



*Standing Orders
And
Rules Of Procedure
Of The*

**NATIONAL HUMAN
RIGHTS COMMISSION
OF NIGERIA**



**STANDING ORDERS
AND
RULES OF PROCEDURE
OF THE**



**NATIONAL HUMAN
RIGHTS COMMISSION
OF NIGERIA**



THE GOVERNING COUNCIL
OF THE
NATIONAL HUMAN
RIGHTS COMMISSION

HAVING CONSIDERED THE
NATIONAL HUMAN RIGHTS
COMMISSION ACT 1995 AS
AMENDED

PURSUANT TO SECTIONS 2(6), 6(1)
(A)&(G) & 23 OF THE ACT

HAS ADOPTED THE
PRESENT STANDING ORDERS
AND
RULES OF PROCEDURE

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Preliminary Provisions

Objectives:

- i. These Standing Orders and Rules of Procedure (hereafter called “Rules”) supplement the National Human Rights Commission Act 1995, as amended, and are designed to regulate the organization and govern the procedures of the National Human Rights Commission of Nigeria in accordance with provisions of the National Human Rights Commission Act 1995, as amended, hereafter referred to as the Act.
- ii. In the absence of a provision in these Rules or in case of doubt as to their interpretation, the Governing Council of the Commission shall decide on the matter in question.
- iii. In the event of conflict between these Rules and the Act, the latter shall prevail.

Rule 1- Interpretation

For the purpose of these Rules and unless the context or usage otherwise indicates a different meaning:

The “Act” refers to the National Human Rights Commission Act 1995, as amended by the National Human Rights Commission (Amendment) Act of 2010.

“Admissibility” means a process by which the Commission determines the eligibility of a complaint for determination on its merits and “admit” or “admitted” shall, wherever they occur be construed accordingly.

“Chairman” refers to the Chair of the Governing Council of the Commission.

“Commission” refers to the National Human Rights Commission of Nigeria and any reference to any act being done or performed by “the Commission” shall be construed as an act done or performed by or under the authority of the Governing Council.

“Commissioner” refers to a member of the Governing Council of the National Human Rights Commission.

“Complaints”, include case, dispute or petition, and extends to a communication addressed to the Commission alleging a violation of a human right or fundamental freedom or seeking redress or remedies from the Commission for such allegations of violations.

“Complainant” means a person who initiates a complaint or presents an allegation of human rights violation before the Commission.

“Conciliation”, includes any process of dispute resolution in which a mediator or other intermediary designated by the Commission helps the parties to a complaint or dispute before the Commission to reach a fair and just settlement of the complaint or dispute, and includes negotiation, , arbitration, mediation or other processes of amicable settlement.

“Council” refers to the Governing Council of the National Human Rights Commission.

“Council meeting” refers to the meetings of the Governing Council of the Commission.

“Decision”, when used with reference to the consideration of a case or complaint by the Commission, shall include a decision on admissibility, confidential disclosure of the identity of the victim, provisional measures, merits or other dispositions rendered by Council.

“Executive Secretary” refers to the Executive Secretary of the National Human Rights Commission.

“Federal Ministry of Interior” refers to the Federal Ministry of Internal Affairs as provided in Section 2(2)(b)(iii) of the Act which has since been renamed Federal Ministry of Interior.

“Inquiry”, includes a hearing and extends to a sitting of a committee, sub-committee, panel, working group, or other mechanism authorised by the Council for the purpose of enabling it to investigate or understand a pattern of allegations or complaints of violations of human rights in order to reach an informed conclusion, decision or recommendations.

“Investigation” includes the act of investigating something or someone or the condition of being investigated including a searching inquiry for ascertaining facts in relation to a complaint or report of violation of human rights.

“Respondent” means person or entity against whom a complaint or allegation of violation of human rights has been made before the Commission.

“Rules” refers to the Standing Orders and Rules of Procedure of the National Human Rights Commission.

Where in these Rules, any person or institution is required to notify, advise, transmit or communicate a decision, opinion, request, or demand, it shall be read to mean that the person shall notify, advise, transmit or communicate a decision, opinion, request, or demand in

writing. For these purposes, writing shall include transmission by electronic-mail or hard paper copy of a document, braille or other form of written communication for the visually impaired, but not short messaging service (sms) or other form of electronic short messaging.

Where in these Rules a time limit is prescribed for performing of a task, request or compliance with a provision, the Council may, upon an application to it and for good cause, authorise an extension of that time limit as it deems fit.

Part One

General Provisions/Organisation of the Commission

CHAPTER I

MEETINGS

Rule 2 - Meetings of Council

1. Council shall meet at least once a month in each calendar year and subject thereto, the Council shall meet whenever it is summoned by the Chairman, and if the Chairman is required to do so, by notice given to him by not less than four other members, he shall summon a meeting of the Council to be held within fourteen days from the date on which notice is given.
2. Council shall hold such regular or other meetings as may be necessary to enable it to carry out satisfactorily its functions in conformity with the Act.
3. Council shall have regular meetings and, subject to the provisions of the Act and of these Rules, may also meet in Emergency or Extraordinary sessions.
4. Council may invite or summon to attend or participate in its meetings or any part thereof, any person or institution capable of contributing to any issue on its agenda or within its jurisdiction.

Rule 3 - Number of Meetings

1. Council shall meet not less than twelve times in any calendar year.
2. The meetings of Council shall be convened on a date designated by the Chairman. In designating dates for meetings of Council, the Chairman shall as appropriate consult with members of Council, including the Executive Secretary.
3. For the purposes of this Rule, references to a meeting or convening of the Council shall include an electronic meeting convened as such with due notice to members of the Council.

Rule 4 - Place of Meetings

A meeting of the Council may be convened at the Commission Headquarters or in such other places or locations within Nigeria as the Chairman, following consultation with the Executive Secretary, may decide.

Rule 5 - Notifications of the Date of Meetings

1. The Executive Secretary shall, at the request of the Chairman, inform members of the Council of the date and venue of regular or ordinary meetings. This notification shall, wherever possible, be sent, at least ten days, before the meeting.
2. Council shall endeavour to adopt and publish at the beginning of each year or, in any case, not more than twice yearly, a calendar or schedule of its meetings.

Rule 6 - Emergency Meetings

1. The Chairman in consultation with the Executive Secretary may summon emergency meetings of Council.
2. Four members of Council may, by a requisition in writing addressed to the Chairman, require the convening of an emergency meeting of Council. The requisition shall clearly state the reasons for the request and shall be accompanied by a provisional agenda proposed by the members requisitioning the emergency meeting.
3. The Chairman shall, upon receipt of such requisition, summon an emergency meeting of Council to take place not later than fourteen days from the date of receipt of the requisition and shall direct the Executive Secretary to notify Commissioners appropriately.

CHAPTER II

AGENDA

Rule 7 - Drawing up of Provisional Agenda

1. The Executive secretary shall, in consultation with the Chairman propose a provisional agenda to Council.
2. The Provisional Agenda shall include all the items listed by the present Rules of Procedure as well as the items proposed by:
 - (a) Council at a previous Session;
 - (b) The Chairman of the Commission or any other member of the Commission;
 - (c) Civil society or other partners in accordance with the provisions of these Rules.
3. A provisional agenda of an emergency meeting of the Commission shall include only the items proposed to be considered at that emergency meeting.
4. A member or other person proposing an item for the agenda shall transmit his or her request for such an item together with any supporting documents in writing to the Executive Secretary not later than 48 hours before the date on which the Executive Secretary should notify the members of the date for the next meeting of Council.

