

27th July 2022

PRESS STATEMENT

The Action Group On Free Civic Space (AGFCS) Condemns The Arrest And Imprisonment Of Barrister Inibehe Effiong And Demands Immediate Release

The Action Group on Free Civic Space (AGFCS) strongly condemns the arrest and imprisonment of human rights lawyer, Barr. Inibehe Effiong by the Chief Judge of Akwa Ibom State.

Earlier today, the presiding Judge, Justice Ekaette Obot ordered the immediate detention of Barr. Effiong by armed policemen and committed him to prison for one month. The order was made following an alleged altercation during the court proceedings in suit no: **HU/279/2019 between DEACON EMMANUEL GABRIEL UDOM VS LEO EKPENYONG, ESQ.** Following a libel suit filed by Udom Emmanuel against Leo Ekpenyong, a lawyer, for defamation of character over a publication in which the plaintiff was accused of "buying judgment" from the 2019 National Assembly Election Tribunal, Ekpenyong's lawyer, Barr. Inibehe Effiong filed a motion on notice asking Justice Obot to reassign the case to a neutral judge and further praying that the matter is heard *de novo*.

Ostensibly committing him to prison for contempt, the judge ordered that Barrister Inibehe be taken to the Uyo Correctional Center. The judge ignored appeals by other counsels in the courtroom, insisting that Inibehe must duly serve the prison term. The order was given after Barr. Effiong raised the issue of "feeling intimidated and threatened" by the presence of armed policemen in the courtroom and applied to the court to have the armed policemen excused from the courtroom.

While the court can summarily exercise its power to convict a person on the basis of contempt, the Nigerian courts have decided in a long line of cases that "the law of contempt does not exist for personal gain or glory; it only serves to uphold and promote the efficient administration of justice." When determining when words or actions used in front of the court or during proceedings are deemed to be in contempt, the Supreme Court of Nigeria in the case of **INEC & ANOR V OGUEBEGO & ORS**, held as follows:

"For words or actions used in front of the court or during proceedings to be in contempt, they must be such as would interfere with the course of justice. The inherent authority to deal with contempt in prima curiae and punish for the offense summarily belongs to a superior court of record. It must be emphasized once more that the summary authority to penalize for contempt should only be employed in extreme circumstances."

Neither the facts of this case nor the conduct of counsel during the proceedings fits the requirements of extreme circumstances nor suggests that Barrister Inibehe interfered with the course of justice.

Accordingly, the Action Group on Free Civic Space, calls on the Honourable Chief Judge of Akwa Ibom State Judiciary to immediately reverse the order and free Barrister Inibehe Effiong. His imprisonment is a blatant violation of his fundamental human right of the freedom of expression as enshrined in **S. 39 of the 1999 Constitution of the Federal Republic of Nigeria**. We further call on the Nigerian Bar Association (Uyo Chapter) as well as the National Judicial Council (NJC) to probe this matter as a matter of urgency.

Signed:

THE ACTION GROUP ON FREE CIVIC SPACE (AGFCS)

- 1. Spaces for Change**
- 2. Vision Spring Initiative**
- 3. Rule of Law and Accountability Advocacy Centre**
- 4. Youth Environmental Advocacy Center**
- 5. Network on Police Reform in Nigeria**
- 6. Stakeholder Democracy Network**
- 7. Foundation for Environmental Rights, Advocacy & Development (FENRAD NIGERIA)**
- 8. Building Blocks for Peace Foundation**
- 9. Accountability Lab**
- 10. Centre for Citizens with Disability**
- 11. Garga Foundation**
- 12. Centre for Community Empowerment in Conflict and Peacebuilding**
- 13. The Initiative for Equal Rights**
- 14. Center for Peace Education and Community Development (cepeacecode)**
- 15. World Impact Development Foundation**
- 16. Justice and Rights Initiative**
- 17. Grassroots People Empowerment Foundation (Policy Alert)**
- 18. Dandalin Matasa Initiative for Rapid Development.**
- 19. Justice Development and Peace Center (JDPC) Lagos**
- 20. Centre for Justice, Empowerment and Development**
- 21. Entrepreneurship Initiative for African Youth (EIFAY Africa)**
- 22. The Interactive Initiative for Social Change**
- 23. We the People**
- 24. Ace and Vanguard Legal Practitioners**
- 25. Centre for Community Empowerment and Poverty Eradication**