebook-post.html>

³⁰ <https://www.hrw.org/world-report/2018/country-chapters/nigeria>

³¹ <http://saharareporters.com/2016/08/09/efcc-cyber-stalking-and-threat-freedom-expression-nigeria-inibehe-effiong>

³¹ <https://www.amnesty.org/en/latest/news/2016/09/nigeria-crackdown-and-shrinking-civic-space/>

³² <https://www.hrw.org/world-report/2017/country-chapters/nigeria#0a5928>

³³ <https://www.hrw.org/world-report/2017/country-chapters/nigeria#0a5928>