

Joint Statement regarding Freedom of Expression, Freedom of Assembly and the use of force by police in Nigeria

We, the undersigned organisations, are concerned at the emerging events in Nigeria where protests arose in response to alleged extra-judicial police brutality involving the Special Anti-Robbery Squad (SARS).

We note the international obligations and expectations for all states regarding freedom of expression and freedom of assembly and further notes the international expectations regarding the use of force by States.

In particular, the CLA having participated in the preparation of the “Commonwealth Principles on Freedom of Expression and the role of the media in good governance” notes from those principles the following:

“Freedom of expression is a cornerstone of democracy and underpins good governance, public accountability and respect for all human rights. Everyone has the right to freedom of expression, which includes the right to seek, receive and impart information and ideas of all kinds through any media and regardless of frontiers. Member states are urged to respect the right to freedom of expression and promote the free flow of information and ideas”.

In a wider international context, we note that Article 19 of the Universal Declaration of Human Rights states as follows:

“Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers”.

In addition, Article 20 of the Universal Declaration of Human Rights provides for the right to freedom of assembly and association.

Article 3 of the UNDHR provides: “Everyone has the right to life, liberty and security of person.”

The Basic Principles on the Use of Force and Firearms by Law Enforcement Officials was adopted by the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and was welcomed by the General Assembly of the UN in resolution 45/166 in 1990.

This established 4 main principles: Legality, necessity, proportionality and accountability.

General provision 4 of these Basic Principles states:

Law enforcement officials, in carrying out their duty, shall, as far as possible, apply non-violent means before resorting to the use of force and firearms. They may use force and firearms only if other means remain ineffective or without any promise of achieving the intended result.

Section 39 of the Nigerian Constitution provides:

“Every person shall be entitled to assemble freely and associate with other persons,”

Noting all the above and cognisant of the international rules and obligations applicable to all nations and aware of the above-mentioned provisions of the Constitution of Nigeria we:

- **Urge respect in Nigeria for the right to peaceful assembly and association;**
- **Call on the Government of Nigeria to adhere to international standards and obligations;**
- **Call upon the Government of Nigeria at all times to uphold its Constitution and**
- **Call upon the Government of Nigeria at all times to uphold the Rule of Law.**

Commonwealth Lawyers Association (CLA)

The Democratic Governance and Rights Unit, The University of Cape Town (DGRU)

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EDITOR'S NOTES:

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