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Submission by: Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders

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Front Line Defenders (www.frontlinedefenders.org) is an international NGO based in Ireland with special consultative status with the Economic and Social Council of the United Nations (ECOSOC). Founded in 2001, Front Line Defenders has particular expertise on the issue of security and protection of human rights defenders and works to promote the implementation of the UN Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognised Human Rights and Fundamental Freedoms (UN Declaration on Human Rights Defenders) adopted by General Assembly resolution 53/144 of 9 December 1998

The following submission has been prepared by Front Line Defenders – The International Foundation for the Protection of Human Rights Defenders based on research carried out by this organisation and information received from independent human rights defenders in Nigeria from October 2013 to March 2018, including via two field missions undertaken by Front Line Defenders staff in December 2017 and February 2018.

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I. INTRODUCTION AND KEY CONCERNS

1. This submission concerns the situation for human rights defenders (HRDs) in Nigeria between 2013 and 2018 and covers developments from October 2013 until March 2018.

2. Since Nigeria's last Universal Periodic Review (UPR) in 2013, HRDs have been operating in a hostile environment, being targeted by both the authorities and armed groups. This has been exacerbated by insecurity in the north east and Niger Delta region due to conflict with armed groups. The subsequent government response has led to mass human rights violations. HRDs and journalists have been subjected to judicial harassment, intimidation and physical attacks, particularly those highlighting human rights abuses in the conflict or exposing corruption.

3. During the period under review, the following key issues were of concern to Front Line Defenders:

- (a) The specific targeting of HRDs and journalists on the basis of their legitimate and peaceful work;
- (b) Restrictions to freedom of expression preventing HRDs from operating;
- (c) The use of legislation to restrict and obstruct the ability of NGOs and journalists to effectively voice human rights concerns.

II. DEVELOPMENTS SINCE PREVIOUS UPR CYCLE

4. In the previous UPR cycle, Nigeria accepted 175 of the 219 recommendations made by States, among which were two recommendations which had explicit references to HRDs.¹ These included a recommendation from Tunisia “[...] to guarantee a favourable climate for the activities of human rights defenders, journalists and other actors in civil society”. Unfortunately, due to the security and political context, the environment for HRDs to operate in has deteriorated over the past five years, with defenders working at the state level being most at risk.

5. During the period under review, attacks have continued by Boko Haram, in particular in north eastern Nigeria. President Muhammadu Buhari, who was elected in 2015, was the first opposition leader to beat an incumbent president in a democratic election in the country. His campaign was based on two key policies: to restore security by defeating Boko Haram and combatting corruption. The Nigerian Government's response to attacks by Boko Haram under his leadership has led to gains against the armed group, but has also resulted in large-scale human rights violations by security forces. HRDs and journalists monitoring human rights violations in the conflict with Boko Haram are particularly at risk, both from Boko Haram and security forces.

III. TARGETING OF HUMAN RIGHTS DEFENDERS

¹ A second recommendation referring to HRDs was made by Djibouti and urged Nigeria to “protect and promote in particular the rights of vulnerable persons, that is: minorities, children, women, older persons, human rights defenders, refugees and prisoners”.

A. Harassment and intimidation of human rights defenders and journalists

6. HRDs and journalists have been subjected to harassment and intimidation for their work. The authorities have taken little to no action to prevent these occurrences and in some instances have used the judicial system to arrest, detain and prosecute HRDs. The main tactics used against HRDs are threatening phone calls or messages, visits from security agents, surveillance, intimidation and summons to police stations. HRDs working in the north east of the country and areas prone to terrorist attacks face the additional risk of kidnapping by armed groups. Women HRDs working in this area are at risk of gender-based violence.

7. On 9 February 2015, human rights defenders [Justus Ijeoma](#) and **Obi Efediorah** were [brutally assaulted](#) and seriously injured by police officers in the Inland Town Police Station in Onitsha, Anambra State, reportedly on the orders of the Divisional Police Officer (DPO). The two HRDs are members of the Anambra State branch of the Civil Liberties Organisation (CLO). CLO is a human rights organisation and member of the Network on Police Reform in Nigeria (NOPRIN), which is committed to promoting police accountability and respect for human rights.

