

COMMUNITY COURT OF JUSTICE,
ECOWAS

COUR DE JUSTICE DE LA COMMUNAUTE,
CEDEAO

TRIBUNAL DE JUSTIÇA DA COMUNIDADE,
CEDEAO



No. 10 DAR ES SALAAM CRESCENT,
OFF AMINU KANO CRESCENT,
WUSE II, ABUJA-NIGERIA.

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PRESS RELEASE

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COURT ORDERS NIGERIA TO REFRAIN FROM ARRESTING AND PROSECUTING NGO AND CONCERNED NIGERIANS FOR USE OF TWITTER

The ECOWAS Court of Justice has ordered the government of the Federal Republic of Nigeria and its agents “to refrain from imposing sanction on any media house or harassing, intimidating, arresting and prosecuting the Applicants, concerned Nigerians for the use of twitter and other social media platforms,” pending the determination of the substantive suit filed by a Non- governmental Organisation challenging the ban.

In a ruling on Tuesday, 22nd June 2021 in an application for interim measures filed by the Registered Trustees of the Social-Economic Rights and Accountability Project (SERAP) and delivered by the Judge Rapporteur, Justice Keikura Bangura, the Court held that it “recognizes that access to twitter provides a platform for the exercise of freedom of expression and any interference with the access will be viewed as an interference with the right to freedom of expression.

“By extension such interference will amount to a violation of a fundamental human right which falls within the competence of this Court pursuant to Article 9 (4) of the

Supplementary Protocol (A/SP.1/01/05) Amending Protocol (A/P1/7/91) relating to the Community Court of Justice,” it added.

The application for interim measures was based on Article 79 of the Rules of Procedure of the Court.

The Court however declined to order the Respondent and its agents to lift the suspension on the use of twitter pending the determination of the substantive suit.

In delivering the ruling, the Court rejected the two grounds of the preliminary objection of the Federal Republic of Nigeria which were: that the subject matter of the suit was not for the enforcement of any human rights recognized by the Court and that the “Court lacks the jurisdiction to determine the criminalization of an act under Nigerian domestic laws.”

The Court ordered the government to ‘take steps to immediately implement the orders set above herein.’”

In the suit filed by SERAP, the NGO asked for among other things, a declaration that the act of suspending Twitter or any other social media and microblogging application without an order of a competent court of jurisdiction is unlawful, inconsistent and incompatible with the country’s human rights obligations.

It also asked for a declaration that the act of the government in mandating its agents to commence and continue to regulate the social media in the country amounts to restriction and censorship which constitutes a violation of Nigeria’s obligation under the African Charter on Human and Peoples’ Rights and Article 19 of the International Covenant on Civil and Political Rights.

SERAP was represented by Femi Falana, SAN while the Federal Republic of Nigeria was represented by Maimuna Shiru.

Hearing in the suit was adjourned for 6th July 2021.

Also on the panel for the suit are Honorable Justices Gberi-be Ouattara (presiding) and Januaria T. Silva Moreira COSTA

For further information, visit the Community Court of Justice, ECOWAS website at www.courtecowas.org or contact the Information Officers using the contact details below:

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