



INTERNATIONAL
LAWYERS ASSISTING
WORKERS NETWORK

2 November 2023

Hope Uzodimma
Imo State Governor
Government House
Owerri, Imo State
Nigeria

Subject: Violent Attacks and Illegal Detention of the President of the Nigerian Labour Congress Comrade Joe Ajaero

Governor Hope Uzodimma:

I am writing on behalf of the International Lawyers Assisting Workers (ILAW) Network, which comprises over 1,100 workers' rights lawyers and scholars in over 90 countries, including in Nigeria. The ILAW Network promotes and defends the rights and interests of workers and trade unions around the world and supports the lawyers representing them.

The ILAW Network expresses its serious concern over the physical attacks on workers and the physical attacks and unlawful detention of Joe Ajaero, President of the Nigerian Labour Congress (NLC). President Ajaero was in Imo State to support workers who were demonstrating over labour rights violations occurring in the state. According to available information, police violently dispersed the workers, leading to physical injuries, damage to property, and the confiscation of laptops. When President Ajaero came to survey the damage and to support workers, he was assaulted and then forcibly detained and taken to an undisclosed location by the Imo State Police Command and Special Assistant to the Governor of Imo State.¹ President Ajaero was subsequently released after being held for more than 6 hours; however, as he suffered serious injuries as a result of the violent assault he is now being treated at a nearby hospital.

¹ NLC and TUC, *Press Release: The President of the Nigerian Labour Congress (NLC); Comrade Joe Ajaero has been abducted by Hope Uzodimma and the Imo State Police Commissioner*, (November 1, 2023); See also, Jimisayo Opanuga, *NLC President Ajaero arrested*, The Guardian, (November 1, 2023) <https://guardian.ng/news/nlc-president-ajaero-arrested/>. The police claimed that President Ajaero was arrested for violating a National Industrial Court order, however the NLC Spokesperson has denied any such order existing. Friday Okeregbe and Eytipe Kuteyi, *NLC President Joe Ajaero Arrested in Imo*, Channelstv.com, (November 1, 2023), <https://www.channelstv.com/2023/11/01/breaking-nlc-president-joe-ajaero-arrested-in-imo/>; Johnbosco Agbakwuru, *NLC President arrested in Imo*, Vanguard (November 1, 2023), <https://www.vanguardngr.com/2023/11/breaking-nlc-president-arrested-in-imo/>.



We note that Nigeria has ratified Conventions 87 and 98 of the International Labour Organisation, the International Covenant on Civil and Political Rights (ICCPR)² and the African Charter on Human and Peoples' Rights.³ All of these instruments protect the fundamental right to freedom of association and peaceful assembly and require States to guarantee their free exercise. Further, none of the very specific and limited instances where authorities may use force apply here.⁴ The violent dispersal of peacefully demonstrating workers and the assault and detention of President Ajaero are in direct violation of Nigeria's international legal obligations (and its own laws).⁵

The ILO Committee on Freedom of Association (CFA) has repeatedly found that “the rights of workers and employers organizations can only be exercised in a climate that is free from violence, pressure or threats of any kind against the leaders and members of these organizations, and it is for governments to ensure that this principle is respected.”⁶ Similarly the UN Human Rights Committee (HRC) found that “only in exceptional cases may an assembly be dispersed.”⁷ Furthermore, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association (UNSR FOAA) has provided guidance on managing assemblies, stating that “force shall not be used unless it is strictly unavoidable, and if applied, it must be done in accordance with international human rights law.”⁸

The violent and illegal detention of President Ajaero is also in direct contravention of Nigeria's obligations. The CFA has repeatedly found that the arrest of a union leader for exercising legitimate activities in relation to freedom of association, in this case meeting with union members and surveying the damage of the violent police action, is a violation of that country's obligations of freedom of association.⁹ The unlawful temporary detention of President Ajaero constitutes a serious obstacle to the exercise of trade union rights, and is in violation of ILO Convention 87 and 98.¹⁰ Similarly, the UN HRC has found that “preventative detention of targeted individuals to keep them from participating in assemblies may constitute arbitrary deprivation of liberty...”¹¹ Further,

² International Covenant on Civil and Political Rights (ICCPR), art. 22 (Dec. 16 1966), <https://www.ohchr.org/en/instruments-mechanisms/instruments/international-covenant-civil-and-political-rights>.

³ African (Banjul) Charter on Human and People's Rights, art. 10 (Oct. 21, 1986), <http://hrlibrary.umn.edu/instree/z1afchar.htm>.

⁴ UN Human Rights Committee, Joint Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association and the Special Rapporteur on extrajudicial, summary, or arbitrary executions on the proper management of assemblies, U.N. Doc. A/HRC/31/66 at para 57 (February 2016) [hereinafter UNSR Proper Management of Assemblies].

⁵ See CONSTITUTION OF NIGERIA (1999), § 40.

⁶ ILO, Compilation of decisions of the Committee on Freedom of Association at para 84, https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:70002:0::NO:70002:P70002_HIER_ELEMENT_ID,P70002_HIER_LEVEL:3942675,1 [hereinafter CFA Compilation].

⁷ UN Human Committee, General Comment No. 37 (2020) on the right of peaceful assembly (art. 21), at para 85 (Sept. 17, 2020).

⁸ UNSR Proper Management of Assemblies, *supra* note 4 at Section E.

⁹ CFA Compilation, *supra* note 6 at paras 119 and 122; See e.g. ILO CFA Case No. 1935 (Nigeria) at 10 (a) (1999), https://www.ilo.org/dyn/normlex/en/f?p=1000:50002:0::NO:50002:P50002_COMPLAINT_TEXT_ID:2904351#D

¹⁰ CFA Compilation, *supra* note 6 at paras 123-124.

¹¹ UNSR Proper Management of Assemblies, *supra* note 4 at para 82.



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the arbitrary arrest and detention of the NLC President creates a chilling effect on workers' ability to fully exercise their fundamental rights to freedom of association and assembly, as union members could view such violent action as a 'warning' to not continue exercising their fundamental rights.

The actions of the Imo State Police Command and Governor of Imo State are in direct violation of the fundamental right of freedom of association and assembly under international and national law of Nigeria. For these reasons, the ILAW Network strongly urges the Governor of State Imo to desist from the future use of excessive force against peaceful protestors and investigate the use of force by police in this instance, as well as the arrest of President Ajaero. Further, the state must provide a full remedy to the victims of violence and arbitrary arrest and detention, as well as for property damage caused by the police.

Sincerely,

Jeffrey Vogt
Chair, ILAW Network

cc:

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