Rule 8 - Transmission and Distribution of Provisional Agenda

A provisional agenda and the essential documents relating to each item shall be transmitted to members of the Council by the Executive Secretary who shall endeavour to transmit them to members at least five working days before the meeting.

Rule 9 - Adoption of the Agenda

At the beginning of each meeting, Council shall adopt a final agenda which shall be the provisional agenda with such modifications as may be approved by Council.

Rule 10 - Revision of the Agenda

Council may, during a meeting, revise the agenda if need be, adjourn, cancel or amend items. During a meeting, only urgent and important issues may be added to the agenda.

Rule 11 - Draft Provisional Agenda for Next Meeting

The Executive Secretary shall, at each meeting of the Council, submit to members for notification a draft provisional agenda for the next meeting of the Council, indicating with respect to each item, the documents to be submitted on that item and the decisions which authorized their preparation so as to enable Council to consider these documents as regards the contribution they make to its proceedings, as well as their urgency and relevance to the prevailing situation.

CHAPTER III

MEMBERS OF THE GOVERNING COUNCIL

Rule 12 - Composition of Council

1. Council shall be composed of sixteen members appointed in accordance with the Act, including three ex-officio members respectively representing the Federal Ministries of Justice, Foreign Affairs and Interior.
2. Each member shall sit on the Council in their personal capacity. No member may be represented by another person.
3. Persons appointed to the Council in Ex-Officio capacity shall not have voting powers in the Council but shall be entitled to other privileges of membership of Council, including payment of allowances, participation in debates in Council, to receive Council documents and to be bound by all other rules applicable to Council members.

Rule 13 - Term of Office of Members

1. The members of Council other than the Executive Secretary shall hold office for four years and may be re-appointed for one further term of four years and no more.
2. However, if a member is re-elected at the expiry of his or her term of office, or elected to replace a member whose term of office has expired or will expire, the term of office shall begin from that expiry date.

Rule 14 - Cessation of Functions

1. A member of the Council shall be removed from office by the President, Commander in Chief of the Armed Forces subject to confirmation by simple majority of the Senate in accordance with Section 4 (l) of the National Human Rights Commission Act 1995 as amended.
2. In case of death of a member of the Council, the Executive Secretary shall immediately notify the Council who shall inform the President and Commander in Chief of the Armed Forces.

3. A member of the Council may at any time resign his/her office in writing addressed to the President, Commander-in-Chief of the Armed Forces which resignation shall become effective on acceptance by the President, Commander-in-Chief of the Armed Forces.

Rule 15 – Vacancy of Seat

Any seat in the Council, which becomes vacant in conformity with Rule 13 of the present Rules of Procedure, shall be filled by the President, Commander in Chief of the Armed Forces in accordance with the Act.

Rule 16 – Oath of Office

Before coming into office, every member of the Council shall make a solemn commitment to carry out his/her duties well and faithfully with impartiality in accordance with the Act.

CHAPTER IV

OFFICERS

Rule 17 - Powers of the Chairman

The Chairman shall carry out the functions assigned to him or her by the National Human Rights Commission Act 1995 as amended, these Rules of Procedure and the decisions of Council.

Rule 18 - Absence of the Chairman

If the Chairman is unable to attend all or part of a meeting, the members shall by consensus designate from among themselves a member, other than the Executive Secretary, to act as Chairman.

Rule 19 - Functions of the Acting Chairman

A person, designated to act in the capacity of the Chairman, shall have the same rights and the same duties as the Chairman.

CHAPTER V

SECRETARIAT

Rule 20 - Functions of the Executive Secretary

1. The Executive Secretary shall be the Chief Executive, Chief Accounting Officer and the head of the Secretariat of the Commission. He or she shall be responsible for preparing and tabling before Council the annual budget proposals and medium term strategy of the Commission for consideration before the budgets is presented to the appropriate authority.
2. The Executive Secretary shall be a member of Council with full voting rights.
3. The Executive Secretary shall assist Council and its members in the exercise of their functions.
4. The Executive Secretary shall designate and oversee within the administration of the Commission such departments, directorates, or units for effective running of the Commission.
5. The Executive Secretary shall take all necessary steps to support and service all meetings or programmes of the Council and ensure the implementation of Council Decisions.
6. The Executive Secretary shall also be the custodian of the archives, records and documents of the Commission.
7. The Executive Secretary shall be responsible for preparing draft reports, resolutions, studies and any other work entrusted to him or her by the Council or in accordance with the Act.

Rule 21 - Seal of the Commission

The fixing of the seal of the Commission shall be authorized by the signature of the Chairman or Executive Secretary or any other Commissioner authorized generally or specially by the Council for that purpose.

CHAPTER VI

FINANCIAL MATTERS

Rule 22 - Consideration of Financial Estimates

Before Council considers a proposal entailing expenses, the Executive Secretary shall prepare and distribute to members of the Council, the financial estimates of the proposal.

Rule 23 - Financial Rules

Council shall be guided by the extant Financial Regulations applicable in the Federal Public Service of Nigeria or any approved adaptation of such rules.

Rule 24 - Financial Responsibility

The Commission shall bear the expenses of the staff and the facilities and services placed at the disposal of Council to carry out its functions.

Rule 25 - Ethics & Conflict of Interest.

1. A member of the Council shall commit to act both ethically and honestly in all dealings in his or her role as a member of the Commission.
2. A member of Council who has any interest in any undertaking or other concern which the Commission proposes to make or any contract or arrangement shall disclose to Council the fact of such interest and the nature of the interest and such disclosure shall be recorded in the minutes of Council, and such member(s) shall take no part in any deliberation or decision of Council relating to any such proposal.
3. Council shall maintain a Register of Interests to record any interests disclosed by members which may impinge on or affect their roles as members of Council.
4. A member of the Council shall respect the inherent dignity and private lives of other Council members, staff members and anyone whom they come in contact with during the discharge of their duties to the Commission and shall treat all such persons with whom they come into contact with courtesy and respect.

5. All members of Council shall respect the confidentiality of Council deliberations.
6. Council may adopt or authorize the adoption of specific rules on ethics and conflict of interest to govern management, staff, Council and all persons associated with the Commission or create mechanisms for managing such issues.

CHAPTER VII

COMMITTEES, WORKING GROUPS AND SPECIAL PROCEDURES

Rule 26 - Establishment of Committees and Special Procedures

1. Council may establish or authorise the establishment of such Committees, Working Groups, Special Rapporteurs, Independent Experts, Advisory groups or such other special procedures or mechanisms as it may consider appropriate for the exercise of its functions.
2. Council may designate or select members of Committees, Working Groups, Special Rapporteurs, Independent Experts, Advisory Groups or other special procedures from among its members or outside members of the Council who, in the opinion of the Council, possess the expertise, skill, reputation and integrity required to undertake such mandate on behalf or at the request of the Commission.
3. Council may invite or request members of Committees, Working Groups, Special Rapporteurs, Independent Experts, Advisory Groups or other special procedures to attend or participate in meetings of the Council or any parts thereof in which their participation may be required or useful to the deliberations or decisions of the Council.
4. The mandate and membership of the committees, working groups or other special procedures shall be designated by the Council subject to the approval of a simple majority of Council.
5. Where Council decides to create a Committee, Working Group, Special Rapporteur, Independent Expert, Advisory Group or other special procedure, it shall formally enroll such a decision in a resolution adopted by a simple majority of votes of the members of Council in which the following will be recorded:
 - (a) The definition of the conferred mandate, including its functions and scope;
 - (b) The description of the activities to be carried out and the methods of planned financing to defray them;

- (c) The terms of reference of the mandate;
 - (d) Provisions concerning how the work of the special procedure shall be organised, including when and how their reports may be presented; and
 - (e) The duration of the mandate.
6. Council may periodically review, renew, modify or terminate the mandate of any committee, working group or other special procedure or issue such directives to the mandates as Council may adopt and approve.

