

*27 June 2006*

## **PUBLIC STATEMENT**

### ***NIGERIA: Government interference with the independence of the National Human Rights Commission***

Amnesty International today strongly condemned the dismissal of Mr Bukhari Bello as Executive Secretary of the Nigerian National Human Rights Commission (NHRC), by letter from the Attorney General and Minister of Justice of the Nigerian Federation, Mr Bayo Ojo. Mr Bukhari Bello, who is also Chairperson of the Co-ordinating Committee of African National Human Rights Institutions, was reportedly dismissed on 19 June, four years before the expiry of his contract, for his comments in defence of human rights and for his critical approach to the human rights policy of the Nigerian government. The Federal Government reportedly justified his dismissal as a “routine re-deployment”.

Amnesty International is concerned by this serious interference with the independence of the NHRC since it hampers an independent scrutiny of the domestic human rights situation aimed to affect change in policies and practices. It also runs contrary to the commitment made by Nigeria upon being elected in May 2006 to the new United Nations Human Rights Council to “*continue to promote and protect human rights at home by strengthening and actively supporting the work of the National Human Rights Commission*”.

Article 4(2) of the Human Rights Commission Decree 1995 provides only the President with the following power: “*a member of the Council may be removed from office by the Head of State [and the] Commander-in-Chief of the Armed Forces if he is satisfied that it is not in the interest of the public that the member should remain in office*”. Given this provision, it does appear that the Minister of Justice does not have the authority to exercise this power, which puts into question the authority of the said letter of dismissal.

Amnesty International is concerned about the increasing level of cases of harassment, attacks and intimidation of independent human rights defenders and activists involved in promoting respect for human rights in Nigeria.

Nigerian civil society groups, including human rights organizations, have strongly denounced the dismissal by saying that the action defeats the purpose of fundamental democratic principles and seriously undermines the protection of human rights in Nigeria. Amnesty International strongly agrees with the latter point.

The reported reasons for Mr Bello’s dismissal are his comments on the repression of the media by Security Agencies, including commenting on the arrest by the State Security Services of reporter Mike Gbenga Aruleba of the Africa Independent Television, which he called “an infringement on the freedom of expression and the rule of law”. In his role as Chairperson of the Co-ordinating Committee of African National Human Rights Institutions he has also spoken out on international human rights issues, including criticising African political leaders for procuring to unconstitutionally prolong political mandates, which could have been read as a direct criticism of President Obasanjo and his quest for a third term; and a statement questioning the legality of the US detention centre in Guantanamo Bay, Cuba.

Amnesty International believes that if this is the case, the dismissal of Mr Bello would be in violation of Nigerian’s obligations to respect and protect the right of human rights defenders, including their right to freedom of expression. Section 5(b) of the Human Rights

Commission Decree 1995 states that the NHRC shall “*monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendations to the Federal Government for the prosecution and such other actions as it may deem expedient in each circumstance*”. Furthermore, it shall under Section 5 (g) “*liaise and cooperate with local and international organisations on human rights for the purpose of advancing the promotion and protection of human rights*”.

In so far as such dismissal affects the independence and effectiveness of the NHRC, it runs contrary to the provisions of the UN Principles relating to the status and functioning of national institutions for the protection and promotion of human rights (known as the Paris Principles).

Such action also runs counter with Article 26 of the African Charter on Human and Peoples’ Rights, which requires states parties, such as Nigeria, to “*allow the establishment and improvement of appropriate national institutions entrusted with the promotion and protection*” of human rights.

Amnesty International urges the Nigerian Government to:

- urgently and publicly explain the reasons for the dismissal of the Executive Secretary of the NHRC at this time, without notice and without a successor being nominated, including explaining how his continued mandate was deemed to be contrary to the interest of the public, according to Section 4(2) of the 1995 Decree;
- respect and protect the rights of human rights defenders, as reflected in the UN Declaration on Human Rights Defenders;
- refrain from taking any action that may undermine the independence and effectiveness of the NHRC.