



Human &  
Environmental  
**DEVELOPMENT AGENDA**

**19 February, 2019**

**The Executive Secretary,  
National Human Rights Commission  
19, Aguiyi Ironsi Street,  
Maitama,  
Abuja**

**Dear Sir;**

**DEMAND FOR JUSTICE FOR AN UNNAMED AND UNARMED  
CITIZEN EXTRA-JUDICIALLY MURDERED BY A CUSTOMS  
OFFICER.**

HURIDAC and HEDA Resource as Civil Society organisations with mandates for promoting, protecting and fulfilling fundamental human rights of citizens are calling for justice for the deceased who was shot dead in the fracas that occurred at the Saami/Ijebu-ode road, on Sunday 17<sup>th</sup> of February, 2019.

The two organizations attention has been brought to a case of indiscriminate killing by a custom officer, through a video that went viral on the social media. This was corroborated with the press release published by the Nigeria Customs confirming the incident and but claiming it an accidental discharge.

The video shows that the man was shot dead by a custom officer after a fracas that ensued following when some customs officers, obviously on illegal check point along the highway, insisted on checking private belongings and bags of commuters of the affected Commercial vehicle or the payment of N5, 000 (Five thousand Naira) bribe as clearance for their released by the custom officers. This was clearly heard from the video.

The Nigerian Customs affirmed in their statement that the killing was carried out by one of its officers on duty in that location at the time and is due to accidental discharge, identifying the victim as a friend of the officers, assisting them in providing supplies. You will want to wonder what the role of a civilian is in meddling in the official duties of a custom officer to be shot in a *friendly accidental discharge*



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This action of a law enforcement officer shooting an unarmed citizen is not just against Nigeria Criminal law, but also international law. This action constitutes a case of 'unlawful killing of a human being with malice aforethought', and also constitute extra judicial killing under international law which 'is the killing of a person by governmental authorities without the sanction of any judicial proceeding or legal process'.

**According to Article 2 of the UN Resolution 34/169 Of 17 December 1979, of the Code of Conduct for Law Enforcement Officials**, it states that "*In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.*"

The United Nations' **Basic Principles on the Use of Force and Firearms by Law Enforcement Officials** also stipulates that '*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*'. Even if the law enforcement officer needs to use fire arms the basic principles provide that it should '*Minimize damage and injury, and respect and preserve human life*'

It is clear that this situation violates both national and international laws and the rule of laws stipulates that everyone should be equal before the law including custom officers.

As the National Institution with statutory mandate to protect human rights of citizens and mandate to redress the violations. According to your powers and functions as enshrined in the National Human Rights Commission (Amendment) Act 2010, Section 5 states as follows:

Functions of the Commission

The Commission shall—

- (a) deal with all matters relating to the promotion and protection of human rights guaranteed by the Constitution of the Federal Republic of Nigeria, the United Nations Charter and the Universal Declaration on Human Rights, the International Convention on Civil and Political Rights, the International Convention on Economic, Social and Cultural Rights, the Convention on the Elimination of all forms of Discrimination Against Women, the International Convention on the Elimination of Racial Discrimination, the Convention on the Rights of the Child, the African Charter on Human and Peoples' Rights and other international and regional instruments on human rights to which Nigeria is party;
- (b) monitor and investigate all alleged cases of human rights violation in Nigeria and make appropriate recommendation to the President



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- for the prosecution and such other actions as it may deem expedient in each circumstance;*
- (c) *assist victims of human rights violation and seek appropriate redress and remedies on their behalf*

You Commission is therefore charged to invoke its power under the same Act Section 6 (2): *The Commission shall have power to...*

*(b) summon and interrogate any person, body or authority to appear before it for the purpose of public inquiry aimed at the resolution of a complaint of human rights violation.*

HURIDAC and HEDA, in view of the above stated case and established powers and functions of your Commission, hereby call on the National Human Rights Commission to urgently investigate this case and bring to justice the Custom Officer allegedly responsible for this aggravated murder of harmless citizen.

We thank you in anticipation of your prompt action on this demand

Yours faithfully,

**Ayodele Ameen**  
HURIDAC

**Olanrewaju Suraj**  
HEDA Resource Centre