CHAPTER VIII

SESSIONS OF THE COMMISSION

Rule 27 - General Principles

1. The meetings of Council and of its subsidiary bodies may be held in private unless Council decides or directs otherwise.
2. Council may determine as a rule or from time to time that parts of its agenda may more suitably or fruitfully be undertaken in public session.

Rule 28 - Publication of Proceedings

At the end of each public or private sitting, Council or its subsidiary bodies may issue a report or communiqué of the deliberations or decisions adopted.

CHAPTER IX

LANGUAGES

Rule 29 - Working Languages

1. The official language of the Council for all purposes shall be English.
2. The Commission at the direction of Council shall endeavour to make its records and work accessible in as many Nigerian languages as possible.

Rule 30 - Interpretation and Translation

1. Where a person invited or appearing before Council in any capacity as expert, special procedure, complainant, respondent, witness or any other capacity is unable to communicate effectively in English language, the Commission shall arrange to ensure that there is adequate interpretation.
2. Where documents filed with the Commission are in a language other than English, the Commission shall require the person filing the documents to provide an authenticated translation of relevant records and proceedings in English.
3. Where a person appearing before Council or any of its subsidiary bodies is incapacitated with respect to such means of communication as speech, sight or sound but able to communicate in such specialised forms as Sign Language or Braille, the Commission shall facilitate access to expertise to enable effective communication between such person and the Commission.

Rule 31 - Tape Recordings of Meetings

The Secretariat may record through suitable audio or other voice recording technologies and preserve the recordings of the meetings of Council. It may also record and conserve the recordings of the meetings of the committees, working groups and other subsidiary organs unless Council decides otherwise.

Rule 32 - Summary Minutes of Meetings

1. The Secretariat shall draft the summary minutes of the public and private sessions of the Council and of its subsidiary bodies. It shall distribute them as soon as possible in a draft form to the members of Council.
2. Minutes of Council meetings shall be forwarded for receipt by members not later than five (5) working days before each meeting.

Rule 33 - Submission of Official Decisions and Reports

1. Every decision, resolution or report officially adopted by Council shall be given a unique identification or reference number and be distributed to all members of Council as soon as possible.
2. Unless otherwise decided by Council or exempted from disclosure by law, decisions adopted by Council shall, in accordance with the Freedom of Information Act, be public documents.

CHAPTER X

CONDUCT OF MEETINGS

Rule 34 - Quorum

The quorum for meetings of Council shall be as prescribed in the Act.

Rule 35 - Functions of the Chairman

1. Without prejudice to any other functions conferred on the Chairman by the Act or the present Rules, the Chairman shall:
 - (a) have the responsibility to open and close each meeting session, direct the debates, ensure the application of the present Rules of Procedure, grant the use of floor, submit to a vote matters under discussion, where appropriate, and announce the result of any vote taken;
 - (b) direct the discussions of Council and ensure order during meetings. The Chairman may during the discussion of an agenda item, limit on an even-handed basis, the time allotted to speakers, as well as the number of interventions of each speaker on the same issue and close the list of speakers;
 - (c) rule on the points of order, procedure or relevance.
2. The Chairman shall have a casting vote in the event of a tie on a vote taken by Council Members in Session.

Rule 36- Points of Order

1. During the debate of any matter a member may, at any time, raise a point of order and the point of order shall be immediately decided in accordance with the Rules of Procedure. If a member appeals against the decision, the appeal shall immediately be put to vote and if the Chairman's ruling is not overruled by the majority of the members present, it shall be maintained.

2. A member raising a point of order cannot, in his or her comments, deal with the substance of the matter under discussion.

Rule 37 - Adjournment, Suspension or Closure of Debates, Sittings or Hearings

1. A member may move or propose the suspension or adjournment of a debate, meeting or matter before Council.
2. Where a motion is contested, then, in addition to the proposer of the motion, one member may speak in favour of and one against the motion after which the motion may immediately be put to vote.
3. Council may grant an application for adjournment or continuation on a different day or sitting made either in person or by counsel on behalf of a party to case, hearing, witness, or other participant in proceedings before Council.

Rule 38 - Closing the List of Speakers

The Chairman may, during a debate, read out the list of speakers. Where there are no more speakers or the time allotted for the agenda item has elapsed, the Chairman shall, declare the list closed.

Rule 39 - Decisions on Competence

If a member objects to the competence of the Commission or of Council to adopt a proposal submitted to it, the Chairman shall invite responses from the Commissioners before ruling on the objection.

CHAPTER XI

VOTES

Rule 40 - Right to Vote

Each member of Council, except the ex-officio members, shall have one vote. In the case of equal number of votes the Chairman shall have a casting vote.

Rule 41 - Asking for a Vote

A proposal or a motion submitted for the decision of Council shall be put to vote if a member so requests or in the absence of a consensus at the conclusion of a debate. If no member asks for a vote, Council may adopt a proposal or a motion without a vote.

Rule 42 - Required majority

1. All members shall strive to reach decisions by consensus. Where Council fails to reach a consensus on any issue the Chairman shall seek further dialogue on such terms as may be considered appropriate concerning any unresolved issues and may, as a last resort, put the matter to vote.
2. Where any matter is put to vote, decision shall be taken by a simple majority of members present and voting.
3. For the purpose of the present Rules, the expression "members present and voting" shall mean members voting for or against. Any member who shall abstain from voting shall be considered as non-voting member.

Rule 43 - Method of Voting

1. Subject to these Rules, Council, unless it otherwise decides, shall normally vote by show of hands, but any member, including the Chairman, may request the roll-call vote, which shall be taken in the alphabetical order of the names of the members of the Governing Council of the Commission. In all the votes by roll-call each member shall reply "yes", "no" or "abstention".

2. Council may decide to hold a secret ballot.
3. In case of vote by roll-call, the vote of each member participating in the ballot shall be recorded in the minutes.

Rule 44 - Explanation of Vote

Commissioners may make or request to have recorded in writing or in some other means brief statements for the only purpose of explaining their vote, before the beginning of the vote or once the vote has been taken. A member who sponsors a proposal or a motion cannot explain his vote on that proposal or motion except if it has been amended.

Rule 45 - Rules to be observed while voting

A ballot shall not be interrupted except if a member raises a point of order relating to the manner in which the ballot is held. Members may be allowed to intervene briefly, whether before the ballot begins or when it is closed, but solely to explain their vote.

Rule 46 - Division of Proposals and Amendments

Proposals and amendments may be separated if requested. The parts of the proposals or of the amendments which have been adopted shall later be put to vote as a whole; if all the operative parts of a proposal have been rejected, the proposal shall be considered to have been rejected as a whole.

Rule 47 - Amendment

An amendment to a proposal shall be understood to mean an addition to, deletion from or revision of part of that proposal.

Rule 48 - Order of Vote on amendments

When an amendment is moved to a proposal, the amendment shall be voted on first.

