

David Macrae
Head of the EU Delegation in Nigeria

Brussels, 28 May 2010
Ref: B967

Dear Mr. Macrae,

Subject: Human Rights Violations in the Niger Delta and Support for Human Rights Defenders

The EU's role as a longstanding partner in assisting Nigeria tackle development challenges is underlined in the new approach to cooperation that was set out in the "Nigeria-EU Joint Way Forward" framework, which addresses good governance and human rights as priority areas. On 12 February 2010, High Representative Catherine Ashton welcomed the public commitments made by Acting President Goodluck Jonathan to promote good governance, accountability, and the fight against corruption and to work for continued economic growth and development. Moreover, the EU pledged to continue supporting Nigeria in its efforts to remain committed to the principles of democracy and the rule of law. However, these important objectives have been seriously undermined and hindered by threats and detention of human rights activists at the hands of Nigeria's police force along with the inability of those affected to access justice or receive adequate reparations and remedies. This is the case for Celestine AkpoBari Nkabari, who faced serious threats to his life due to his commitment to report human rights abuses in the Niger Delta. Amnesty International calls on the EU Delegation in Nigeria to take concrete actions in support of Celestine AkpoBari Nkabari to safeguard his life and activism for human rights.

Amnesty International's report "*Clean Up the Oil Industry in Nigeria*" published in June 2009 describes how decades of pollution and environmental damage, caused by the oil industry, have resulted in violations of the right to an adequate standard of living, including food and water, the right to gain a living through work and the right to health. The report focuses on the impact and environmental damage caused by the oil industry on the human rights of the people living in the oil producing areas of Niger Delta.

Despite the presence of massive oil deposits, the Niger Delta's population lives in poverty. Their poverty, and its contrast with the wealth generated by oil, has become one of the world's starkest and most disturbing examples of "resource curse". Under Nigeria's law, local communities have no legal rights to oil and gas reserves in their territory. The Federal Government allocates permits, licences and leases to survey, prospect for and extract oil to the oil companies, who are then automatically granted access to the land covered by their permit, lease and/or licence. Additionally, widespread and unchecked human rights violations related to the oil industry have pushed many people deeper into poverty and deprivation, fuelled conflict and led to a pervasive sense of powerlessness and frustration.

Companies are often taking advantage of the weak regulatory systems that characterize many poor countries, which frequently results in the poorest people being the most vulnerable to exploitation by corporate actors. The people of the Niger Delta have seen their human rights undermined by oil companies that their government cannot or will not hold to account. This is a lack of accountability of the Nigerian government towards its people and of multinational companies when it comes to the impact of their operation on human rights.

On 14 April 2010, Amnesty International EU Office organized a public hearing at the European Parliament co-hosted by MEP Michèle Rivasi on the situation in the Niger Delta where a first-hand testimony was provided by the Nigerian Human Rights Defender, Celestine AkpoBari Nkabari. He met with relevant officials from EU institutions working in such areas as Nigeria, human rights and corporate accountability at DG Enterprise, DG Relex, DG DEV, DG Employment, DG Trade and the Council Secretariat. Furthermore, he had the opportunity to talk about his experience with Commissioner for Employment, Social Affairs and Inclusion, László Andor.

Celestine is fighting in Nigeria for oil companies to clean the pollution generated by their activities in the Niger Delta and to respect the rights of the people of the region to live in a healthy environment. He was working in RISONPALM when the attack on the oppressed and economically disempowered Ogoni people in the oil-rich, but impoverished Niger Delta started. Approximately ten years after the killings in Ogoni, he organized activities under the umbrella of the Ogoni Solidarity Forum-Nigeria for the emancipation of the Niger Delta people through no violent means. During the last four years his work focused mainly on the adoption of the *Ogoni Bill of Rights*. Currently, he works for Social Action, Nigeria, as a Programme Officer for Energy and Mining, and also coordinates the activities of pro-democracy groups and anti-corruption coalitions.

Due to his activism for the respect of human rights in the Niger Delta, Celestine's life is at risk. Nigerian authorities have assaulted and detained him and his colleagues several times, the last incident has been on 5 April this year, just prior to his visit to Europe. Celestine was repeatedly hit by Nigerian police officers with the butt of a gun, poked with a barrel in his arms and legs and slapped in the face. Along with other activists he was forced out of their car and into a white van where they were asked for identification. Celestine also reported he was denied medical treatment for injuries sustained whilst detained.

The Nigeria Police Force (NPF) continues to commit a wide range of human rights violations with impunity, including extrajudicial killings, torture, other ill-treatment and enforced disappearances. Nigeria has obligations under both national and International Human Rights Law.

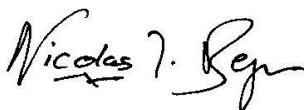
Amnesty International calls on the EU to use all its channels, including political dialogues, to urge the Nigerian authorities to address these widespread violations of human rights. The EU is committed to support legislative and judicial institutions as well as efforts to reform the police to strengthen the fight against criminality and impunity. As such, the EU has taken on particular responsibilities, which requires it to supervise how the EU funds contribute to the respect of human rights. In particular, Amnesty International calls on the EU Delegation in Nigeria to:

- **Monitor the situation in the Niger Delta to ensure that the rights of people living in the Niger Delta are respected.** Representing the EU in Nigeria, the EU Delegation should raise awareness on the situation in the Niger Delta, report abuses committed by non-state actors, such as European corporations, and conduct public reporting on community consultations and outcomes.
- **Support Human Rights Defenders in the Niger Delta, specifically Celestine AkpoBari Nkabari, on the basis of the EU Guidelines on Human Rights Defenders.** In line with the EU guidelines on Human Rights Defenders, the EU Delegation in Nigeria should press the Nigerian government to ensure that human rights defenders, including those working locally for the rights of their communities, can carry out their legitimate activities without fear of reprisals, including by effectively and impartially investigating all reports of threats and harassment, by providing credible mechanisms to protect those at risk and by holding those responsible to account. This should include taking concrete action in support of Celestine AkpoBari Nkabari, whose life is increasingly at risk following his trip to Europe to advocate for the protection of human rights of people living in the region. In line with recent talks on the proper and concrete implementation of the EU Guidelines on Human Rights Defenders, the EU delegation should ensure that Celestine's situation is monitored through engaging all EU ambassadors. As one concrete measure, Amnesty International suggests regular meetings are held with Celestine to ensure his protection and to demonstrate the EU's engagement towards him.
- **Report thoroughly on the human rights situation in Nigeria, with a special focus on the Niger Delta's region and the violation of human rights related to the extractive sector.** The EU delegation should provide periodic reports on the human rights situation in Nigeria. Moreover, the occurrence of any threats or attacks against human rights defenders should be specifically noted. Taking into account that the 10th EDF aims to support mainly the improvement of governance and the protection of human rights and that the EU supports the Extractive Industries Transparency Initiatives (EITI), the EU delegation in Nigeria should document human rights violations related to the activities of European extractive industries in the Niger Delta.

Should you want further suggestions on how to implement the EU Guidelines on Human Rights Defenders, do not hesitate to contact us.

We look forward to hearing from you further on this issue.

Yours sincerely,



Nicolas Beger
Director
Amnesty International EU Office