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5 December 2019

Madame High Commissioner

Re: Sheikh Ibraheem El-Zakzaky, Mallimah Zeenah

I am writing further to our previous representations and correspondence regarding Sheikh Ibraheem El-Zakzaky and his wife Mallimah Zeenah. <https://www.ihrc.org.uk/wp-content/uploads/2016/03/ICC%20Report-%20final%20edition.pdf>

Sheikh Ibraheem El-Zakzaky and his wife Mallimah Zeenah continue to be arbitrarily detained despite a 2016 federal high court ruling that their detention was unlawful and unconstitutional and ordered the Nigerian government to release them by January 16 2017 and pay compensation.

From 20 to 29 April 2019, I led a team of doctors who were allowed, for the first time, to visit and undertake independent medical examinations of Sheikh Zakzaky and his wife. The medical examinations showed extreme health concerns that require immediate medical treatment, including treatment most likely not available in Nigeria. A series of tests were also undertaken and revealed the Sheikh's health is deteriorating and he has dangerous levels of lead toxicity in his body.

As a result the federal court found the medical conditions of both Sheikh Zakzaky and his wife

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were severe and required immediate medical attention, and the court ordered they should be flown to India for the recommended medical treatment. The court also granted Sheikh Zakzaky and his wife be permitted to travel to India to seek treatment from the doctors who had undertaken the medical examinations and produced the medical report. As part of the court conditions, Nigerian security were granted permission to supervise the trip. On arrival in India, terms of the court order were violated by Nigerian security services. Instead of observing, they began a regime of harassment and effective detention of the Sheikh and his wife in their hospital room, removing their legal documents from. It appeared this was with the help of their Indian counterparts. Most significantly, Sheikh Zakzaky and his wife were denied consultation on the medical treatment they would receive, nor were they permitted to consult with their own doctors. As a result of this blatant mistreatment by the Indian authorities, Sheikh Zakzaky lost complete confidence in any treatment that was offered and became understandably suspicious that any such medical intervention that was subsequently offered would be intentionally detrimental to his health and endanger the life of himself and his wife. Given the level of harassment and ultimatums presented by both the Nigerian and Indian authorities, Sheikh Zakzaky and his wife felt they had no option but to return to Nigeria.

The denial of access to essential medical treatment required by Sheikh Zakzaky and his wife by the governments of Nigeria and India, in defiance of a federal high court ruling, jeopardised their health, which continues to deteriorate. As such, this amounts to torture and inhumane and degrading treatment in violation of Article 5 UDHR. In addition, the Sheikh and his wife continue to be arbitrarily detained in breach of a federal high court ruling they be released. This constitutes a violation of:

- 1) Article 9 of the UDHR,
- 2) Article 9(1) of the International Covenant on Civil and Political Rights states which states, "Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law" and
- 3) In addition, falls into one of the three categories in accordance with the Working Group on Arbitrary Detention (established by UN Human Rights Council Resolution 1991/42), ie A) When it is clearly impossible to invoke any legal basis justifying the deprivation of liberty (as when a person is kept in detention after the completion of his sentence or despite an amnesty law applicable to him)(Category I).

It is arguable the Nigerian government are using delaying tactics to undermine due process. Sheikh Zakzaky has been taken to court on trumped up charges by the government on several occasions in order to delay and even prevent his release. The government is using the courts to prevent due process in accordance with a legal judgement and, further, as a tool to

arbitrarily detain both Sheikh Zakzaky and his wife. This continued incarceration of Sheikh Zakzaky and his wife, despite the federal high court's ruling they be released, is a manifest breach of due process and the rule of law.

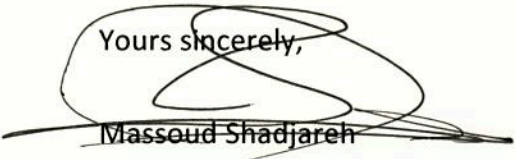
As stated above, the health and medical conditions of both Sheikh Zakzaky and his wife continue to deteriorate and will continue to do so without the recommended treatment. Their lives are effectively endangered. As a matter of urgency we request you intervene to bring an end to this travesty of justice perpetrated by the Nigerian government. We urge you to secure the immediate release of Sheikh Ibraheem El-Zakzaky and his wife Mallimah Zeenah and bring an end to their mistreatment in a manner that is consistent with applicable international human rights laws and standards, including to be free from arbitrary detention, torture and other forms of cruel, inhuman or degrading treatment and the right to liberty and security.

This month, December 2019, is the third anniversary of a federal high court ruling ordering the release of Sheikh Zakzaky and his wife Mallimah Zeenah. 12th to 15th December 2019 marks the fourth anniversary of the Zaria Massacre when 1000 supporters of the Islamic Movement of Nigeria were massacred by the Nigerian authorities. The forthcoming Human Rights Day will be observed on 10th December — the day the United Nations General Assembly adopted, in 1948, the Universal Declaration of Human Rights (UDHR): a milestone document proclaiming the inalienable rights which everyone is inherently entitled to as a human being regardless of race, colour, religion, sex, language, political or other opinion, national or social origin, property, birth or other status. In the midst of this celebration of human rights it is notable the human rights of Sheikh Zakzaky and his supporters have been continually violated by the Nigerian government. We question how anyone, particularly the people of Nigeria, can be expected to have trust in their laws, institutions and processes when their government is allowed to violate fundamental human rights with impunity. The UN should step forward and hold the Nigerian government accountable for its crimes, and help uphold the inviolable human rights of the people of Nigeria.

Urgent update 10.30am 5 December 2019

We have just learned that the Kaduna Federal High Court has ordered Sheikh Zakzaky and Mallimah Zeenah be transferred to the Kaduna Central prison. Given their precarious and deteriorating health conditions, this could prove fatal.

Yours sincerely,



Massoud Shadjareh

Chair IHRC