Rule 49- Order of Vote on Proposals

1. All proposals made on the same matter for the consideration of Council, unless it decides otherwise, shall be recorded before being decided on, or if necessary, put to vote.
2. After each vote, the Chairman may decide whether to put the next proposal to vote.

CHAPTER XII

PARTICIPATION OF NON-MEMBERS IN THE WORK OF THE COMMISSION

Rule 50 - Participation of non members in Council meetings

1. Council may invite persons, institutions or other agencies capable of enlightening it, affected by its decision or interested in a subject matter under consideration by the Commission to participate in its proceedings.
2. A person, institution or other agency thus invited shall have no voting right, but may submit proposals to Council.
3. A Member, other than the Chairman, may request that the proposal be adopted as that of the Council, and such request may be put to vote where appropriate.

Rule 51 - Participation of other Institutions, Organisations and Agencies

1. A public institution or agency or civil society organisation or other institution or organisation lawfully operating in Nigeria may apply to the Commission or request Council to place an item on its agenda. Such an application shall be addressed to the Executive Secretary and shall be supported by any background documents as may be necessary to enable Council reach an informed decision on its merit.
2. The Executive Secretary shall record all such applications and bring them to the attention of the Council with his recommendations on the merits of the applications.
3. The provisional agenda of Council may include items proposed or requested for consideration by civil society organisations or other partners of the Commission.
4. The Executive Secretary shall notify any organisation that has placed an item on the agenda of Council of the dates and venue of the Council meeting at which the item will be considered.
5. Except as otherwise may be decided by Council., the Commission shall not be responsible for any costs associated with or arising from the participation of any

outside entity or person in the meetings or other work of Council.

6. The Executive Secretary may, following consultation with the Chairman, distribute a public notice of the venue and duration of meetings of Council.

CHAPTER XIII

RELATIONS WITH AND REPRESENTATION OF NON -GOVERNMENTAL ORGANISATIONS

Rule 52 - Representation

Non-governmental organisations may participate in the sessions of Council or in other work of the Commission.

Rule 53 - Mechanisms of Consultation with Civil Society

1. Council shall establish or adopt and widely disseminate, following consultation with organised civil society in Nigeria, rules or guidelines for formal consultations with civil society organisations. Pending the adoption of such rules, the Commission shall endeavour to ensure that civil society enjoys effective access to and participation in its work.
2. The Commission may consult non-governmental organizations either directly or through committees, experts or working groups established for this purpose. These consultations may be held at the invitation of the Commission or at the request of Civil Society Organisations.

CHAPTER XIV

PUBLICATION AND DISTRIBUTION OF REPORTS OF THE COMMISSION

Rule 54 - Reports of the Commission

1. It shall be the responsibility of Council to consider, adopt and authorise for submission or publication statutory reports required to be issued by the Commission under the Act or any other law.
2. All reports adopted by Council for submission by the Commission in exercise of its statutory responsibilities shall be public documents.

Part Two

Provisions Relating to the Functions of the Commission

CHAPTER XV

PROMOTIONAL ACTIVITIES

Rule 55 - Contents of Reports

1. The Executive Secretary shall, not later than end of March in every year, submit to Council, a list of statutory compliance required of the Commission in the year, indicating a calendar for when Council shall receive these reports for consideration and approval before they are submitted under law.
2. The Executive Secretary shall prepare and submit to Council in the first quarter of every calendar year, a report in the form required by the National Human Rights Commission Act 1995 as amended on measures taken by the Commission to give effect to the rights recognised by the Act and on the progress made with regard to the enjoyment of these rights.
3. The report shall indicate, where possible, the factors and difficulties impeding the implementation of the provisions of the Act.
4. The Secretariat shall prepare and submit to Council for consideration not later than the end of the first quarter of each year, a report on the State of Human Rights in Nigeria during the preceding year. After due consideration and adoption, Council shall authorise this report for submission to the National Assembly and publication.

Rule 56 - Consultations and Observations on Reports

Before adopting or issuing a report for publication, Council may invite any person or institution to submit observations relating to any part of the report within such time limit as it may specify.

Rule 57 - Promotional Activities

1. The Commission shall undertake such activities as it deems appropriate for the promotion of human rights in Nigeria.

2. For this purpose, the Commission may from time to time identify or designate any issue or theme under the Act as priority for promotional activities.
3. The Chairman may, following consultations with members of Council, from time to time designate Commissioners with specific responsibilities or expertise for the promotion of human rights on such issues, themes or subjects as Council may from time to time decide and periodically report back to Council.
4. The Chairman shall notify Council from time to time of any changes in the list of thematic mandates or responsibilities and Council may vote to ratify or vary the list as it deems fit.
5. Council may also appoint in its discretion, independent experts or rapporteurs not being members of Council to similarly undertake such activities as Council may designate and report back to Council.
6. The scope, duration and other terms of the mandates for such Commissioners, independent experts or rapporteurs shall be approved by Council.
7. The costs relating to the work of any such experts or rapporteurs shall be borne by the Commission.

CHAPTER XVI

COMMENCEMENT OF CASES AND COMPLAINTS

Rule 58 - Written Complaints

1. A complaint alleging violation or threat of violation of human rights may be lodged through a letter addressed to the Commission or any of its officers or Commissioners or any of its offices anywhere in Nigeria. It may also be sent through electronic or regular mail.
2. Any person or officer receiving a complaint not addressed to the Executive Secretary shall promptly transmit such complaint to the Executive Secretary.
3. A complaint shall be in writing and may be made in the format contained in Form 1 in the Schedule to these Rules. It shall contain a detailed and comprehensive statement on the actions or violations complained of and the reliefs sought from the Commission.
4. Upon receipt of a Complaint, the Executive Secretary shall direct appropriate officers of the Commission to notify the parties named in the complaint.

Rule 59 - Lodging of a Complaint

1. A complaint may be lodged by the complainant in person or by a person acting on his or her behalf, instructions, request or best interest.
2. The Commission may, on its own motion or on the recommendation of any member of the Council, decide to take up a complaint.
3. Where a complaint is made orally, or the complainant cannot read or write in English or who, as a result of disability, is unable to write for him/herself, the complaint shall be reduced into writing by the person receiving it at or on behalf of the Commission or any other person chosen by the complainant for that purpose.

4. A person who reduces into writing the oral complaint of a complainant shall:
 - (a) Read over and explain the contents of the complaint to the complainant;
 - (b) Declare on the form or document that the complainant has fully understood or appeared to understand and appreciate the contents after they were read over to him or her;
 - (c) Cause the complainant to sign or thumb print at the bottom of each page of the document;
 - (d) Counter-sign by himself or herself at the bottom of each page of the document that these processes have been duly complied with to the understanding of the complainant.

Rule 60 - Content of a Complaint

1. A written complaint shall be in the form set out in Form 1 of Schedule 1 to these Rules of Procedure and shall include:
 - (a) The name, address, telephone or other contact number(s) and description of the complainant;
 - (b) The name, address, telephone or other contact number(s) and description of the person or entity against whom the complaint is lodged or made;
 - (c) If the person making or lodging the complaint is not the victim or beneficiary of any remedies sought, the complaint shall indicate the name and contact address of the victim or person on behalf of whom the remedies are sought as well as the nature of their relationship with the victim;
 - (d) The name, address, telephone or other contact numbers and description of legal or other duly authorised representatives of the complainant or respondent if applicable;
 - (e) A summary of the facts, claims or allegations within the knowledge of the complainant or of the persons lodging the complaint that constitute the bases of the complaint;
 - (f) The date and place where the alleged violations occurred;

- (g) The nature of violations alleged;
 - (h) Any previous steps taken by the complainant to remedy the violations complained of;
 - (i) The remedies sought from the Commission;
 - (j) An indication whether the case has been submitted to any other form of judicial, administrative or other dispute settlement procedure.
2. The complainant shall, upon completing the complaint, attach thereto such documents, if any, in support of the claims contained in the complaint.
 3. The fact that a complaint is not filled out on Form 1 shall not bar the Commission from entertaining the complaint.

