

COUNTRY: NIGERIA.

ORGANISATION: CIVIL LIBERTIES ORGANISATION (CLO).

REPORTER : IBUCHUKWU OHABUENYI EZIKE, EXECUTIVE DIRECTOR.

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QUESTION NO. 1:-

- a). No. Only the general human rights provisions in the 1999 Constitution that are not justiciable.
- b). Nil
- c). None.

QUESTION NO. 2.

- a) In Nigeria, human rights defenders (or activists as we choose to call us here) are endangered species and so, their rights are not respected by the state and its actors. The situation is made worse by former human rights defenders, journalists and labour leaders who have joined the government either as elected or appointed politicians both at the federal, state or local tier and in executive, legislative or judicial arm. Rather than defend HRDs and their activities, they expose our secrets, operations, weaknesses and strengths to their new found masters and help them in making anti-human rights legislations and clamping down on HRDs and the poor citizens.
- b). They don't respect the human rights of HRDs. Instead, they repress them. The public order Act which has been repealed by the Courts as a colonial law is still massively used to hunt, detain, torture and repress HRDs in Nigeria. Instances are:-
 - In 2006 when the former secretary of the National Human Rights Commission, Mr. Bukhari Bello, was sacked for exposing government's poor human rights policies and actions. HRDs converged in Abuja, the Capital of Nigeria, to discuss the illegal act but were dispersed by the police who relied on Public Order Act provisions to do so.
 - In 2011 when the labour leaders were barricaded in a hotel by the police and political thugs on the orders of the Enugu state governor, Mr. Sullivan Chime, a lawyer.
 - In the same year, HRDs who wanted the Minimum Wage Law implemented by the government were arrested, tortured and remanded in prisons custody as murder suspects by the same Enugu governor, Chime. Two HRDs, Osmond Ugwu, CLO chair in the state, and Ralph Elobuike, are still facing murder charge in court in Enugu after they were remanded for over four months in prison.

- In January, 2012, when the "Occupy Nigeria" uprising was staged, armed policemen and thugs were deployed by the government nationwide to victimise, disperse, arrest, detain and torture HRDs. About 26 HRDs were shot to death without accountability on the their killers while over 200 HRDS were detained and tortured throughout the country.
- Two HRDs were sentenced to prisons by a Special Tribunal set up by the Enugu state governor, Sullivan Chime, for daring to mobilise Nigerians in Enugu state to join the Occupy Nigeria Protest in January, 2012.
- Elder statesmen, led by Professor Ben Nwabueze aged over 90 years and Tunji Braithewaite aged over 80, were tear-gassed and manhandled by anti-riot police men and dispersed from protesting bad government policies in Lagos in February, 2012 and we can go on and on.

QUESTION NO. 3.

a). No measures at all in this regard are put in place in Nigeria by the authorities.

b). No laws or Administrative safeguards for HRDs in Nigeria.

In fact, HRDs are treated with ignoble impunity in Nigeria. They are seen and taken as enemies of the government and their rights are grossly infringed upon, even worse than those of the other citizens who are not HRDs. Specific laws or regulations are made merely to deal with the issues involving HRDs. Apart from the colonial Remand Law and Public Order Act that are numerously used by government and its agencies to brutally victimise and torture HRDs in Nigeria, government makes laws to specifically to deal with HRDs as in the setting up of a "Special Tribunal" by the Enugu state government in January, 2012, to deal with any HRDs that rise to protest against the withdrawal of Oil Subsidy by the Federal government. Worse still, some laws made by the Nigerian authorities are not made public. There may be anti-HRDs laws or administrative regulations that we may not know about but they exist. Nigerian government is run like a secret cult and not open.

QUESTION NO. 4.

a). i). Yes for registration and functioning of Non-governmental organisations.

ii). Allied Matters Act Part C, 1990.

iii). NGOs in Nigeria do not get grants from Nigerian government through the functionality of any law but as gifts from government and its agencies. However, CSOs like the CLO that are seen as anti-govt NGOs do not benefit from such gifts. No law in the country provides for the funding of NGO by govt.

On grants from foreign donors, no law yet but the House of Representatives through its committee on Donor Agencies plans to pass a law that will regulate CSOs' grant from donor agencies. Not yet a law.

b). None.

QUESTION NO.5.

a). There are no specific laws for HRDs or their organisations but for all unregistered organisations. No actions have been taken against any unregistered NGO in Nigeria so far since the return of civil rule in May, 1999 . Maybe in future.

b). Like mentioned above, an unregistered organisation in Nigeria is illegal in the eyes of the laws but no organisation or HRD has been punished for operating an unregistered NGO since 1999.

QUESTION NO. 6.

Nigeria has passed the Freedom of Information (FOI) Law. But media organisations and HRDs are still hunted, detained and tortured for allegedly publishing information classified by the authorities as "official secret." For instance, Samuelson Iwuoha, a HRD, was brutalised and detained for allegedly exposing the corruption of former governor of Imo state, Mr. Ikedi Ohakim. Four editors of the Nation Newspapers, Lagos, were arrested in October, 2011, for allegedly publishing a "secret letter written by former President Obasanjo to President Goodluck Jonathan, asking him to sack some staff of the Petroleum Trust Development Fund (PTDF). This arrest and detention were made in defiance of the FOI law and the fact that Sedition law was killed in Nigeria in 1980 in case between the old Anambra state and Dr. Arthur Agwuncha Nwankwo, the Chancellor of Eastern Mandate Union (EMU), Enugu.

QUESTION NO. 7.

a). No measure at all. The criminal Code, repealed Public Order Act and the 1999 Constitution are still being used to detain not only HRDs but also general citizens by state/security agents.

b). No measures are employed to ensure that such laws are not used to infringe on the rights of HRDs or impede their human rights work and those of the general citizens. Rather, dead laws such as the "Sedition law, Public Order Act etc are still used by the state and its means of coercion to brutally deal with HRDs and unsuspecting Nigerian citizens. They use them to stop us from carrying out our human rights job, including using peaceful protests and rallies to condemn government's bad policies and programmes and promote human rights. Instances have been cited in Question No. 2 above etc.

QUESTION NO. 8.

In a lawless society like Nigeria, where rule of law and due process are maximally abused, and violation of human rights and corruption are the order of the day; words of rulers whether they are President or governors or cabinet members or law makers or chairpersons of local government areas, commissions, agencies and departments or their wives or husbands or relations or associates or leaders/officers of ruling political parties are laws and are respected by law enforcement agencies in dealing with HRDs or any other less privileged Nigerians where "less privileged" refers to;

"anybody who has no person in government to defend him or her or who has lost the support of those in power because of his or her statement or position that offends the position of people in government and their supporters."

For instance, any of the above officers and their likes can order the arrest, detention and trial of any person without reliance on any law and it is done.

Note before: Please, refer to me in case of any clarifications you would need me to make. Thanks.

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