

Mandates of the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the situation of human rights defenders and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism

REFERENCE:
UA NGA 7/2020

13 November 2020

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the situation of human rights defenders and Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, pursuant to Human Rights Council resolutions 41/12, 43/4, 43/16 and 40/16.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **threats of arson and destruction made against the Director of NGO Amnesty International Nigeria, and woman human rights defender Mrs. Osai Ojigho and the staff of the organisation, if they fail to leave the country following a 7 day ultimatum issued by the Centre for Africa Liberation and Socio-Economic Rights (CALSER). These threats seem to take place in a context of intensifying attacks on activists and human rights defenders as well as excessive use of violence in the context of protests.**

Amnesty International Nigeria (AIN) is a human rights organization, registered as an independent and separate entity under Nigerian law as a Nigerian NGO. Unlike its other branches across the world, AIN does not have a memorandum of understanding with the Nigerian government and since it is registered as a local NGO, it is not considered a foreign entity within the country. All AIN's staff are Nigerian and the organisation has one office located in Abuja, capital of Nigeria.

According to the information received:

On 4 November 2020, a citizens group called Centre for Africa Liberation and Socio-Economic Rights (CALSER), held a press conference in Abuja, in which it gave AIN an ultimatum of seven days to leave the country. The presenter, attributed the responsibility of the recent violence in Nigeria to AIN and accused the organisation of disseminating lies about the events leading to the shootings at the Lekki toll gate in Lagos on 20 October 2020. The abovementioned threat is formulated in the last segment of the press conference in the following language: *“For Nigeria to rebuild, Amnesty International must be out of the way. CALSER, therefore, gives Amnesty International a seven-day ultimatum to leave Nigeria. The NGO's failure to leave Nigeria will attract civil disobedience at its offices in Abuja and Lagos on a scale that will make the campaign of*

looting and arson it facilitated appear like child's play. Amnesty International's offices and those of all its affiliated organizations and known supporters in Nigeria will be set upon the same way that its agents destroyed critical assets in the country. Its staffers will be treated the same way that innocent policemen lynched by mobs were treated." In another part of this press conference, AIN's director, Mrs. Osai Ojigbo, is personally targeted. AIN subsequently notified the authorities about this threat, including the Inspector General of the Police (IGP), Minister of Interior and the Commandant General of the Nigeria Security and Civil Defence Corps.

AIN was previously targeted on 12 August 2020, by a leader of CALSER, who declared a 40-day protest against AIN. In remarks made to the media during the protests in front of AIN's offices, the organization expressed that: "...*Our members will make a daily advance of one meter upon the premises of AI, until we enter its reception, work stations, conference rooms and offices, to {...} throw out its staffers and escort them to the airport, to their country, where they originated from. The forty days will witness impartial Nigerians running this office with their properties, to permanently occupy the place until the needful is done...*" This threat, however, did not materialize.

Prior to this, other protests had occurred with similar threats made against AIN. In one instance, on 11 February 2020, the *Concerned Citizens Coalition* organised a protest in front of AIN's offices, during which the Convener of these protests, accused AI of "*causing crisis in Nigeria through its propagandist reports tailored to suit their paymasters*", and "*terrorist activities*", and demanded the expulsion of the organisation and its staff from the country.

It has been reported that since the Lekki toll gate incident on 20 October 2020 a crack down on civil society actors and human rights defenders has intensified. It is also alleged that bank accounts have been frozen, including of individuals who participated in the Special Anti-Robbery Squad (SARS) protests in Nigeria, on the basis of their alleged ties to terrorist activities. The alleged excessive use of force by police during the protests against the SARS was subject of our earlier communication sent to the Government of your Excellency on 28 October 2020 (AL NGA 6/2020).

While we do not wish to prejudge the accuracy of these allegations, we would like to express our serious concern at the abovementioned instances of harassment and threats against AIN and other human rights defenders and activists. While threats expressed in the past against AIN did not materialize, we remain concerned as to the inaction of your Excellency's Government to investigate such threats and prosecute and punish those responsible. In this regard, we remind your Excellency's Government of its obligations under the International Covenant on Civil and Political (ICCPR). The protection afforded by article 19 of the Covenant on the right to freedom of expression is particularly strong with regards to human rights monitoring, reporting and advocacy. Human rights organisations and their members are particularly exposed to threats and attacks. The State has an obligation to act with due diligence to prevent threats of attacks

against a human rights organisations reporting on the human rights situation in a country (Human Rights Committee, General Comment no. 31, Human Rights Committee, General Comment no. 34 para. 23).

We would like to remind your Excellency's government of Articles 21 and 22 of the ICCPR, on the rights to freedom of peaceful assembly and of association. These rights oblige States to take positive measures to establish and maintain an enabling environment for their exercise as emphasized by the Special Rapporteur on the rights to freedoms of peaceful assembly and of association, in his various reports to the Human Rights Council.

The duty to prevent violations and provide effective remedies for victims, enshrined in article 2 (3) of the ICCPR, entail that States have an obligation to establish accessible and effective complaints mechanisms and independently, promptly and thoroughly investigate allegations of any threat or harm, real or perceived, by State actors or third parties, against individuals exercising their fundamental rights and human rights activities, and to hold perpetrators accountable.

Furthermore, States have a obligation not to unduly obstruct, or allow obstructions to the exercise of the rights to freedom of association and peaceful assembly. Associations, registered or unregistered, pursuing objectives and employing means in accordance with international human rights law should benefit from international legal protection and should enjoy the rights to express opinion, disseminate information, engage with the public and advocate before Governments and international bodies for human rights.

We would also like to refer your Excellency's Government to the duty to respect, protect, and fulfil the rights of individuals to engage in human rights work without fear of reprisal or harassment, as set forth in the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, also known as the UN Declaration on Human Rights Defenders. In particular, we would like to refer to articles 1 and 2 of the Declaration which state that everyone has the right to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels and that each State has a prime responsibility and duty to protect, promote and implement all human rights and fundamental freedoms. Furthermore, with regard to the above case, we also wish to specifically refer your Excellency's Government to articles 5, 6, 12 and 13 of the Declaration.

Lastly, we express concern that the attacks against AIN might be part of a broader trend of shrinking civic space, targeting human rights defenders and their organisations, and activists critical of the government and its supporters. In this context, we would like to refer to Human Rights Council resolution 22/6, which urges States to ensure that measures to combat terrorism and preserve national security are in compliance with their obligations under international law and do not hinder the work

and safety of individuals, groups and organs of society engaged in promoting and defending human rights.

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 as to the initial steps taken by your Excellency's Government to protect the NGO AIN from the threat of arson and destruction, or any attack on its director or staff, in view of the ultimatum issued against this NGO.

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 the observations of your Excellency's Government on the following matters:

1. Please provide any additional information and/or any comment(s) you may have on the above-mentioned allegations.
2. Please provide information on measures taken by the Inspector General of the Police (IGP), Minister of Interior and the Commandant General of the Nigeria Security and Civil Defence Corps upon being notified of the threats against AIN.
3. Please provide information on any investigations carried out on the threats received by AIN since the beginning of the year 2020, specifically the incidents of 11 February, 12 August and 4 November.
4. Please provide information on the allegations of bank account freeze against participants of EndSARS protests, and explain the legal basis for doing so.
5. Please indicate what measures have been taken to ensure that human rights defenders, including human rights NGOs, in Nigeria are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation 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 responsible of the alleged violations.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

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

Clement Nyaletsossi Voule
Special Rapporteur on the rights to freedom of peaceful assembly and of association

Irene Khan
Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression

Mary Lawlor
Special Rapporteur on the situation of human rights defenders

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