Rule 61 - Amendment of a Complaint

1. At any time before final decision, a party may, by notice setting out the proposed amendments, deposited or filed with the Commission and served on the respondent and on the Commission, request to amend any filing, including a complaint or response .
2. The party on whom a request for an amendment has been served shall be entitled to respond thereto within such time as the Commission may stipulate.
3. The Commission may accept or reject the request for amendment having regard to the circumstances of the case.

Rule 62 - Confidential Disclosure of Identity

1. A complainant may in lodging the complaint, request or apply to the Commission to exempt him or her generally from indicating the name, identity, contact address or other information that may indicate the present whereabouts of the victim or complainant.
2. An application for confidential disclosure of the identity of the victim or complainant may be made if the complainant or victim has credible reason to believe that the disclosure of such markers of identity may endanger the safety, security or life of the

victim or of his or her family.

3. An application for confidential disclosure of the identity of the victim or complainant shall be supported by credible information providing facts on the bases of which the complainant believes that disclosing the identity or markers of identity or contacts could endanger the victim.
4. An application for confidential disclosure of the identity of the victim or complainant shall be considered and decided upon by Council if it is in Session.
5. If an application for confidential disclosure of the identity of a complainant/victim is granted, the complainant/victim shall, confidentially disclose the identity of the complainant/victim to the Executive Secretary who shall, in consultation with the Chairman, take appropriate steps to ensure protection of the victim or complainant.

Rule 63 - Parties to a Complaint

1. A complaint shall indicate the person or entity making or lodging it as well as the person or entity against whom it is made.
2. Where there is more than one person affected by the allegations in a complain, any one or more of the persons affected may, upon evidence of authority from the other affected persons and with the approval and permission of the Commission, complaint on behalf of the other persons.
3. A complaint may be made against more than one person or entity.
4. A person or entity not being an original complainant or respondent to a complaint may, upon application to Council, seek to be joined to a pending complaint.
5. The Commission may, at any stage after a complaint has been registered, of its own motion or upon the application of any person or entity, order that any person or entity should be joined in the case whose participation it considers essential for a fair, just, equitable or effective disposition of the case or complaint lodged before the Commission.
6. A party joined by a decision of Commission on an application to be joined as a party to a pending application shall participate in the proceedings with such rights and obligations as all parties before the Commission.
7. A complaint shall not be defeated by reason of the fact that not all parties affected by it

have been joined.

Rule 64 – Complaints Registry

1. There shall be established within the Secretariat, a Complaints Registry
2. The Registry shall maintain a permanent Register of all cases and complaints received by the Commission. The Register shall be maintained in both hard copy and electronic formats.
3. The Registry shall receive and undertake initial processing of all cases and complaints received by the Commission.
4. Upon receipt of a complaint, the Registry shall assign a unique case or file number to the case and formally register it in the records of the Commission.
5. The Registry shall maintain a separate file for each case and shall be responsible for managing the database of cases and complaints at the Commission.
6. The records or archives on all pending and closed cases shall be maintained at the Registry of the Commission.
7. The Registry shall process all requests for records or copies of records of cases and complaints received by the Commission.
8. The Executive Secretary shall designate staff at each field office of the Commission with Registry responsibilities.

CHAPTER XVII

GENERAL PROVISIONS

Rule 65 - Competence

1. It shall be the responsibility and function of the Governing Council to decide on petitions, cases and complaints of violations of human rights received from individuals or other persons or communities.
2. Council may delegate any of its roles with respect to the preparation, investigation or mediation of complaints to the Executive Secretary or any other person or expert designated by it.
3. Before appointing or delegating to any person who is not a member of Council any part of its role with respect to cases and complaints, Council shall require such person to make and subscribe to an oath in accordance with the Oaths Act that he or she shall faithfully and impartially and to the best of his or her ability, discharge the duties or responsibilities delegated by the Commission, uphold the integrity of the Commission's processes and respect the confidentiality of all matters that shall come to his or her attention during the process.
4. The Executive Secretary shall, at each Session, present to the Council a list of all complaints received, the procedures undertaken by the Secretariat, and proposals or remedies for consideration or decision by the Commission.
5. The decision on any case, complaint or petition shall be made by Council.
6. Council may ratify or adopt for ratification, measures, steps or recommendations taken or rendered by the Secretariat in the inter-session between the term of one Council and another.

Rule 66 - Overriding Principles of Fair Hearing

1. In the determination of complaints under these Rules, the Commission shall be guided by the need to ensure:

- (a) an effective and enabling environment for fair, just, and effective recognition, promotion and enforcement of all rights recognized and enshrined in the Constitution of the Federal Republic of Nigeria 1999, the International and Regional Instruments to which Nigeria is a party and under any other existing legislation;
 - (b) informal, extra-judicial and expeditious processing and disposal of all cases and complaints in accordance with the principles of fair hearing;
 - (c) substantial justice without regard to undue technical rules of evidence, procedure or forms;
 - (d) equality of arms between all parties before the Commission; and
 - (e) the protection of the safety and security of all parties before the Commission as well as the impartiality and integrity of all processes undertaken by the Commission.
2. The Commission shall not charge a fee for the lodging of a complaint.
3. In the consideration of a complaint, the Commission may resort to arbitration, conciliation, mediation, amicable settlement, inquiries, hearings or such other forms of contentious dispute resolution as it deems appropriate.
4. Notwithstanding the provision of sub-rule (2) of this Rule:
- (a) The Commission may, from time to time authorise and publish a scale or schedule of fees chargeable for obtaining copies of records held by the Commission;
 - (b) The Commission may, in its discretion, decide that a party that elects or insists that the determination of their case shall be undertaken exclusively through contentious hearings or proceedings may be liable to the other parties for the costs of the proceedings as determined or ordered by the Commission;
 - (c) The Commission may, at its discretion, hear counsel on behalf of parties.

Rule 67 - Interim Measures of Protection

1. The Commission shall authorize in its discretion such measures as may be necessary for the protection of parties, victims, evidence, witnesses or any participants in the

- complaints process.
2. At any time after a complaint has been lodged with the Commission but before final decision, the Commission may issue or indicate provisional or interim measures of protection to avoid irreparable damage being caused to the victim of the alleged violation or the subject matter of the complaint.
 3. The Secretariat shall report to the Council all interim measures taken by the Commission.

Rule 68 - Incompatibility

1. A member shall not take part in the consideration of a complaint by Council if:
 - (a) He or she has any personal interest in the subject matter of the case or a pecuniary interest of any nature in its outcome;
 - (b) He or she has or has had a personal, commercial or labour relationship or other relationship of intimacy with any of the parties;
 - (c) He or she, prior to being a member of Council, has participated in any capacity in a previous process of consideration or adoption of any decision in relation to the subject matter of the complaint.
2. Any issue relating to the application of paragraph 1. above shall be resolved by Council.

Rule 69 - Transmission and Service of Documents.

