

United Nations Working Group on Arbitrary Detention

United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression, Mr David Kaye

United Nations Special Rapporteur on the rights of freedom of peaceful assembly and of association, Mr Clément Nyaletsossi Voulé

United Nations Special Rapporteur on the situation of human rights defenders, Mr Michel Frost

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African Commission on Human and Peoples' Rights Special Rapporteur on Freedom of Expression and Access to Information, Mr Lawrence Murugu Mute

African Commission on Human and Peoples' Rights Special Rapporteur on Human Rights Defenders and Focal Point on Reprisals in Africa, Prof. Rémy Ngoy Lumbu

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London, 23 August 2019

Urgent appeal in relation to the arrest and detention of Mr Omoyele Sowore, Nigerian journalist and human rights defender

To the members of the Working Group and the Special Rapporteurs:

We, 48 human rights and press freedom organisations, respectfully request that you consider this urgent appeal in relation to the arrest and arbitrary detention of Nigerian journalist and human rights defender Omoyele Sowore who was arrested by the authorities following a call for peaceful protest. We request that you urgently intervene to secure the immediate release of Mr Sowore and declare his arrest and detention a gross violation of his human rights, including the right not to be arbitrarily detained as protected by Article 9(1) of the International Covenant on Civil and Political Rights (ICCPR) and Article 6 of the African Charter on Human and Peoples' Rights (the Banjul Charter); the right to a fair trial as protected by Article 14 ICCPR and Article 7 of the Banjul Charter; the right to freedom of expression as protected by Article 19 ICCPR and Article 9 of the Banjul Charter; the right of freedom of peaceful assembly and of association as protected by Articles 21 and 22 ICCPR and Articles 10 and 11 of the Banjul Charter; and his rights as a human rights defender as outlined in the 1999 UN Declaration on Human Rights Defenders and 2017 African

Commission Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa.

Background

1. Mr Sowore is a prominent journalist, human rights activist and pro-democracy campaigner. He is the founder of *Sahara Reporters*, an online news agency based in New York City that focuses on corruption, human rights abuses and other political misconduct in Nigeria.

Challenging government corruption and speaking truth to power has been the constant thread throughout Mr Sowore's career, from the leading of student protests in the 1990's to his recent campaign running for Presidential office in Nigeria.

Omoyele Sowore's arrest and detention

2. Mr Sowore was arrested on 3 August 2019 in his hotel room during a trip to Lagos. Security agents forcefully detained Mr Sowore without informing him of any charges against him and flew him to Abuja, where he is currently being detained at the facility of the headquarters of the Nigerian State Security Service. Mr Sowore has access to food and water, but no access to the outside world: no newspapers, television or phone, and he spends most days in isolation. He was held incommunicado until 6 August, during which time Mr Sowore refused to answer any questions without consulting with his lawyer. He was allowed access to his lawyers only on 7 August, 4 days after his arrest.
3. Based on Section 35 of the Nigerian Constitution, Mr Sowore should have been arraigned before a court within 48 hours. As of today, Mr Sowore has not been arraigned in any court.
4. However, on 6 August, 3 days after his arrest, the State Security Service did seek an *ex-parte* order from the Federal High Court in Abuja to detain Mr Sowore under Section 27(1) of the Terrorism Act 2013, which enables the detention of anyone planning to "commit an act of violence". The Court's order of 8 August, made within 48 hours after the State Security Service's request, granted the authorities permission to detain Mr Sowore for 45 days. Within 24 hours, his legal team, led by Mr Femi Falana, filed a motion to set aside the order and requested Mr Sowore's immediate release, arguing that his detention was contrary to the Nigerian Constitution. At the time of writing, this request has not been heard by the courts and no date for hearing has been fixed. Importantly: no formal charges have been filed against Mr Sowore.

