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**INDIGENOUS PEOPLE OF BIAFRA**

**CAT Follow up Submission February 2023**

**13th February 2023**

**SUBMISSION REGARDING INFORMATION RECEIVED FROM NIGERIA ON FOLLOW-UP TO CONCLUDING OBSERVATIONS**

1. We note the information received from Nigeria on follow-up to the concluding observations of the Committee Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT/C/NGA/FCOAR/1) of 4 January 2023.
2. Although the government claims that it ‘does not support torture, ill-treatment, arbitrary detention or the excessive use of force in any form’ (para 5.), we respectfully draw the attention of the Committee to the following matter.
3. In a number of correspondences with the Special Rapporteur on Torture, the Working Group on Enforced or Involuntary Disappearances, the Working Group on Arbitrary Detention, the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, the Special Rapporteur on minority issues, and the Special Rapporteur on promotion and protection of human rights and fundamental freedoms while countering terrorism, we have drawn attention to the position of Mr Nwannekaenyi Nnamdi Kenny Okwu-Kanu (Nnamdi Kanu). On 26 August 2021 in a letter to the Nigerian government, the Special Rapporteur on Torture, alongside other mandate holders noted the allegations of enforced disappearance, arbitrary detention, torture and ill-treatment of Mr Kanu and his illegal rendition to Nigeria. The government responded on 17 September 2021 to say that the matter had been ‘forwarded to its Headquarters for necessary action and any response would be transmitted as soon as received’ (Note No.171/2021). We understand that in November 2021 the Nigerian government had requested more time to provide a response. We appreciate the Opinion of the WGAD, Opinion 25/2022 with respect to Mr Kanu, adopted on 20 July 2022 in which it determined that the continued deprivation of liberty of IPOB’s leader, Nnamdi Kanu, his detention pending trial and inability to challenge the lawfulness of his detention is in violation of Nigeria’s human rights obligations. It also noted it was ‘seriously concerned about the treatment to which Mr. Kanu has been subjected’[[1]](#footnote-1) and that it

‘wishes to record its very serious concern for the well-being of Mr. Kanu, who, according to the source and uncontested by the Government of Nigeria, remains in solitary confinement since his arbitrary detention in Nigeria on 29 June 2021. He has been denied medical treatment and medication for his heart condition. The Working Group recalls that prolonged solitary confinement in excess of 15 consecutive days is prohibited under rules 43(1)(b) and 44 of the Mandela Rules. The Working Group is also obliged to remind the Government of Nigeria that in accordance with article 10 of the Covenant, all persons deprived of their liberty must be treated with humanity and with respect to the inherent dignity of the human person and that denial of medical assistance constitutes a violation of the Nelson Mandela Rules, rules 24, 25, 27 and 30 in particular’.[[2]](#footnote-2)

1. We wrote to the WGAD in August 2022 noting that at that stage his situation remains the same. This is the case to this date. Mr Kanu is still in solitary confinement, and has not been provided with medical treatment for his heart condition and there is a serious danger not only to his health but also his life. The Nigerian authorities have taken no action to implement the Opinion of the WGAD.
2. We respectfully urge CAT to take into account, when considering Nigeria’s response to its Concluding Observations, these cases and the ongoing extensive violations against those supporting or perceived to support Biafra’s call for independence.

1. Opinion, para 97. [↑](#footnote-ref-1)
2. Opinion, para 100. [↑](#footnote-ref-2)