1. Where under this chapter of these Rules, a document, summons, notice or other record is required to be transmitted to any party, there shall be sufficient compliance if:
 - (a) The document, summons, notice or other record is delivered in person to the named party or to counsel or other legal representative of the named party; or
 - (b) A copy of the document, summons, notice or other record is delivered to a named and identified adult who is a member of the family or is residing with or who is the employer or employee of the named party.
2. Where it is not possible to notify or serve a named party in person of a document, summons, notice or other record, the Commission may, of its own motion or on application direct that:

- (a) A copy of the document, summons, notice or other record, is affixed to a conspicuous place in the house or homestead or ordinary place of work or business of the named party and also to some conspicuous place on the premises of the Commission;
 - (b) The named party is a staff in the public service of the state or the federation, by sending the document, summons, notice or other record through courier or registered mail or acknowledged delivery to their employer in the public service of the State or Federation;
 - (c) The document, summons, notice or other record is sent to the known address of the named party by courier, registered post or by other verifiable form of acknowledged delivery; or
 - (d) The particulars of the document, summons, notice or other record are published in a newspaper circulating in the locality of the named party or in other media, for transmission to the named party.
3. For the purpose of transmitting or service of a document, summons, notice or other record on parties before it, the Commission may engage the services of officers or employees of the Commission or the assistance of any other person, including a police officer, officials of any other security agencies, bailiffs or authorized court process servers.
 4. Every person upon whom a document, summons, notice or other record is served in person under these Rules shall sign or put a mark or record on a counterpart copy in acknowledgment of the document and refusal to do so shall be recorded in writing by the person effecting the service of the document on the counterpart copy.
 5. Where a document, summons, notice or other record is sent by registered post or other verifiable form of posting, it shall be deemed to have been received by the addressee five days from the date on which it is signed in for dispatch by the post office or courier service provider.
 6. Any document required to be transmitted to a corporate entity or body shall be deemed duly transmitted and received upon proof of transmission to the registered office of the corporate entity or body or to any of its authorized officers.
 7. Where a party on whom a document, summons, notice or other record is required to be

served cannot be found or has died or has no known personal representative or, if for any other reason, effective service cannot readily be made, the Commission may, on application or of his own motion, authorise substituted service in such other form as may be deemed fit.

Rule 70 - Withdrawal and Lapse of a Complaint

1. A complainant may, in writing, withdraw a complaint pending before the Commission at any stage before final decision.
2. A complainant may orally, in person, inform the Commission through the Secretariat of their intention to withdraw a complaint. Upon receiving such a request the Executive Secretary shall direct relevant staff to reduce it into writing and verify from the Complainant that the request has been made voluntarily.
3. Notwithstanding the provisions of sub-rules (1) and (2) of this Rule, the Commission may, in its discretion, continue with the conduct of a case, investigation or inquiry, if it decides that it is in the public interest to do so.
4. Where a complainant fails or neglects to respond to a communication from the Commission within three months, the Commission may deem that the complaint has lapsed.

Rule 71 - When Respondent Fails to Respond or Participate in Proceedings

1. Where a Respondent who has been duly served and notified of the complaint fails, neglects, refuses or declines, without satisfactory explanation to the Commission, to respond to the allegations or participate in the proceedings, the Commission may proceed with consideration of the complaint.
2. The failure of a Respondent to appear or participate in any proceedings shall not alter the obligation of the complainant to produce evidence in support of the allegations or violations complained of.

CHAPTER XVIII

ADMISSIBILITY, INVESTIGATIONS, EVIDENCE, AND HEARING

Rule 72 - Admissibility

A complaint lodged with the Commission alleging violations of human rights and fundamental freedoms shall be admissible unless:

- (a) Its object is not consistent with the Constitution of the Federal Republic of Nigeria, the African Charter on Human and Peoples' Rights, the Universal Declaration of Human Rights or any other applicable human rights instruments under Section 5(a) of the Act;
- (b) It does not indicate any complainant, respondent or victim, except in cases in which the complainant has sought confidential disclosure of the victim;
- (c) It is vague or anonymous;
- (d) The complaint or any of the supporting documents is written in a foreign language and the author does not provide a duly certified translation of the relevant contents in English;
- (e) It does not contain a factual description of the alleged violations, including the rights which are alleged to be violated;
- (f) It is not submitted by a person or a group of persons claiming to be the victim, their duly authorized representative or by any person or group of persons, including NGOs acting in good faith; or
- (g) It refers to a matter that is pending or under active consideration or has been decided by a Court or other national or international mechanism of dispute resolution for affording remedies to human rights violations.

Rule 73 - Decision on Admissibility

1. Without prejudice to the powers of Council, the Executive Secretary may make a preliminary determination of admissibility.
2. At any time before final decision, Council may determine the admissibility of a case or complaint.
3. Council may of its own motion or upon the application of either party rule on or dispose of the question of admissibility of a Communication.
4. Council may, in its discretion, decide that any questions as to the admissibility of a complaint shall be resolved in its final decision on the merits or substance of a complaint.

Rule 74 - Preliminary Investigations and Report

1. Upon receipt of a Complaint, the Executive Secretary shall direct appropriate officers of the Commission to notify the parties named in the complaint and undertake preliminary investigations on the matter.
2. After a new complaint has been registered, the Commission shall cause the complaint to be transmitted to the named respondents for their responses or observations.
3. The Respondent shall have a maximum of fourteen days to respond to the complaint.
4. If the Commission considers that the observations or response of the respondent require a reply from the Complainant, such response shall be transmitted to the Complainant, who shall have a maximum of five days to reply.
5. Not later than 45 days after the receipt or registration of a communication by the Commission, the investigating officer shall forward for the attention of Council, an initial or progress report on the preliminary investigation.
6. If the Complaint is resolved at the level of preliminary investigations, Council shall adopt a decision and award remedies reflecting the agreements reached by the parties.
7. If the Complaint is not resolved at the level of Preliminary Investigations, Council may direct further investigations as may be justified by the circumstances of the case.

8. The Commission may in consideration of a complaint on human rights violations make available to the victim or complainant counseling services as part of its remedies.

Rule 75 - Further Investigations

1. The Commission may undertake further investigations on a complaint through:
 - (a) Issuance and enforcement of appropriate summons for witness and personal appearance or for production of documents, which shall be in the forms set out in Forms 2-4 of the Schedule to these Rules; or
 - (b) Site visit to the location or scene of an alleged violation.
2. The Executive Secretary shall, within such duration as Council may direct, not exceeding 30 days from initial consideration of the Preliminary Report, submit to Council a report on the Further Investigations with such recommendations as may be justified by the findings.

Rule 76 - Evidence

1. If a case or complaint is admissible, the Commission shall consider it in the light of all the information and evidence submitted by or received from all the parties.
2. In considering cases and complaints, the Commission shall require of the parties and rely on such evidence as may be required to prove the allegations or violations in a credible manner.
3. Such evidence may include documents, affidavits, photographs, electronic information, oral testimony, material evidence, expert evidence, or such other items of evidence as may be warranted by the nature of the case or the allegations under consideration.
4. The Commission may take judicial notice of facts that are publicly or notoriously known or such facts as may be judicially noticed by a court of law under the Evidence Act.

Rule 77 - Consideration of Complaints by Council

1. Council may, at any sitting decide to hear or consider or schedule for hearing or consideration such number of complaints as it may determine.

