



HAUT-COMMISSARIAT AUX DROITS DE L'HOMME • OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS
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Mandate of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

REFERENCE: AL
NGA 3/2014:

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression pursuant to Human Rights Council resolution 25/2.

In this connection I would like to bring to your Excellency's Government's attention information I have received concerning **restrictions to the circulation of newspapers and attacks against journalists and media outlets in Nigeria.**

According to the information received:

Between 6 and 8 June 2014, federal troops across Nigeria reportedly seized and destroyed newspaper deliveries at airports, seized newspaper vehicles along highways, took control of distribution points in several cities and confiscated newspapers from vendors. Copies of at least four leading newspapers, (*Punch*, *Leadership*, *Vanguard* and *The Nation*), were destroyed.

A defence official reportedly claimed that authorities carrying out these measures were looking for "materials with grave security implications." The attacks reportedly followed the publication of news articles on the involvement of military officials in corruption and on the trial of a group of officials accused of supporting terrorists.

On 6 June 2014, soldiers created a roadblock close to the entrance to Abuja along the Abuja-Kaduna expressway. Allegedly, these soldiers intercepted the *Leadership* newspaper's van that was heading to Kaduna confiscated the entire consignment of the paper meant to be distributed to the North-west. Similarly, it was reported that another consignment of this newspaper was confiscated at the Abuja airport on its way to the South-east.

On 8 June 2014, as many as 10 soldiers reportedly stormed the distribution centre of national dailies in Minna, Niger State and interfered with the distribution of some publications. The newspapers that were not allowed to be circulated were *The Nation*, *Leadership* and *Daily Trust*.

According to information received, journalists and news outlets have been targeted by both State agents and the extremist sect Boko Haram over the last months. Allegedly, security agents use the pretext of insurgency to threaten, harass, detain and seize the equipment of journalists, while Boko Haram also made threats and attacked journalists and media outlets. It is reported that widespread attacks have been waged by Nigerian authorities on nearly a dozen independent newspapers under the guise of fighting terrorism, leading to the loss of hundreds of thousands of newspaper sales.

While I do not wish to prejudge the accuracy of these allegations, I express grave concern at what appears to be continued restrictions on the right to freedom of opinion through the reported clamp down on newspaper distribution and the alleged harassment of the media.

In connection to the above alleged facts and concerns, please refer to the **Reference to international law Annex** attached to this letter which cites international human rights instruments and standards relevant to these allegations. They include in particular, the International Covenant on Civil and Political Rights (ICCPR), the Human Rights Council Resolutions 12/16 and 21/12, the Human Rights Council Resolution 12/18, the General Assembly Resolution 57/219 of 18 December 2002, and the Security Council Resolution 1456 (2003).

It is my responsibility, under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention, I would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations on recent restrictions to newspaper distribution in Nigeria.
2. Please provide details on the legal basis and reasons for the interference of newspaper distribution and how these measures are compatible with the aforementioned international human rights standards.
3. Please provide the details, on initiatives taken to investigate attacks against the press and initiatives to ensure the safety of journalists, in particular those reporting on violent confrontations within the country.

I would appreciate a response within 60 days.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of media outlets and journalists are respected, and in the event that your investigations support or suggest the

above allegations to be correct, the accountability for any person responsible for the alleged violation should be ensured. I also respectfully request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

Given the seriousness of the allegations, I would like to inform your Excellency's Government that I am considering issuing a press release on the issues contained herein in the near future.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of my highest consideration.

Frank La Rue
Special Rapporteur on the promotion and protection of the right to freedom of opinion
and expression

Annex
Reference to international human rights law

In connection with above alleged facts and concerns, I would like to refer your Excellency's Government to the articles 19 of the International Covenant on Civil and Political Rights, ratified on 29 July 1993, which guarantees the rights to freedom of opinion and expression.

I would also like to bring to your Excellency's attention Article 19 of ICCPR (reiterated in HRC Resolution 12/16), which calls on States to refrain from imposing restrictions on the exercise of the right to freedom of opinion and expression, which are not consistent with paragraph 3 of this article, including (ii) the free flow of information and ideas, including practices such as the banning or closing of publications or other media and the abuse of administrative measures and censorship.

Furthermore, I would like to draw attention to the principle enunciated in the Johannesburg Principles on National Security, Freedom of Expression and Access to Information (as endorsed in E/CN.4/1996/39), which makes clear that everyone has a right to obtain information, including information relating to national security, and further suggests that any decision or law concerning this right must be made in light of the primary consideration of the public interest in knowing the information. Further Article 18 of these principles establish that no person may be punished on national security grounds for disclosure or information if the public interest in knowing the information outweighs the harm from the disclosure. According to principle 2, protecting from embarrassment or exposure of wrongdoing is not a legitimate reason for restricting information.

Regarding the allegations of interference by your Excellency's Government in order to combat terrorism, I would like to make reference to the Human Rights Council Resolution 12/18, which calls upon States to refrain from using counter-terrorism as a pretext to restrict the right to the freedom of opinion and expression in ways that are contrary to their obligations under international law. This is supported by General Assembly Resolution 57/219 of 18 December 2002 and the Security Council Resolution 1456 (2003), paragraph 6.

Finally, with regard to allegations on the attacks against journalists, I would also like to refer to Human Rights Council resolution 21/12 on safety of journalists (A/HRC/RES/21/12) adopted on 27 September 2012, which "condemns in the strongest term all attacks and violence against journalists, such as torture, extrajudicial killings, enforced disappearances and arbitrary detention, as well as intimidation and harassment;" and "calls upon States to ensure accountability through the conduct of impartial, speedy and effective investigations into such acts falling within their jurisdiction, and to bring to justice those responsible and to ensure that victims have access to appropriate remedies."

I remain at the disposal of the authorities of the Government of Nigeria for any further information, advice, or guidance to assist them in their effort to ensure that the fundamental rights and freedoms of all persons living in the country are guaranteed, respected and protected.