



**FEDERAL REPUBLIC OF NIGERIA**

**Submission to the UN Universal Periodic Review**

**17<sup>th</sup> Session of the UPR Working Group**

**Submitted 4 March 2013**

**Submission by CIVICUS: World Alliance for Citizen Participation, NGO in  
General Consultative Status with ECOSOC**

**CIVICUS: World Alliance for Citizen Participation**

Mr David Kode, Email: [david.kode@civicus.org](mailto:david.kode@civicus.org)

Ms Renate Bloem, Email [renate.bloem@gmail.com](mailto:renate.bloem@gmail.com)

Tel +27 11 8335959, Web [www.civicus.org](http://www.civicus.org)

## **1. (A) Introduction**

- 1.1** CIVICUS: World Alliance for Citizen Participation is an international movement with members in more than 100 countries worldwide. Established in 1993, CIVICUS nurtures the foundation, growth and protection of citizen action throughout the world, especially in areas where participatory democracy and citizens' freedom of association are threatened.
- 1.2** In this document, CIVICUS outlines concerns related to the environment in which civil society organisations, human rights defenders and journalists operate in Nigeria, and discusses threats they face in the exercise of the freedoms of expression and association.
- 1.3** Despite Nigeria's constitutional provisions and commitments to international human rights mechanisms, freedom of expression and association are suppressed especially in cases where journalists and civil society activists raise awareness on human rights violations and corruption by public officials. The operating environment for civil society in Nigeria is constrained by high levels of impunity with which members of the Nigerian Police Force operate and by threats and attacks from fundamentalist militant groups.
- 1.4** CIVICUS is concerned by persistent harassment, intimidation and attacks against independent journalists, human rights defenders and political activists by state agents. Civil society organisations (CSOs) and media houses have also had to face various forms of bureaucratic harassment for their criticism of the government.
- 1.5** CIVICUS is alarmed by the failure of the Nigerian Government to protect members of civil society in the exercise of their rights to freedom of expression and association.
  - In section B, CIVICUS highlights concerns regarding the persecution and harassment of civil society activists and human rights defenders
  - In section C, CIVICUS highlights concerns over restrictions on freedom of expression, harassment and intimidation of journalists
  - In section D, CIVICUS highlights concerns regarding freedoms of assembly and association and unwarranted bureaucratic harassment of Civil Society Organisations (CSOs)
  - In section E, CIVICUS makes a number of recommendations in the areas of concern listed.

## **2 (B) Concerns regarding persecution and harassment of civil society activists and human rights defenders**

2.1 Human rights defenders must have a right to carry out their work without restrictions or fear of reprisals as set out in the UN Declaration on Human Rights Defenders. Notably, Article 12 of the Declaration calls upon governments to ensure protection of human rights defenders. CIVICUS' research demonstrates that in certain cases, human rights defenders remain at risk of torture, intimidation and abuse by the members of the Nigerian police acting with impunity.

2.2 In November 2012, Justine Ijeomah, chair of the Human Rights, Social Development and Environmental Foundation (HURSDEF), a CSO focusing on the promotion of human rights and social justice in the Niger Delta region was repeatedly assaulted at a police station in the Rivers State for seeking to make enquiries about the detention of one of his colleagues. Officers at the station also threatened to shoot him bragging they could do so with impunity. Justine was badly hurt in the incident and had to receive medical attention. Earlier that month, HURSDEF's lawyer, Barrister Anselm Lawson Kpoko was also assaulted at the station by a police officer using a rifle.

2.3 In April 2010, three members of Social Action, a CSO focusing on human rights and environmental justice - Isaac Asume Osuoka, Akpobari Celestine and Ken Henshaw - were accosted by police officers after leaving work and bundled into a police van. The civil society activists were arbitrarily detained without access to legal representation for several hours at a police station in Port Harcourt. One of them, Akpobari Celestine was severely assaulted by the police and had to obtain medical treatment after his release. The clinic declined to give him a medical report of his treatment apparently for fear of reprisals from the police.