2. For purposes of consideration of complaints, the Council shall designate for each case or cluster of cases, a Commissioner-Rapporteur who shall be responsible for presenting the case to the Council together with the recommendations for consideration.
3. Upon consideration of a complaint, Council may decide to:
 - (a) Refer the complaint to conciliation;
 - (b) Refer the complaint to an inquiry or public hearing;
 - (c) Delegate any part of the consideration of the complaint to a Working Group or Committee of its members or members of staff on such conditions as it may adopt or direct;
 - (d) Require such further evidence or material from such expert or other sources as it may consider appropriate;
 - (e) Adopt, confirm or vary the report or recommendations of the Secretariat, inquiry, sub-committee, hearing panel or other subsidiary mechanism.
4. Where Council refers the consideration of a complaint to any of the mechanisms referred to in sub-rule 3 of this Rule, a report shall be submitted back to Council not later than thirty days from the referral.
5. Upon consideration of such report, Council shall take or adopt such decisions or other measures as it is empowered to do under the Act.
6. The determination by Council shall, where necessary, include such an award in respect of remedies as Council considers necessary and justified in the case.
7. Where Council makes an award in respect of remedies, its decision shall set out in writing the justification and bases for the award.

Rule 78 - Conciliation or Amicable Settlement

1. The Commission may, upon the receipt of a complaint, and after a preliminary investigation refer the parties thereto to such mechanisms of amicable settlement, including conciliation, mediation, or arbitration as it considers appropriate. At all times the Commission shall place its mechanisms at the disposal of all parties in order

- to facilitate such amicable resolution.
2. Upon registration of a case, the Registry shall advise all the parties that at any time before the determination of a case or complaint, the parties may elect to have it determined by conciliation or other forms of amicable settlement.
 3. Where both parties to a complaint express a desire in writing to have their complaint resolved by way of conciliation or amicable settlement, the Commission shall, in consultation with the parties or their legal representatives, schedule an appropriate date for a conciliation meeting.
 4. Where the Commission determines of its own motion that a complaint may be disposed of by conciliation or amicable settlement, it shall direct the Executive Secretary to advise the parties accordingly and schedule dates for a conciliation meeting.
 5. A Notice of Conciliation or Amicable Settlement shall be in the Form set out in the Schedule to these Rules and shall include the:
 - (a) Names of parties;
 - (b) Date of issue;
 - (c) Date, time, and location of conciliation meeting;
 - (d) Indication that the parties may appear in person or through their duly authorized legal representatives; and
 - (e) Indication that any outcome agreed at the end of conciliation shall be binding and enforceable as a final decision of the Commission.
 6. Conciliation shall be undertaken by a Conciliation Panel of not less than two and not more than three persons and designated for that purpose.
 7. The Commission may enlist or appoint such qualified conciliators as it deems necessary from among or outside the staff of the Commission.
 8. The Secretariat shall maintain and periodically update and publish a list of Conciliators approved for appointment by Council.
 9. Upon referral of a case for conciliation by the Council, the Chairman shall designate a

CommissionerRapporteur with responsibility to oversee the process of conciliation in the case.

10. A Conciliation Panel may resort to such procedures of conciliation as may be justified by the interest of the parties or the nature of the case before it.
11. At the conclusion of Conciliation, a Conciliation Agreement signed by the parties, each member of the Conciliation Panel and by the Commissioner Rapporteur shall be transmitted to Council.
12. If Council decides to reject or vary a Conciliation Agreement, it shall give reasons for so doing and refer the case back to the Conciliation Panel for reconsideration.
13. Upon acceptance and adoption of the Conciliation Agreement by Council, the Conciliation Agreement shall be enforceable in the same manner as an order or decision of the Commission.
14. Council may adopt such additional rules or guidelines as it deems fit to govern conciliations or amicable settlements.

Rule 79 - Inquiries

1. Upon receipt of a complaint or of its own motion, Council may decide to authorize or conduct an inquiry on such terms as it may determine.
2. Council may cause an inquiry to be held:
 - (a) Where it appears that particular events have caused or are capable of causing gross, massive or systematic violations of human rights or crimes of a human rights nature;
 - (b) Where several complaints relate to or indicate a pattern of violations arising from the same situation or facts and affect a class of victims;
 - (c) Where, in the opinion of Council, a complaint or set of complaints raise matters of broad public interest or issues of significant public policy;
 - (d) Upon the application of a party or parties to a complaint;
 - (e) At the request of the Attorney-General of the Federation or Attorney-General of a State in respect of issues within the legislative competence of the

Federation or of the State as the case may be; or

- (f) Upon the order of a Court of competent jurisdiction directing it to undertake an inquiry.
3. Where Council undertakes an inquiry at the request of the Attorney-General of the Federation or Attorney-General of a State, it may, as a precondition for undertaking the inquiry, request the Government of the Federation or of the State as the case may be to cover all or a substantial part of the costs of such inquiry.
4. In authorising an inquiry, Council shall:
 - (a) Set out the terms of reference of the inquiry;
 - (b) Specify the composition, quorum, and duration of the inquiry;
 - (c) Designate a Secretary to the inquiry;
 - (d) Provide for a legal counsel to the Inquiry;
 - (e) direct where and when such inquiry shall be made and the manner in which the report thereof shall be rendered;
 - (f) empower the inquiry, as it deems fit, to admit or exclude the public or any member of the public or other institutions or organizations from any of its meetings; and
 - (g) designate a member of the Council as Commissioner-Rapporteur with responsibility to oversee the inquiry.
5. Upon receiving the authorization of Council, the Executive Secretary shall issue an Inquiry Notice in the Form 7 set out in the Schedule to these Rules.
6. The Inquiry Panel may, for sufficient reason, at any time before the conclusion of the inquiry, adjourn proceedings and, in such case, the Commissioner or other person presiding or chairing the inquiry shall, following consultation with the Secretary to the inquiry, authorise the Secretary to fix a date for continuance of the inquiry.
7. The final report of the inquiry shall be signed by all members of the inquiry as well as by the Commissioner-Rapporteur.

8. In the event of a minority or dissenting report, the member of the Inquiry who does not agree with the majority shall prepare and submit to Council through the Commissioner-Rapporteur, a signed minority report.
9. The Report and recommendations of an inquiry shall be submitted to Council within such time as Council may direct and Council may adopt the report in its entirety or with such modifications as it may determine.
10. The decision of Council adopted following an inquiry shall have the same effect as any other decisions, determinations or directions by Council on cases and complaints.

Rule 80 - Oral Hearings

1. Council may of its own motion, on the recommendation of the Secretariat or on the application of the parties decide that a case may be suitable for oral hearing.
2. Upon a determination in terms of sub-rule 1 of this Rule, Council shall assign the case to a hearing panel.
3. A hearing panel shall comprise:
 - (a) A Presiding Commissioner and such other Commissioners, not exceeding two , as may be designated by the Council;
 - (b) A registrar who shall be responsible for the records of the hearing and who shall be a staff of the Commission designated by the Executive Secretary; and
 - (c) A Legal Counsel, who shall be a member of staff of the Commission designated by the Executive Secretary.
4. The Legal Counsel to a hearing shall work with the parties to settle or narrow down the specific issues in dispute to be determined at the hearing, the quantity of evidence, including witnesses, if any, that the parties propose to call, and the likely duration of hearing.
5. The issues in dispute agreed to by the parties and the Legal Counsel shall be presented to the Presiding Commissioner by consent of the parties or their legal representatives under the signatures of the parties or their representatives and of the Legal Counsel.
6. Upon the decision of the Council authorising a hearing and following the submission of the issues in dispute agreed by the parties, the Executive Secretary shall issue,

transmit to the parties and publish a hearing notice informing them of the decision of Council and requiring them to appear on the date and venue and in the manner specified.

