

**Mandate of the Special Rapporteur on the independence of judges and lawyers**

Ref.: AL NGA 2/2025

(Please use this reference in your reply)

5 May 2025

Excellency,

I have the honour to address you in my capacity as Special Rapporteur on the independence of judges and lawyers, pursuant to Human Rights Council resolution 53/12.

In this connection, I would like to bring to the attention of your Excellency's Government information I have received concerning the harassment and intimidation of human rights lawyer, Chidi Anselm Odinkalu, by the Minister of the Federal Capital Territory, in reprisals to his public criticism of judicial conduct and his commentary on issues related to judicial independence and executive interference in Nigeria.

According to the information received:

A prominent lawyer and professor who has publicly raised concerns about the administration of justice in Nigeria is reportedly facing professional reprisals.

Mr. Chidi Anselm Odinkalu, a senior lawyer, law professor and former Chairperson of the National Human Rights Commission, has consistently engaged in public discourse concerning judicial accountability and the preservation of judicial independence in Nigeria.

For example, on 27 October 2024, he published an article titled "*Wiked Judges and Nyesomised Courts*" in which he examined what he described as patterns suggestive of improper relationships between senior judicial officers and members of the executive branch of government, including the current Minister of the Federal Capital Territory (FCT). The article raised serious concerns over the alleged publicized provision of substantial material donations by the federal government to members of the judiciary, including luxury vehicles, newly constructed housing units, and significant cash disbursements. According to Mr. Odinkalu, these allegations – reportedly not denied by their recipients – are a subject of significant public interest and have generated widespread concern about the erosion of judicial impartiality and the perception of institutional compromise in the country. Mr. Odinkalu's article included links to public reports from the Nigerian press presenting information concerning these issues.

On 28 March, the leadership of the Body of Benchers, a statutory institution, reportedly met with the Minister of the Federal Capital Territory on what was described as a "courtesy visit". According to the allegations received, the Minister used this occasion – which was recorded – to ask the Body to "invite and discipline" Mr. Odinkalu, claiming that his public criticism of the judiciary is "degrading the legal profession" and contributes to intimidating judges. Reports indicate that the Minister added "If you don't discipline somebody,

nobody will learn a lesson.”<sup>1</sup>

The Body of Benchers is a statutory institution established pursuant to Section 3(1) of the Legal Practitioners Act as “a body of legal practitioners of the highest distinction in the legal profession in Nigeria.”<sup>2</sup> It oversees the admission of qualified individuals to the Nigerian Bar, conferring the formal Call to the Bar upon those deemed fit to practice law in the country. The Body of Benchers also has ultimate responsibility for discharging disciplinary responsibilities through the Legal Practitioners Disciplinary Committee (LPDC),<sup>3</sup> which holds the mandate to investigate and adjudicate all allegations of professional misconduct. Sanctions imposed by the LPDC range in severity, with the most serious being the order of disbarment. The Minister of the FCT is a lifetime member of the Body of Benchers.

Without prejudging the accuracy of the allegations received, we express our serious concern at reports indicating that a senior member of the executive has petitioned a statutory body to initiate disciplinary proceedings against Mr. Chidi Anselm Odinkalu, reportedly in response to his public criticism of the judiciary and its relationship with the executive branch.

If confirmed, the reported allegations may raise serious concerns under international human rights standards binding upon the Federal Republic of Nigeria, including those enshrined in the International Covenant on Civil and Political Rights (ICCPR).

Specifically, we recall that article 14 of the International Covenant on Civil and Political Rights (ICCPR) guarantees the right to a fair trial, including the right to legal representation. This right is fundamental to the rule of law, human rights protection, and an independent judiciary, as it ensures access to justice, checks state power, and upholds due process guarantees for all.

With regard to the freedom of expression of legal professionals, principle 23 of the Basic Principles specifies that lawyers are entitled to the same rights and freedoms as other citizens, including freedoms of expression, belief, association, and assembly. In particular, they have the right to take part in public discussion of matters concerning the law, the administration of justice, and the promotion and protection of human rights.

