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Nigeria: Independence of National Human Rights Commission under threat

Amnesty International today expressed concern about the continued failure of the Nigerian government to guarantee the authority, freedom of action and independence of the National Human Rights Commission (NHRC). The organization calls on the government to take all necessary measures, including through legislation, to ensure full independence in the Commission's work to protect and promote human rights.

In November 2007, the Governing Council of the NHRC was dissolved before their mandate ended. The government failed to appoint a new Governing Council, despite obligations under the National Human Rights Commission Act to have a nine member council that would meet at least once a month. The Council, appointed for a four-year term by the President on the recommendation of the Attorney General of the Federation and Minister of Justice, is responsible for the "*discharge of the functions of the Commission*".

On 18 March 2009, the Executive Secretary of the NHRC, Mrs Kehinde Ajoni, was dismissed, by letter from the Attorney General of the Federation and Minister of Justice, Mr Michael Kaase Aondoakaa. Mrs Ajoni was appointed for five years and her contract was expected to end in 2011. The President appointed Barrister Roland Ewubare to replace her.

According to a statement by the Federal Ministry of Justice, Mrs Ajoni was "recalled to the ministry". Under article 4(2) of the NHRC Act, the President has the power to remove members of the Governing Council, including the Executive Secretary, "*if he is satisfied that it is not in the interest of the public that the member should remain in office*". However, as the statement did not give reasons for Mrs Ajoni's removal, Amnesty International fears due process may not have been followed and her removal may have been arbitrary.

In a similar way, Mrs Ajoni's predecessor Mr Bukhari Bello was removed in June 2006, four years before the end of his term, reportedly for his critical approach to the human rights policy of the Nigerian government and his comments in defence of human rights. The UN International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights downgraded Nigeria's membership because of this "irregular removal".

Amnesty International is concerned that this action coming after the dissolution of the Governing Council and the dismissal of Mr Bello, undermines the independence and authority of the NHRC in carrying out its human rights work and will jeopardise the enjoyment of human rights by Nigerians.

The government's action is not in line with Nigeria's expressed commitment when it was elected to the UN Human Rights Council in May 2006 to "*continue to promote and protect human rights at home by strengthening and actively supporting the work of the National Human Rights Commission, in order to make it more effective in carrying out its mandate.*" In February 2009 Nigeria reiterated this commitment in the UN Universal Periodic Review (UPR) Working Group saying: "*the government wants to make sure that this institution [the NHRC] will be strengthened, notably through a stronger independence*".

Nigeria is obliged under article 26 of the African Charter on Human and Peoples' Rights to *"allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection of the rights and freedoms guaranteed by the present Charter"*.

A bill aimed at strengthening the effectiveness of the NHRC has been pending before the National Assembly since 2005. Amnesty International urges the National Assembly to ensure the NHRC can operate independently and effectively, in accordance with the "Principles relating to the status of national institutions" cited as the Paris Principles.

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