



# Action Paper: Mubarak Bala

Updated: 26 April 2022

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President of the Humanist Association of Nigeria and human rights advocate, Mubarak Bala, is currently serving a 24-year sentence following his conviction on 4 April 2022 of 18 counts of causing a public disturbance under Sections 210 and 114 of the Kano State Penal Code, respectively. Bala's lawyers are expected to appeal the verdict.

Arrested from his home in Kaduna state on 28 April 2020, Bala - a human rights activist and President of the Humanist Association of Nigeria - was held without charge for more than a year. He faced charges before the Kano State High Court in connection with Facebook posts he is alleged to have made over the course of April 2020, which are deemed to have caused a public disturbance due to their "blasphemous" content.

In addition to being arbitrarily detained for 15 months, there have been several other violations of his rights to a fair trial, which include denying Bala access to his legal counsel until October 2020, failing to comply with a December 2020 Federal High Court order to release Bala on bail, and consistent attempts to obstruct Bala's legal team. A second fundamental rights petition is currently proceeding through the courts.

Humanists International fears that Mr Bala is being targeted solely for having exercised his rights to freedom of belief and freedom of expression, which are protected under the Nigerian Constitution, and under international and regional instruments to which Nigeria is a signatory.

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## Take Action:

1. Send appeals to the Nigerian authorities

**Write to the Kano State authorities urging them to:**



- Quash Mubarak Bala's conviction, and release him immediately and unconditionally;
- Grant Bala free and unimpeded access to his legal representatives;
- Guarantee Bala's well-being and safety while he remains in prison and upon his release, including by granting him access to all appropriate medical care.

### **Addresses:**

#### Governor Abdullahi Umar Ganduje

Office of the Governor  
Government House  
Kano  
Kano State, Nigeria  
Telephone: (+234) 7044-930000  
Email: info@kanostate.gov.ng

#### Attorney-General and Commissioner for Justice, Kano State

Lawan Musa Abdullahi  
Kano State Ministry of Justice,  
Audu Bako Secretariat, Kano.  
064-622374

#### Minister of Justice

Honourable Abubakar Malami  
Minister of Justice/ Attorney General of the Federal Republic of Nigeria  
Federal Ministry of Justice HQ  
Plot 71B Shehu Shagari Way,  
Maitama Abuja,  
Nigeria  
**Email:** info@justice.gov.ng  
**Phone:** +234 805 088 8806

#### Ministry of Interior

**Email:** info@interior.gov.ng

*You could also consider writing to your local Nigerian embassy. Contact details for some embassies are available here:*

<https://nigeriaunmission.org/directory-of-nigerian-foreign-missions/>

2. Organize protests outside your local embassy calling for Bala's release
3. Lobby your governments to intervene on behalf of Bala
4. Publicize Bala's case in your local media

*Please keep us informed of any actions you take and any responses that you receive.*

*As this is a developing case, please ensure you check back with us regularly for updates.*

## Background



Mubarak Bala, born in Kano state, northern Nigeria, in 1984 is a well-known and respected member of the Humanist movement. A chemical engineer by training, he is president of the Humanist Association of Nigeria.

Bala has been the victim of death threats and harassment since he renounced Islam in 2014. In the build up to his arrest, commenters on his Facebook posts have called for him to be killed, while others have threatened to burn down the police station in which he is being held and kill him were he to set foot in Kano.<sup>1</sup> Among those threatening to kill him is a sergeant attached to Bauchi State Police Command.<sup>2</sup>

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<http://saharareporters.com/2020/04/29/activist-arrested-kaduna-%E2%80%98insulting-prophet-muhammad%E2%80%99-facebook-receives-death-threats>

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<http://saharareporters.com/2020/04/29/revealed-policeman-who-threatened-kill-activist-arrested-kaduna-%E2%80%98insulting-prophet>



Mubarak Bala was arrested by detectives from Kano State Police Command, reported to be dressed in plain clothes, on 28 April 2020. Bala was initially held in detention in Gbabasawa police station, Kaduna state, however, on 30 April, the Police Commissioner for Kaduna State confirmed that he had been released to Kano State Police Command.

