



Kazeem Aminu v. Nigeria

Comm. No. 205/97 (2000).

Country: Nigeria

Region: Africa

Year: 2000

Court: African Commission on Human and Peoples' Rights African Commission on Human and Peoples' Rights

Health Topics: Medicines, Prisons

Human Rights: Freedom from discrimination, Freedom from torture and cruel, inhuman or degrading treatment, Freedom of association, Right to bodily integrity, Right to due process/fair trial, Right to liberty and security of person, Right to life

Facts

The complainant alleged that Nigerian security agents arbitrarily arrested his client, Mr. Ayodele Ameen, as a result of Mr. Ameen's political activism in support of validating the country's 12 June 1994 elections, which the Nigerian military government had previously annulled. While in prison, the complainant claimed that Nigerian security officials tortured Mr. Ameen, subjected him to "inhuman treatment," and denied him access to medical treatment. The complainant further stated that the domestic courts offered Mr. Ameen no protection and that he was forced into hiding after escaping a subsequent arrest at an international airport while trying to flee to Sudan. The complainant asserted that such acts constituted a violation of equal protection of the law under Article 3(2) of the African Charter for Human and Peoples' Rights (Charter), as well as the right to life under Article 4, freedom from arbitrary arrest under Article 6, and the right to associate freely under Article 10(1). The Commission declared the complaint admissible in accordance with Article 56.5 of the Charter during its 26th Ordinary Session, finding that local remedies would be ineffective to protect Mr. Ameen's life because Decree No. 2 of 1984 prohibited courts from hearing cases to which the Nigerian military government was a party.

Decision and Reasoning

The Commission found that Nigeria violated Mr. Ameen's right to equal protection under the law within the scope of Article 3(2) of the Charter, as well as his right to life under Article 4, his right to freedom from torture and cruel, inhuman and degrading treatment under Article 5, his right to freedom from arbitrary arrest under Article 6, and his right to freely associate under Article 10(1). Although the complainant could not substantiate the acts of torture that Mr. Ameen experienced in prison, the Commission found that Nigeria nevertheless violated Mr. Ameen's right to life and the dignity of his person insofar as he continues to fear for his life. Nigeria was therefore requested to take necessary measures to comply with its obligations under the Charter.

Decision Excerpts

"The Commission notes that the Complainant's client (victim) is still alive but in hiding for fear of his life. It would be a narrow interpretation to this right to think that it can only be violated when one is deprived of it. It cannot be said that the right to respect for one's life and the dignity of his person, which this article guarantees would be protected in a state of constant fear and/or threats, as experienced by Mr Kazeem Aminu. The Commission therefore finds the above acts of the security agents of the Respondent State in violation of Article 4 of the Charter." Page 2, paragraph 18.

"The African Commission in several previous decisions has set out the principle that where allegations of human rights violations go uncontested by the government concerned, particularly after repeated notifications or requests for information on the case, the Commission must decide on the facts provided by the Complainant and treat those facts as given (see communications Nos. 59/91, 60/91, 64/9 [2, 68/92, 78/92] , 87/93 and 101/93)." Page 3, paragraph 25.