



## JOINT STATEMENT

### **Nigeria: COVID-19 response should not be used to violate the right to life and intimidate journalists**

*ARTICLE 19*, African Centre for Media and Information Literacy (**AFRICMIL**), Rule of Law and Accountability Advocacy Centre (**RULAAC**) and Human Environment Development Agenda Resource Centre (**HEDA**) urge the Government of Nigeria to immediately investigate the allegations of unlawful killings of at least 21 persons, other acts of violence and intimidation of journalists which has occurred in the context of the COVID-19 lockdown since 29 March 2020.

The emergency measures to reduce the spread of COVID-19 should not be used to violate the right to life, as guaranteed under the Nigerian constitution, the African Charter on Human and Peoples' rights and the International Covenant on Civil and Political Rights.

On 29 March 2020, the President of the Federal Republic of Nigeria, Muhammadu Buhari, [ordered the halt of all movements](#) in Lagos, Ogun and the Federal Capital Territory (FCT) for an initial period of 14 days. On April 13, 2020, the lockdown [was extended](#) by two weeks. The lockdown is expected to be [relaxed on 4 May](#).

Various state Governors have also taken different measures. In Kaduna for instance, the Governor Mallam Nasir El Rufai [announced](#) a series of measures including instruction to Civil Servants to stay home for 30 days, banning gatherings, limiting markets operations to only traders selling food and medicines. He recalled that the directive will be vigorously enforced by the security agencies.

As COVID-19 is a threat to public health, the government is allowed to take more restrictive measures than they would in normal times. But these restrictions must have a clear legal basis, be necessary to protect public health, and proportionate to this aim, and not be applied in an arbitrary manner, nor discriminate against specific groups. The measures should be regularly reviewed by the government to check that they remain necessary and must not become permanent or normalised once the threat has passed.

The Presidency reduced the number of [journalists accredited](#) to cover press conferences. Journalists' movements have also been restricted in the states under lockdown. Some states have used the COVID-19 outbreak to pass laws which criminalise [giving false information](#). Journalists are being intimidated because of their reporting on COVID-19: at least two journalist have been arrested in [in Ebonyi](#) and [Akwa Ibom](#) states. The managing director of a state owned newspaper corporation was sacked, reportedly because one newspaper in the corporation reported about the first COVID-19 case [in Rivers state](#). Another journalist was reportedly [sentenced by a mobile court in Abuja](#) for filming a violent operation by the COVID-19 Joint Task Force.

*“Independent journalism, citizen reporting, open public discourse and the free flow of information are indispensable in the global effort to counter COVID-19. Governments must develop policies and responses to the outbreak that embrace freedom of expression and transparency, and ensure access to information.”*

### **Security forces and other law enforcement accused of killing 21 people, torture, ill treatment and unlawful arrests during the curfew**

The enforcement of the curfew has unfortunately been marked by deadly repression and other violations of human rights. According to a [Report by the National Human Rights Commission](#) (NHRC), the security forces have used "excessive or disproportionate" force resulting in "8 documented incidents of extra-judicial killing leading to 18 deaths" between 30 March and 13 April in Kaduna, Abia, Delta, Niger, Ebonyi and Katsina States.

The NHRC also recorded 33 incidents of torture, inhuman and degrading treatment, 27 incidents of violation of the right to freedom of movement, unlawful arrests and illegal detentions.

Media and different local sources reported additional killings and abuses by the police including [two people shot](#) dead in Anambra State and another killed in Abia State. In Osun State, one woman was assaulted by law enforcement officials. Following the killing by law enforcement officials in Abia State, youths in Ebem engaged in acts of violence by [burning down a police station and releasing detainees](#).