Bala's arrest followed a petition filed with the Police Commissioner of Kano Command on 27 April by S. S. Umar & Co. in which Bala was alleged to have insulted the Prophet Muhammad in his Facebook posts in violation of and Section 26(1)(c) of the Cybercrimes Act;<sup>3</sup> the petitioners also alleged that Bala's posts would incite the Muslim community and lead to public disturbance under Section 210 of the Penal Code of Kano State.

On 24 June 2020, a magistrate granted Bala's legal team's motion to meet with their client.<sup>4</sup> However, the court clerk's office was not able to process the court order citing a case backlog. The court order was finally issued on 15 July 2020 and served to police in Kano state the following day. Bala was finally granted access to his legal counsel in October 2020.

On 8 May 2020, Bala's legal team filed a fundamental rights petition with the Abuja High Court asserting that Bala's detention violates his rights to liberty, fair trial, freedom of thought and expression, and freedom of movement as enshrined in the Nigerian Constitution and international human rights law. Bala's fundamental rights case was repeatedly postponed. On 21 December 2020, a judge at the Federal High Court declared Bala's continuous incarceration to be illegal and ordered his immediate release on bail.<sup>5</sup>

On 27 January 2021, Bala's legal team filed a second fundamental rights petition seeking his relocation to Abuja in order to ensure a fair trial.<sup>6</sup>

On 3 August 2021, formal charges were brought against Bala before the Kano State High Court. Bala, who was not present in court, was formally charged with causing a public disturbance under Sections 210 and 114 of the Penal Code of Kano State, respectively.<sup>7</sup>

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<sup>3</sup> [https://cert.gov.ng/ngcert/resources/CyberCrime\\_Prohibition\\_Prevention\\_etc\\_Act\\_2015.pdf](https://cert.gov.ng/ngcert/resources/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf)

<sup>4</sup> <https://humanists.international/2020/06/positive-developments-in-the-case-of-mubarak-bala/>

<sup>5</sup> <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27033&LangID=E>

<sup>6</sup> <https://humanists.international/2021/02/legal-team-seek-relocation-of-mubarak-bala-to-neutral-territory/>

<sup>7</sup>

<https://humanists.international/2021/08/nigeria-kano-state-high-court-brings-formal-charges-against-mubarak-bala/>



In a charge sheet filed before the Kano State High Court – believed to have been back-dated to 22 June 2021 – Bala was charged with 10 counts of causing a public disturbance under Sections 210 and 114 of the Kano State Penal Code, respectively, in connection with five Facebook posts Bala is alleged to have made in April 2020. In a pattern of delays similar to that of previous proceedings, his case before the Kano State High Court has been subject to delays.

Sitting under Chapter XVI 'Offences relating to religion', Section 210 reads:

Whoever by any means publicly insults or seeks to incite contempt of any religion in such a manner as to be likely to lead to a breach of the peace, shall be punished with imprisonment for a term which may extend to two years or a fine or both.

Section 114 of the Kano State Penal Code reads:

Whoever does any act with intent to cause or which is likely to cause a breach of the peace or disturb the public peace shall be punished with imprisonment which may extend to three years or with fine which may extend to six hundred naira or with both.

On 4 April, a petition by the prosecution to amend the charge sheet to include a further 8 charges was approved by the court.

On 5 April, contrary to the agreed upon legal strategy, Bala pled guilty to the charges in court. It is believed that he was subjected to intimidation, and could have been tricked into pleading guilty in the hopes of a more lenient sentence. There have been unconfirmed reports of threats against his family members.

According to court documents, Bala was sentenced to two years in prison to run consecutively for eight counts of violating section 210 of the Kano State Penal Code - a total of 16 years, and a further 24 years for nine counts of violating section 114 of the Kano State Penal Code. The judge determined that these sentences would run concurrently, which means that Bala is expected to serve 24 years in prison. Bala's legal team contends that the sentence applied in Bala's case is inconsistent with the relevant sections of the Administration of Criminal Justice Law of Kano State (2019).<sup>8</sup>

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<sup>8</sup> <https://corruptioncases.ng/resources>



*For more information, please contact: Emma Wadsworth-Jones, Humanists at Risk Coordinator,  
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