Mr Sowore's call for a peaceful #RevolutionNow protest

5. The arrest of Mr Sowore appears to be the direct consequence of his call for a peaceful protest scheduled to take place on 5 August 2019, using the hashtag #RevolutionNow.

The objective of the protest was to demand that the Nigerian government end corruption and economic inequality and guarantee education to all. That the protest Mr Sowore and the Coalition for Revolution (CORE) movement he founded called for was a peaceful one is made clear at the very outset of the call for protest, issued on 27 July, which starts by setting out the “rules of engagement”:

We eschew all forms of violence. No protester should throw any object as little as stones or attack any security officials. We are aware of their intent to provoke the mass unduly by using undue tactics and sponsored agents, so as to give the protest a bad name. We encourage all Nigerians to remain calm as we are ready to fight these injustices to a logical conclusion.

6. A week earlier, in an interview with the Arise News channel, Mr Sowore stated that “Nigeria needs revolution, not war,”¹ clearly distinguishing his call for substantial change from a call to violence. Mr Sowore has used the word “revolution” contextually to mean “change for the better” since 2006, when he founded Sahara Reporters. Mr Sowore then stated that he would “revolutionise” the way news is being reported in Nigeria — something he actually did with the investigative citizen journalism the website publishes.
7. Despite Mr Sowore’s arrest and detention, the 5 August #RevolutionNow protests took place in Abuja, Lagos, Osun, Ondo and Cross River. Protesters met a police force that dispersed them with teargas and gunshots. Numerous protesters, including several of Sahara Reporters’ journalists, were arrested and charged with illegal assembly.

Request for urgent action

8. It is clear that Mr Sowore’s arrest on apparent grounds of suspicion of terrorism is unfounded. Mr Sowore did what he has done throughout his career as a journalist and human rights activist: exercise his right to freedom of expression and seek to bring about change through peaceful means, in this case a peaceful protest. The use of the emotive term “revolution” merely underlines his desire for transformative change in what he considers the shortcomings of the current government. There are strong suspicions that Mr Sowore’s arrest stems from ulterior motives than responding to any supposed criminal wrongdoing. This is further highlighted by the fact that the authorities failed to define a charge against him for the first few days after his arrest; the investigations that were subsequently instigated against him under the Terrorism Act were clearly only created to serve the purpose of silencing Mr Sowore.
9. As such, the arrest and detention of Mr Sowore amount to a violation of his right not to be arbitrarily detained as guaranteed under Article 9 ICCPR and Article 6 of the Banjul Charter. The fact that the charges brought against him most likely stem from his call for a peaceful demonstration and his critical stance on the Nigerian government also violates Mr Sowore’s right to free expression under Article 19 of the ICCPR and Article 9

¹ See <https://www.youtube.com/watch?v=7NPwq4whoT4&feature=youtu.be>.

of the Banjul Charter and his right of freedom of peaceful assembly and of association under Articles 21 and 22 ICCPR and Articles 10 and 11 of the Banjul Charter. Not properly arraigning Mr Sowore before a competent court within the time limit mandated by the Nigerian Constitution and not allowing him access to a lawyer during the initial days of his detention violates his right to a fair trial as protected by Article 14 ICCPR and Article 7 of the Banjul Charter. The foregoing also constitutes a violation of his rights as a human rights defender as defined in the 1999 UN Declaration on Human Rights Defenders and 2017 African Commission Cotonou Declaration on strengthening and expanding the protection of all Human Rights Defenders in Africa.

10. As a State Party to both treaties, Nigeria is under an obligation to guarantee these rights to all its citizens, as specified under Article 2(1) of the ICCPR and Article 2 of the Banjul Charter. Accordingly, we appeal to the Working Group and UN and AU Special Rapporteurs to:

- intervene urgently to secure the immediate release of Mr Sowore; and
- declare his arrest and continuing detention a gross violation of his human rights.

Please do not hesitate to contact us if you have any questions or if we can provide you with any additional information you may need.

Yours sincerely,

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