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NIGERIA | Journalist Denied Bail Review

Journalist Luka Binniyat was remanded in custody for 40 additional days on Aug. 31 after a judge refused to review his bail terms. The judge presiding over his trial refused to review his “excessive” bail terms because a new lawyer would be taking over the case for the prosecution.

Binniyat, who has been detained since July 12, is charged with “breach of the peace” and “injurious falsehood,” in connection with a story he wrote about an attack by armed Fulani herdsmen in southern Kaduna, that later proved incorrect, and for which he apologized publicly. His case highlights eroding press freedom and the seeming inequality before the law of different religious communities in Kaduna State.

On July 20, Binniyat was remanded in custody again when Justice Bashir Sukola, sitting in High Court 10 in Kaduna, set what observers described as “nearly impossible” bail conditions and adjourned the case until Aug. 31.

During the hearing Aug. 31, Judge Sukola adjourned the case until Oct. 9, granting an application made by the prosecution for a delay in the bail review, in order to allow their new lawyer time to prepare. As Binniyat was remanded in custody yet again, his lead lawyer, Barrister Kanyip, informed the Nigerian media that he would seek redress at the Court of Appeal if the bail motion is not handled in a satisfactory manner.

Binniyat’s continued detention has been widely criticized. It is generally viewed as the latest in a series of actions by the Kaduna State governor to silence voices that draw attention to violence underway in southern Kaduna. For over a year, armed Fulani herders have been attacking communities, killing over 800 people and seizing land and property with relative impunity in the area.

In a message addressed to the Governor of Kaduna State, Nasir el Rufai, Bishop Joseph Bagobiri of the Catholic Diocese of Kafanchan described Binniyat as a political prisoner, and said it was “a pity that the [...] case was stalled using casuistries [sic].” He called for Binniyat to be set free, adding that “only a sadist would be complacent with such injustice.”

In contrast to Binniyat's case, the individuals behind the June 6 “Kaduna Declaration” remain at large, despite a longstanding arrest order issued by the governor following a press conference in which they vilified the Igbo tribe, called for coordinated action against its members and warned them to leave northern Nigeria before Oct. 1 or face unspecified consequences.

On Aug. 25, three United Nations human rights experts issued a statement describing the declaration as hate speech, expressing grave concern at the “proliferation of hate messages and incitement to violence against the Igbo and their property, especially considering the previous history of such violence,” and called for the arrest and prosecution of the perpetrators.

“It is manifestly unjust that Mr. Binniyat, who is yet to be found guilty, is obliged to remain in prison due to bail terms that far exceed the nature of the crime he is alleged to have committed. Moreover, the judge’s actions, and particularly his refusal to review the bail terms while granting a lengthy deferral, have the unfortunate appearance of being punitive measures designed to deprive Mr. Binniyat of his liberty for as long as possible, and in a manner incompatible with judicial impartiality and due process. Meanwhile, individuals who have incited violence against a people group were able to reiterate these threats publicly on several occasions and are yet to be arrested,” Mervyn Thomas, Chief Executive of Christian Solidarity Worldwide said. “Selective arrests and prosecutions are divisive and self-defeating, undermining the rule of law and eroding any residual confidence in the state government at a time of increasing security challenges. We echo the call for Mr. Binniyat to be set free, and for an end to political prosecutions that are aimed at suppressing press freedom and freedom of expression. We also urge the state government to focus its efforts on arresting genuine instigators and perpetrators of violence, and on protecting the lives of citizens, regardless of their creed or ethnicity.”