8. Following the assault, the two defenders were kept in unlawful detention at the police station and denied access to medical treatment. They were released the following day and had to receive medical treatment for their injuries. Justus Ijeoma was harassed and assaulted by police officers again in June 2017 for which he received an apology in October.

9. On 18 January 2016, [Jelili Atiku](#) was [arrested](#) and released on bail two days later. He was accused, along with four other individuals, of conspiring “to commit felony to wit public disturbance” under section 409 of the Criminal Code. The allegations relate to a performance called *Aragamago Will Rid This Land off Terrorism*, which took place on 14 January 2016. In the performance, the HRD denounced state terrorism and the usurpation of land by the authorities in Ejigbo. On 18 July 2016, the Ejigbo Magistrate Court quashed the charges.

10. Jelili Atiku and his family members had previously been subjected to other forms of harassment. On 18 December 2015 nine policemen went to the defender's residence in his absence and threatened his family members with arrest. Prior to that, on 30 December 2014, five traditional chiefs from the Palace of the King of Ejigbo went to his house and destroyed his artwork and ransacked his room in a clear attempt to intimidate him and censure his art. Both incidents were reported to the Nigerian police, however, no attempts to investigate the facts nor protect Jelili Atiku and his family were made.

B. Targeting of journalists and threats to freedom of expression

11. Journalists have been targeted by both the Nigerian authorities and Boko Haram for reporting on human rights violations. Despite section 29 of the Constitution protecting freedom of expression and the press, many journalists are practicing self-censorship due to the risk of harassment, abductions and physical attacks.

12. Local NGOs have reported that security forces have attacked newspaper editors and owners and intimidated them into censoring reports of killings and other human rights abuses. On 3 June 2017, unknown assailants abducted **Charles Otu**, a publisher of the local newspaper **Conscience** in Ebonyi State. During his abduction, he was required to sign a document stating he would no longer write critical articles about the Ebonyi State Government.

13. On 20 May 2017, the offices of radio station **Breeze FM** were demolished along with its equipment. Staff at the radio station believe it was targeted due to its reporting which had been critical of the government. This had included a live discussion on the lack of payment by the government of state workers' salaries.

14. On 19 January 2018, publisher **Dapo Olorunyomi** and judiciary correspondent, **Evelyn Okakwu**, of the **Premium Times** were arrested by police officers in Abuja and then released a few hours later. The Premium Times had written articles on human rights violations committed by the army and had refused to retract them when pressured by members of the military.

C. Risks faced by HRDs and journalists working on corruption

15. There are serious concerns about the impartiality and independence of Nigeria's criminal justice system as wealthy individuals, police, the security forces and government agencies have all repeatedly used it to target HRDs and journalists who have exposed corruption.

16. On 12 June 2017, police officers arrived at the Lagos headquarters of **The Sun**, where they intimidated members of staff, held staff members at gunpoint and prevented anyone from entering or leaving the building. Prior to this incident, a member of the Economic and Financial Crimes Commission made statements regarding his intentions to sue the newspaper for defamation following the outlet's articles exposing corruption in the Commission.

17. On 5 January 2018, human rights defender [Ibrahim Garba Wala](#) (popularly known as IG Wala) was [arrested](#) by police officers following a hearing at the High Court of Maitama District in Abuja. Ibrahim Garba Wala is the National Coordinator for **Citizens Action to Take Back Nigeria – CATBAN** which is a human rights, anti-corruption and pro-democracy platform. The HRD had written Facebook posts highlighting graft in public bodies, including within the National Hajj Commission, which oversees public spending. On the basis of these posts, Ibrahim Garba Wala is facing both a criminal and civil case of defamation. In a press release of 5 January 2018, CATBAN stated that the police acted on a petition by a member of the National Hajj Commission to deter the defender from continuing his efforts to expose corruption.

D. Threats to freedom of association and assembly

18. Section 40 of the Constitution enshrines the right to peaceful association and assembly, however, the government has at times banned gatherings and protests. During the period under review, unnecessary and excessive force was used by security forces to police peaceful assemblies, with journalists and bloggers reporting on police

violence during protests and being subjected to physical attack and judicial harassment.

