

Mandates of the Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and the Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes

REFERENCE: UA
NGA 2/2016:

3 March 2016

Dear Mr. Peters Omologbe Emuze,

We have the honour to address you in our capacity as Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment and Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes pursuant to Human Rights Council resolutions 28/11 and 27/23.

In this connection, we would like to bring to the attention of the Government of Nigeria information we have received concerning the alleged abduction of Ms. **Justina Ojo**, the wife of Mr. Goldwin Ojo, a prominent environmental human rights defender.

According to information received:

Ms. Justina Ojo was abducted by unknown gunmen around 8 p.m. on 22 February 2016 in front of her home in Benin and her family has not been contacted by the abductors to date. Ms. Ojo is the wife of Mr. Godwin Ojo, the Executive Director of the human rights and environmental organization called Environmental Rights Action – Friends of the Earth Nigeria (ERA) – and is one of the foremost environmentalists in Nigeria and well-known internationally for his work on extractives, climate change, tobacco control, water, among other things. Reports suggest that this kidnapping appears to be politically motivated, and her life and safety are in imminent danger.

It is reported that Ms. Ojo was released by the unknown abductors on Friday 26 February 2016. During the abduction, Ms. Ojo was blind folded with her hands tied and she was not able to identify the abductors. It is alleged that out of fear Mr. and Ms. Ojo are not able to return to their apartment after the incident.

Serious concern is expressed at the alleged abduction of Ms. Ojo. Concern is also expressed that the kidnapping of Ms. Ojo may be directly related to the legitimate environmental and human rights activities carried out by her husband.

While we do not wish to prejudge the accuracy of these allegations, we would like to refer your Government to the international principles and norms applicable to the present case.

We would like to appeal to your Government to take all necessary measures to guarantee the right to life (article 6) and right to liberty and security (article 9) of the person concerned, as contained in the International Covenant on Civil and Political Rights (ICCPR), which Nigeria acceded in July 1993.

We would also like to refer to the Convention for the Protection of All Persons from Enforced Disappearance, to which Nigeria has been Party since July 2009. Article 2 of the Convention defines enforced disappearance: “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law”. The Convention stipulates the State Party’s duty to “take appropriate measures to investigate acts defined in article 2 committed by persons or groups of persons acting without the authorization, support or acquiescence of the State and to bring those responsible to justice” (article 3).

Furthermore, we would like to remind your Government that additional attention should be paid to this case given that the victim of abduction is woman. The United Nations Working Group on Enforced or Involuntary Disappearances called states to “acknowledge disappeared women, and recognize the particular types of harm they suffer based on their gender, including instances of sexual violence and forced impregnation, and the resulting psychological damage and social stigma as well as the disruption of family structures” (A/HRC/WGEID/98/2, para. 5).

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and/or comment(s) you may have on the above mentioned allegations.

2. Please provide information in detail on steps taken by the Government to investigate this case.
3. Please indicate what measures have been taken to ensure that human rights defenders and environmental activists are able to carry out their legitimate work in a safe and enabling environment in Nigeria, without fear of threats or acts of persecution and harassment of any sort.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person(s) responsible for the alleged violations.

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The response of your Government will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Mr. Peters Omologbe Emuze, the assurances of our highest consideration.

John Knox

Special Rapporteur on the issue of human rights obligations relating to the enjoyment of a safe, clean, healthy and sustainable environment

Baskut Tuncak

Special Rapporteur on the implications for human rights of the environmentally sound management and disposal of hazardous substances and wastes