2.4 On 29 December 2010, human rights defender and anti-corruption activist Chidi Nwosu was murdered at his house in Abia State. Prior to his death, Chidi who headed the Human Rights Justice and Peace Foundation (HRJPF) was an active critic of corrupt practices by senior government officials and violations of human rights by state agents. The failure of the state to protect Chidi Nwosu is deeply troubling.

2.5 In an apparent bid to stifle public debate on social issues, a Sharia court in Kaduna called on the Civil Rights Congress, a human rights group to shut down its blog and refrain from discussions on the social media especially on twitter and facebook when it sought to ignite a debate on the practice of amputating arms of individuals accused of theft in the northern states governed by Sharia Law.

## **3 (C) Concerns over restrictions on freedom of expression, harassment and intimidation of journalists**

3.1 Article 39 of the Constitution of Nigeria guarantees freedom of expression and the freedom to receive and share information. Freedom of expression is also guaranteed by Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Nigeria is a state party. Although Nigeria has a large and vibrant media, repeated incidents of intimidation of members of the press for highlighting official corruption and

rights violations are matters of serious concern. Journalists and activists who speak out against senior government officials remain at heightened risk.

- 3.2 In February 2013, armed officers from the Joint Task Force and the State Secret Services raided the Kaduna residence of Musa Muhammad Awwal, editor of the *Al-Mizan* weekly, a Hausa-language newspaper. Awwal was kept in detention for a week in apparent retaliation for publishing information about abductions and arbitrary detentions by members of special security forces. In December 2012, Awwal and a reporter from *Al-Mizan*, Aliyu Saleh were detained without charge for 8 days over the publication of an editorial on enforced disappearances on the front page of their newspaper.
- 3.3 Threats to journalists also emanate from attacks by fundamentalist militant groups such as Boko Haram. Attacks on news outlets have forced many to relocate from the northern region of the country where journalists are most vulnerable. On 26 April 2012, the militant sect Boko Haram claimed responsibility for two coordinated attacks on the Abuja office of *This Day* newspaper and a building housing *The Sun*, *The Moment* and *This Day* newspapers in the northern city of Kaduna. Boko Haram had issued threats to *This Day* in January 2012 and the *Vanguard*, *Tribune* and *National Accord* newspapers in March of the same year, after accusing the newspapers of biased reporting against its activities. Following the two attacks on 26 April, the sect issued further threats to 14 other news outlets.
- 3.4 In November 2011, the editor of the *National Accord* newspaper, Olajide Fashikun was arrested after writing several articles in which he accused the country's National Football Federation of corruption. During his arrest, the office of the *National Accord* newspaper was searched and Olajide's laptop and hard drive were confiscated. Although, he was eventually released, the incident constituted a serious setback to the freedom of the press in Nigeria.
- 3.5 The media was also intimidated in the run up to the 2011 elections. Security forces carried out raids on the Abuja and Lagos offices of the *Nation* newspaper in October 2011 and arrested six journalists and editors over the publication of a letter on 4 October 2011 reportedly sent by former President Olusegun Obasanjo to current President Goodluck Jonathan requesting that senior officials of the country's Petroleum Technology Fund and four other agencies be replaced by the former's preferred candidates.
- 3.6 On 21 January 2010, Ikenna Samuelson Iwuoha, an online activist and journalist was reportedly abducted by a team of armed police at the behest of the Governor of Imo State, Ikedi Ohakim. The victim was reportedly tortured by the Governor himself at his office. He was later detained by the police and denied access to medical assistance. Following his detention, he was charged with libel against the Governor. Ikenna instituted legal proceedings against the Governor which were not successful despite visible signs of torture on the body of Ikenna after the assault.
- 3.7 Additionally, in March 2009, Akin Orimolade, Abuja Bureau Chief for the newspaper *National Life* was arrested and detained for publishing a report on the Governor of Bayelsa state – Timipre Sylva. He was accused of defamation, detained for a week and released at the request of the governor.