*"We are profoundly outraged and deeply saddened by the deadly crackdown that resulted in the deaths of 21 people and other human rights across Nigeria. We express our concern at the continuing violence and deaths in the various states. We condemn all forms of violence, inhuman and degrading treatment reported. The law enforcement agencies responsible for the security of the people must fulfil their duty by protecting citizens and not turning against them in these difficult times. They must refrain from any excessive or unlawful use of force. The allegations must be quickly investigated and those responsible prosecuted."*

### **Responses of the Nigerian Authorities**

Some government officials expressed their condemnations and claimed that measures were put in place to respond to these allegations. While [Police Commissioners in Abia and Osun said](#) they have arrested the officers suspected to have been involved in the violations and are investigating, the Police spokesman, Frank Mba, [has nuanced to AFP](#): *"The commission should have given details of the people killed by the police, their numbers, their names and the places where they were killed to enable us to take appropriate action."* Mba added that the police would continue to apply the containment measures "in a professional manner and in accordance with international best practice".

The President of the Senate, Honorable Ahmad Ibrahim Lawan, [condemned](#) the actions of these security officers, calling for a thorough investigation of the cases in order to bring the perpetrators to justice.

Following the lockdown, the Federal High court has [appointed three judges](#) who will cover the six geo-political zones of Nigeria.

### **National and International Human Rights Obligations**

*" Nigeria's government must guarantee the security of its citizens. The right to life is an inherent right of every person. Nigeria is thus under obligation to promote and protect the life of the citizens and the freedom of expression, including in the context of COVID-19 pandemic. Nigeria must ensure that standards for the promotion and protection of human rights are upheld during this specific period and after. Our organisations call on the Nigerian authorities to give firm instructions to the security forces to stop human rights violations and implement the COVID-19 restrictive measures in respect of the national laws and international human rights standards"*

Chapter IV (Fundamental Rights) of the [1999 Constitution of the Federal Republic of Nigeria](#) (As Amended) recognizes the right to life: "Everyone has the right to life and no one shall be intentionally deprived of his life except in the execution of the sentence of a court for a criminal offence of which he has been convicted in Nigeria". The Constitution also guarantees the rights to freedom of expression, assembly, movement and prohibits torture. Nigeria has also ratified international treaties which guarantee these rights. [The International Covenant on Civil and Political Rights \(ICCPR\)](#) provides that "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life". States cannot derogate from their obligations under this provision, even "in time of public emergency which threatens the life of the nation". Likewise, the [African Charter on Human and Peoples' Rights \(ACHPR\)](#) provides the right to liberty and security of person (Article 6).

Any use of force by authorities must comply with the [UN Basic Principles on the use of Force and Firearms](#). [The security forces may use force only when strictly necessary to protect life.](#)

The UN Secretary General [made clear that human rights should guide the COVID-19 response](#) and called on governments to ensure that any emergency measures are legal, proportionate, necessary and non-discriminatory, have a specific focus and duration, and take the least intrusive approach possible to protect public health.

Likewise, the African Commission on Human and Peoples Rights recently [urged states to take appropriate measures](#) and ensure that restrictions on human rights under emergency measures are crafted carefully and implemented in a proportionate manner.

## **Recommendations**

While acknowledging the NHRC for the rapid effort to report cases of human rights violations and recognizing good will expressed by some Nigerian State bodies, ARTICLE 19, AFRICMIL, RULAAC and HEDA Resource Centre call on the Nigerian authorities to:

- ❖ Ensure an independent, transparent & conclusive investigation into all allegations of unlawful killings and make the findings public, bring the suspected perpetrators to justice in fair trials and ensure that victims of violations and their families obtain a remedy;
- ❖ Ensure that any COVID-19 emergency measures comply with Nigeria's constitution and international human rights obligations;
- ❖ Instruct security forces and other law enforcement officers to comply with Nigeria's constitution and human rights laws and standards, including the ICCPR, the Convention Against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment, UN Basic Principles on the Use of Force and Firearms, the African

Charter on Human and Peoples' Rights, in the enforcement of COVID-19 lockdown measures.

We also invite citizens in the States under lockdown particularly to observe strictly the measures established by their public authorities to stop the COVID-19 pandemic.

**Signed**

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