We are concerned that the reported efforts by a member of the executive to initiate disciplinary proceedings against Mr. Odinkalu – allegedly in response to his

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<sup>1</sup> The full sound clip of the Minister’s remarks to the Body of Benchers is available at: <https://www.youtube.com/watch?v=NoPaOaK-2qs>. “On Saturday, I went to University of Calabar. Unknown to me, I just entered, not knowing that one of the Justices of the Supreme Court was one of those to be honoured. The Senate President’s wife was there so, I sat down. I turned like this, I saw a Justice of the Supreme Court. Ah, ‘My Lord...’ He told me this is his alma mater, that he is being honoured. I was also honoured. The next thing I saw in the paper that the Justice escorted me to Calabar. And somebody will sit down to read. You’ve seen what so-called Professor Odinkalu has been writing and you people will say ‘oh, nobody has written petition.’ You don’t need to wait for anybody to write petition. When once you see that, you should be able to say “Invite him, did you write all this?” You don’t need “oh, nobody wrote petition.” No, that is... it is not acceptable...; If you don’t discipline somebody, nobody will learn a lesson. We cannot continue to allow our profession to be cut down. We cannot continue to do that.”

<sup>2</sup> Cap L11, Laws of the Federation, 2004, available at <https://lawsfnigeria.placng.org/laws/L11.pdf>

<sup>3</sup> *Id.*, section 10.

critical public remarks concerning judicial conduct and alleged attempts by the executive to influence the judicial branch through provision of material benefits – may violate these rights, constitute an effort to abuse professional disciplinary mechanisms, and pose a threat to civic space and the independence of the legal profession in Nigeria.

We also note with concern reports suggesting potential conflicts of interest should a disciplinary proceeding be initiated, particularly given the alleged close relationship between the Minister and members of the Body of Benchers, including his lifelong membership in that body. We recall that, in accordance with principles 26 to 29 of the UN Basic Principles on the Role of Lawyers, any disciplinary proceedings against lawyers must be carried out by an impartial and independent disciplinary body established by law, with full respect for due process guarantees, and in accordance with recognized professional standards and ethics of the legal profession. In this case, ethical principles would suggest that the alleged victim of an impugned act must not sit as a decision-maker concerning the perpetrator's alleged misconduct.

In connection with the above alleged facts and concerns, please refer to the **Annex on Reference to international human rights law** attached to this letter which cites international human rights instruments and standards relevant to these allegations.

As 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/or comment(s) you may have on the above-mentioned allegations.
2. Please provide details on the safeguards in place to ensure that lawyers in Nigeria, including Mr. Odinkalu, are able to exercise their right to freedom of expression without fear of disciplinary action, harassment, or intimidation, particularly when expressing views on matters of public interest, judicial integrity, or the rule of law.
3. Please clarify whether the Body of Benchers has formally initiated any proceedings against Mr. Odinkalu, and if so, provide information on the applicable procedures, the composition of the disciplinary body, and measures to ensure due process and impartiality.
4. Please provide information on the mechanisms and safeguards implemented by the Body of Benchers to ensure impartiality and prevent conflicts of interest in its disciplinary processes, particularly in cases where the victim might be in the position to also be the judge and/or jury.
5. Please explain the steps taken by the Government to ensure that disciplinary mechanisms within the legal profession are not instrumentalized to penalize criticism or silence dissenting voices, especially legal professionals.

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.

While awaiting a reply, I 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.

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

Margaret Satterthwaite  
Special Rapporteur on the independence of judges and lawyers

## Annex

### Reference to international human rights law

In connection with above alleged facts and concerns, outlined above, we wish to draw the attention of Your Excellency's Government to the relevant international standards and norms applicable to the matter.