#### **4 (D) Concerns regarding freedoms of assembly and association and unwarranted bureaucratic harassment of Civil Society Organisations (CSOs)**

- 4.1 Article 40 of the Constitution of Nigeria guarantees everyone the right to assemble freely and associate with others. Freedoms of peaceful assembly and association are also guaranteed by Articles 21 and 22 of the International Covenant on Civil and Political Rights (ICCPR) which Nigeria has ratified. In practice, the full exercise of these freedoms remains imperilled.
- 4.2 In October 2011, police brutally assaulted Osmon Ugwu, chair of the Enugu State Worker's Forum while he was addressing a union meeting in the course of an ongoing dispute between civil servants and the Enugu state government over implementation of a new law increasing the minimum wage. Ugwu who received injuries on his head and legs was dragged by police officers who assaulted him and tore his clothes off in the process of arresting him. Ugwu and another union member, Raphael Elobuike who tried to intervene in his arrest were later slapped with trumped up charges of assault and attempted murder.
- 4.3 On 13 November 2012, the Federal House of Representatives in Nigeria approved the Same Sex Marriage Prohibition Bill that will severely limit the freedom of association of groups supporting LGBT activities. The bill was approved by the country's Senate on 27 September 2011 and sailed through its second reading in the House of Representatives. It was unanimously passed for the third and final reading in the House of Representatives. The bill is currently undergoing a "clause-by-clause" review in the lower chamber of the house. According to the bill, persons who "register, operate or participate" in LGBT societies face ten years in prison if convicted. The bill goes further to state that individuals who "support the registration, operation and sustenance" of LGBT "organisations, processes or meetings" in the country, stand to face up to ten years imprisonment. The application of the bill will mean anyone suspected of supporting or advocating LGBT rights or human rights activists advocating for the rights of all citizens regardless of their gender will be targeted.
- 4.4 In December 2012, security forces dispersed groups of unionised electrical workers who demonstrated against government's plans to privatise the Power Holding Company of Nigeria.

#### **5 (E) Recommendations to the Government of Nigeria**

- 5.1 CIVICUS calls on the Government of Nigeria to create an enabling environment for civil society to operate in accordance with the rights enshrined in the ICCPR and the UN Declaration on Human Rights Defenders. At a minimum, the following conditions should be ensured: freedom of association, freedom of expression, the right to operate free from unwarranted state interference, the right to communicate and cooperate, the right to seek and secure funding and the state's duty to protect. In light of this, the following specific recommendations are made.
- 5.2 Regarding intimidation and judicial harassment of civil society activists and human rights defenders

- Impartial and effective investigations into all cases of attack, harassment and intimidation of civil society members including by members of security forces should be conducted and perpetrators brought to justice.
- An Independent Commission of Inquiry should be established to investigate rights abuses by members of the Nigerian police including acts of torture and harassment of civil society activists and journalists seeking to expose rights abuses and corruption.

### 5.3 Regarding freedom of expression and intimidation and judicial harassment of journalists

- Attacks on and threats to journalists must be publicly condemned by senior government officials.
- The government should take appropriate measures to bring to justice members of the Boko Haram militant group responsible for attacks on journalists and protect journalists from future attacks.

### 5.4 Regarding freedom of assembly and association and unwarranted bureaucratic harassment of CSOs

- The Same Sex Marriage Prohibition Bill should be withdrawn and an enabling environment for LGBT activists to form associations, assemble freely and take part in discussions on issues affecting them should be put in place.
- A conducive environment for members of labour unions to negotiate fair working conditions and embark on their constitutional right to protest for an improvement on the terms of their employment and increases in wages should be ensured.

### 5.5 Regarding access to UN Special Procedures and Mandate Holders

A standing invitation should be extended to the UN Special Procedures, particularly to the Special Rapporteur on Human Rights Defenders, Special Rapporteur on Freedom of Expression, and Special Rapporteur on Freedom of Peaceful Assembly and Association.