



Action Paper: Mubarak Bala

Updated: 15 October 2021

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 now faces 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 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.

Most recently, Humanists International has been concerned by reports that Bala is being denied necessary medical care, in contravention of the UN Standard Minimum Rules for the Treatment of Prisoners (also known as the ‘Mandela Rules’).

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.

Take Action:

1. Send appeals to the Nigerian authorities

Write to the Kano State authorities urging them to:



- Drop the charges against Mubarak Bala, and release him immediately and unconditionally;
- Guarantee Bala's well-being and safety while he remains in detention and upon his release, including by granting him access to all appropriate medical care.

Addresses:

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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. Support the crowdfunding campaign

Humanists International has organised a crowdfunding campaign to help support Mubarak Bala's legal costs: <https://www.justgiving.com/campaign/free-mubarak-bala>

We can accept donations in other formats (Paypal, wire transfer etc.) and for US residents, tax-free giving is available. Please contact office@humanists.international for more information.

4. Lobby your governments to intervene on behalf of Bala

5. 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.

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

Gbasasawa 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,¹ which criminalizes insult of any persons due to their belonging to a group distinguished by their religion, among other characteristics, and is punishable by a fine and/or up to five years' imprisonment. The petitioners also allege that Bala's posts will incite the Muslim community and lead to public disturbance under Section 210 of the Penal Code of Kano State.

Despite not having access to his legal counsel, it appears that Bala's continued detention for alleged violations of the Cybercrimes Act was secured during a hearing before a Kano Magistrate's Court on 6 May 2020, at which Bala himself was reportedly not present.

On 24 June 2020, a magistrate granted Bala's legal team's motion to meet with their client.² 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.³

In November 2020, the legal team working for Bala were alerted through unofficial channels to a possible move by the Kano state authorities to present their client in court. Over the course of the following week, the lawyers sought access to their client and to monitor proceedings, however their efforts faced multiple obstructions, sparking fears that Bala may be subjected to a secret trial.

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.⁴

¹ https://cert.gov.ng/ngcert/resources/CyberCrime_Prohibition_Prevention_etc_Act_2015.pdf

² <https://humanists.international/2020/06/positive-developments-in-the-case-of-mubarak-bala/>

³ <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=27033&LangID=E>

⁴ <https://humanists.international/2021/02/legal-team-seek-relocation-of-mubarak-bala-to-neutral-territory/>



Bala's legal team remain concerned that their client would not receive a fair trial should he be formally brought to trial in Kano State, where the population is predominantly Muslim, and Sharia courts operate alongside secular courts. Further, predominantly Muslim states have frequently seen riots, violence and murder after blasphemy accusations, sometimes against individual Muslims accused, but with potential for wider violence when the accused is Christian. For these reasons, Bala's legal team believe that the transferral of Bala to stand trial in a more neutral location would not only safeguard their client's rights, but prevent violence in the state at large.

Bala has been the victim of death threats and harassment since he renounced Islam in 2014. Most recently, commenters on his Facebook post 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.⁵

According to human rights activist Leo Igwe, as quoted in *Modern Ghana*, "Kano has a history of religious bloodletting, of 'judicial' and the extrajudicial killing of blasphemers. The Islamic mobs usually call the shots and determine the fate of those who are accused of blasphemy."

Among those threatening to kill him is a sergeant attached to Bauchi State Police Command.⁶ According to *Sahara Reporters*, the sergeant in question is "notorious for using a fake named – Datti Assalafiy – on Facebook to spread hatred and religious bigotry – where he encourages his over 160,000 followers to execute Christians and others, who don't share in their extreme ideas."

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.⁷

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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>

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<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.

To date, Bala has still not been presented in court. In addition, Humanists International is deeply concerned by reports from his legal team that he has been denied access to medical treatment after complaining of pain in his left side and high blood pressure.

Under rules 24 and 27 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (also known as the 'Mandela Rules'),⁸ the State is responsible for the provision of healthcare to those imprisoned or detained, such care should meet the same standards that are available in the community outside of prison, and all "prisons shall ensure prompt access to medical attention in urgent cases." Although not legally binding under international law, the Mandela Rules have been adopted by the UN General Assembly as the minimum standard related to the treatment of individuals in detention.

For more information, please contact: Emma Wadsworth-Jones, Humanists at Risk Coordinator, by email on: emma@humanists.international

⁸ https://www.unodc.org/documents/justice-and-prison-reform/Nelson_Mandela_Rules-E-ebook.pdf