IV. RESTRICTIVE LEGISLATIVE FRAMEWORK

19. The Government has conducted mass surveillance of citizens' telecommunications, which has included intercepting private communications. The [Cybercrimes \(Prohibition, Prevention, etc\) Act](#), enacted in 2015, gives broad powers to the security forces and has been misused in order to curb dissent in the country. In particular, the offence of "cyber stalking" in section 24 of the Act has been used to target bloggers who have written articles critical of government policies due to human rights concerns. The maximum penalty for this offence is a fine of 7 million naira (approximately 16,000 EUR) and a sentence up to three years' imprisonment.

20. On 8 August 2017, blogger **Abubakar Sidiq Usman**, was arrested for "offences bordering on cyber stalking" for alleging corruption at the Economic and Financial Crimes Commission on his blog **Abusidiqu**.

21. In December 2017, the House of Representatives committee on Non-Governmental Organisations and International Development Partners held a public hearing on the Bill for the Establishment of the NGO's Regulatory Commission for the Supervision, Coordination and Monitoring of NGOs and Civil Society Organisations ("NGO bill"). The NGO bill has been heavily criticised by NGOs and HRDs for its broad and vague terms, as well as the risk to ending the independence of NGOs, especially those working on sensitive issues such as corruption and monitoring human rights violations.

22. In its current iteration, the proposed legislation would create a NGO Regulatory Commission. The law would compel all NGOs working in Nigeria to register with this Commission every two years, and during the registration process, NGOs would be obliged to provide any requested "additional information" by the Commission. What constitutes "additional information" is not defined in the legislation. The Commission would be able to reject any application for registration on two overly broad grounds: either that denial of registration is in the "national interest" or that "it is satisfied that the applicant should not be registered".

23. In addition, NGOs would be required to submit proposals for projects to the relevant government department for approval. If passed, this legislation would also prevent any informal societies from being able to operate freely. Failure to comply with these requirements could result in a prison sentence of up to 18 months or a large fine. Anyone convicted under the proposed legislation would be barred from holding a position within an NGO for ten years.

24. The bill gives the Commission and the Government wide discretionary powers and unprecedented involvement in the activities of civil society organisations, including labour unions, and community associations. Civil society organisations have repeatedly raised concerns about the impact that the legislation would have if enacted, in particular on freedom of association and the independence of NGOs.

25. Following the public hearing, the bill was not adopted in the National Assembly session, however, it remains before parliament.

26. Human rights defenders working on LGBTI rights are particularly at risk, especially due to stigmatisation and restrictive legislation, which undermines their ability to promote LGBTI rights. In January 2014, the Same-Sex Marriage (Prohibition) Bill was signed into law. Section 4(1) states that “The Registration of gay clubs, societies and organisations, their sustenance, processions and meetings is prohibited”. Anyone found guilty of this offence would receive a prison sentence of ten years. Although this section has not yet been used, it has led to an increasingly hostile environment for LGBTI defenders, who are targeted with arrest, intimidation and public shaming.

V. RECOMMENDATIONS

27. Front Line Defenders calls upon the member states of the UN Human Rights Council to urge the Nigerian authorities to prioritise the protection of human rights defenders and in doing so to:

(a) Guarantee in all circumstances that human rights defenders in Nigeria are able to carry out their legitimate human rights activities without fear of reprisals and free of all restrictions, and ensure full respect for the UN Declaration on Human Rights Defenders;

(b) Take urgent measures to put an end to the arrest and detention as well as judicial harassment against human rights defenders;

(c) Fully guarantee the exercise of the right to freedom of peaceful assembly, and ensure that public events and gatherings organised by human rights groups are not disrupted;

(d) Ensure that the NGO bill is not enacted into law and that the independence of NGOs and freedom of association are protected;

(e) Ensure that the judicial system is not misused to target or harass HRDs and refrain from bringing criminal charges or any other proceedings or administrative measures against them that stem solely from the peaceful exercise of their rights

(f) Repeal or amend any legislation used to limit the legitimate work of NGOs and human rights defenders with a view to ensure its compliance with international human rights standards, in particular the Cybercrimes (Prohibition, Prevention, etc) Act 2015 and the Same-Sex Marriage (Prohibition) Act 2014.