We would first like to refer to article 14 of the *International Covenant on Civil and Political Rights* (ICCPR), acceded by Nigeria on 29 July 1993, which guarantees everyone the right to a fair trial before a "competent, independent and impartial tribunal established by law." The right to legal representation is an integral part of the right to a fair trial as recognized under international law.

Additionally, the preamble of the United Nations Basic Principles on the Role of Lawyers, adopted at the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Havana, Cuba, from 27 August to 7 September 1990, states "adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession."

The Basic Principles also establish the obligation for States to take all appropriate measures to ensure that lawyers are able to perform all of their professional functions without intimidation, hindrance, harassment, or improper interference, and that they shall not suffer, nor be threatened with, prosecution or administrative, economic, or other sanctions for actions taken in accordance with recognized professional duties, standards, and ethics (principle 16). Furthermore, lawyers shall not be identified with their clients or their clients' causes as a result of discharging their professional functions (principle 18).

Principle 23 of the Basic Principles further affirms the right of lawyers to freedom of expression:

"Lawyers, like other citizens, are entitled to freedom of expression, belief, association and assembly. In particular, they shall have the right to take part in public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights, and to join or form local, national or international organizations and attend their meetings, without suffering professional restrictions by reason of their lawful actions or their membership in a lawful organization. In exercising these rights, lawyers shall always conduct themselves in accordance with the law and recognized professional standards and ethics."

The Basic Principles include a set of provisions regarding disciplinary proceedings against lawyers. Principle 27 stipulates that complaints or charges against lawyers in their professional capacity shall be processed expeditiously and fairly under appropriate procedures, and that lawyers shall have the right to a fair hearing, including the right to be represented by a lawyer of their choice. Principle 28 provides that disciplinary proceedings shall be brought before an impartial disciplinary committee

established by the legal profession, before an independent statutory authority, or before a court, and shall be subject to independent judicial review. Principle 29 requires that disciplinary proceedings be determined in accordance with the professional code of conduct and other recognized standards and ethics of the legal profession, and in light of these principles.

Similar standards are found in the *Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa*, adopted by the African Commission on Human and Peoples' Rights in 2005, particularly principle G, sections (k), (l), (m), and (n).

In a report on bar associations, the former Special Rapporteur on the independence of judges and lawyers, Mr. Diego García-Sayán, emphasized that disbarment should only be imposed in the most serious cases of misconduct, as defined in the professional code of conduct, and only following proceedings before an independent and impartial body that affords all due process guarantees to the lawyer concerned (A/73/365, para. 73; see also A/71/348, para. 96). He repeatedly expressed concern that in many countries, lawyers face threats of disbarment or other forms of harassment and intimidation. Such threats are intended to prevent the fulfilment of their professional duties and may constitute acts of reprisal for activities carried out in the legitimate exercise of their responsibilities.

We also wish to appeal to Your Excellency's Government to take the necessary measures to ensure that the right to freedom of opinion and expression is respected, in accordance with the principles set out in article 19 of the *Universal Declaration of Human Rights*, and reiterated in article 19 of the *International Covenant on Civil and Political Rights*, which provides that: "Everyone shall have the right to hold opinions without interference. Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice."

In its general comment No. 34, the Human Rights Committee affirmed that States parties to the ICCPR must guarantee the right to freedom of expression, which includes, among other things, "political discourse, commentary on one's own and public affairs, canvassing, discussion of human rights, and journalism." Moreover, the Committee made clear that "it is not compatible with paragraph 3 of article 19, for instance, to invoke such laws to suppress or withhold from the public information of legitimate public interest that does not harm national security, or to prosecute journalists, researchers, environmental activists, human rights defenders or others for having disseminated such information." Article 19 requires States to guarantee the right to freedom of expression. It is the duty of States to establish effective protection mechanisms against attacks aimed at silencing those who exercise this right (para. 23). In our view, such attacks also include the use of legal and judicial systems to initiate and prolong frivolous proceedings against individuals engaging in human rights discourse, whether online or offline.