7. The Hearing Notice referred to in this Rule shall be in the form set out in Form 6 set out in the Schedule to these Rules and shall include the:
 - (a) Names of the parties;
 - (b) Unique number assigned to the case by the Registry;
 - (c) Date of issue of the notice;
 - (d) Date of the hearing, which shall not exceed 14 days from the date of the notice;
 - (e) Place and time of the hearing;
 - (f) Penalty for non-compliance;
 - (g) Scheduled duration of the hearing;
 - (h) issues in dispute agreed by the parties and the Legal Counsel;
 - (i) fact that a party may appear in person or by counsel of their choice;
 - (j) fact that if a party does not appear as specified in the notice, the hearing shall proceed in their absence; and
 - (k) that the hearing shall be open to the public unless or to the extent that the Hearing Panel otherwise directs.
8. The Presiding Commissioner shall preside and direct the proceedings at the hearing.
9. Unless the panel otherwise directs, the evidence in support of the Complainant shall be heard first, followed by the evidence in support of the Respondent.
10. Parties or their legal representatives may question the witnesses for the adverse parties in such a manner or to such an extent as the panel may permit.
11. The Legal Counsel may, with the permission of the Panel, put questions to either party

or to their witnesses.

12. The hearing panel may, at any time, put questions to any of the parties or their witnesses and may, in its discretion, call or direct such additional evidence as it may consider necessary for a fair and just determination of the issues in dispute.
13. The Hearing Panel may, for sufficient reason, at any time before the conclusion of the hearing, adjourn proceedings and, in such case, the Presiding Commissioner shall, following consultation with the Registrar to the Panel, authorise the Registrar to fix a date for continuance of the hearing.
14. Upon conclusion of the hearing, the Panel may give parties or their legal representatives as well as the Legal Counsel an opportunity, not exceeding five days from the date on which final testimony or evidence was taken in the case, to submit in writing, their final observations on the issues in dispute.
15. The Panel shall thereafter conclude and adopt its decision and recommendations for transmission to Council not later than 21 days from the date on which final evidence was taken in the case.
16. The decision of the hearing panel shall be based on credible evidence and shall be in writing and shall include:
 - (a) The nature of the complaint;
 - (b) A recital of the issues in dispute settled by the parties;
 - (c) A brief summary of the evidence accepted or rejected by the panel;
 - (d) Any findings based on the evidence;
 - (e) Any remedies, if any, to which the complainant may be entitled;
 - (f) Any orders that the Panel considers necessary to enforce the remedies; and
 - (g) If the Panel considers it necessary, a direction that an identified party or parties shall bear some or all of the costs of the hearing as assessed by the Panel and the reasons for such direction.
17. The decision of the Council adopted following an oral hearing shall have the same

effect as any other decisions, determinations or directions by Council on cases and complaints.

18. The Panel shall be seized of case or complaint until the adoption of a final decision by Council.
19. A clerical error or accidental slip in any document, recording, decision of the Hearing Panel or omission may be corrected by the Hearing Panel.

Rule 81 - Decisions and Orders of Council on Complaints

1. The Council shall have final and exclusive competence to decide or determine all cases and complaints submitted to the Commission.
2. The decision of the Council may be adopted by unanimous consent of members of Council present and voting. Where there is no unanimity, the decision of a simple majority of members of Council present and voting shall constitute the decision of the Council.
3. In the event of a tie, the Chairman shall have a casting vote.
4. Any member of Council who disagrees with the decision of the majority shall be entitled to prepare under their signature and include as part of the records, a separate or dissenting opinion providing the bases and reasons for their separate or different vote.
5. Orders or Awards made or approved by Council in a decision shall be extracted by the Executive Secretary, and authenticated with the seal of the Commission as the orders of Council under the authority of the Chairman.

Rule 82 - Release Order

Where the complaint is in respect of the detention of a person or the Commission finds that a person in custody or detention is held unlawfully, Council may order the release of such person and the release order shall be in the form contained in Form 8 in the Schedule to these Rules

CHAPTER XIX

MANAGEMENT OF COMPLAINTS

SECTION I - TRANSMISSION OF COMPLAINTS TO COUNCIL

Rule 83 - List and Distribution of Complaints

1. The Executive Secretary shall prepare for each meeting of Council a list of cases and complaints to be considered by Council accompanied by a brief summary of the status of each complaint and cause the list to be distributed to members of the Governing Council of the Commission as part of the documents for Council.
2. For each complaint recorded, the Executive Secretary shall submit to Council a summary of the relevant information received, which shall be distributed to each Commissioner.
3. The Executive Secretary shall transmit to each member of Council, the texts of any reports, recommendations or Panel decisions for consideration by Council.

Rule 84 - Request for Clarifications

1. Council may direct the Executive Secretary to seek or secure from any of the parties to a complaint such further specific clarifications on complaints before it as Council may consider necessary or expedient for a fair and just consideration of the complaint.
2. When asking for clarification or information, Council shall fix an appropriate time limit for the submission of the requested information so as to avoid undue delay in the treatment of the complaint.
3. Council may adopt a questionnaire for providing the above-mentioned information.

SECTION II - GENERAL PROVISIONS GOVERNING THE CONSIDERATION OF COMPLAINTS BY COUNCIL

Rule 85 - Attendance at Sessions for Consideration of Cases and Complaints

The meetings of Council during which complaints are examined or other general issues are considered shall have in attendance such persons as Council may authorize or permit, including parties, their legal representatives or witnesses.

Rule 86 - Amicus Curiae

1. Council may of its own motion, at the request of any of its members or parties or in compliance with the order of a court, admit or invite any person, entity or organisation to appear before or address it as Amicus Curiae.
2. A person or organisation seeking to attend or appear as Amicus Curiae in a case or complaint before the Commission shall set out clearly in writing the unique contribution they seek to make to the consideration of the case or to the resolution of the issues in dispute.
3. The Commission may of its own motion, at the request of any of its Commissioners or parties or in compliance with the order of a court appears as Amicus Curiae in any proceedings in a court or other judicial tribunals.

Rule 87 - Withdrawal of a Member

If, for any reason, a member considers that they should not take part or continue to take part in the consideration of a complaint, the member shall inform the Council in writing of his or her decision to withdraw.

Rule 88 - Order of Consideration of Complaints

1. Unless otherwise decided, Council shall consider complaints in the order they have been received by the Secretariat.
2. The Commission may decide, in its discretion, to consolidate or decide to consider jointly two or more related complaints.
3. Where two or more related complaints have been consolidated as provided for in sub-rule 2 of this Rule the Commission may decide to hear one of such complaints as a Test Complaint and stay the others to await the decision on the Test Complaint, provided that the decision on the Test Complaint shall apply to all the other complaints with which the Test Complaint was consolidated.
4. The Commission may, in its discretion or on the application of any of the parties, grant accelerated consideration of a case or complaint.

CHAPTER XX

REGISTRATION AND RECORDS

Rule 89 - Registration, Records, and Enforcement

1. Decisions of Council shall be enrolled under the seal of the Commission and shall be promptly communicated to those affected who shall be obliged to obey and respect them within such time as the Council shall indicate.
2. The Secretariat shall monitor compliance and report accordingly to Council.
3. In the event of non-compliance, the Commission shall register the decision with the High Court, pursuant to the provisions of sections 6 and 22 of the Act or invoke any other mechanisms of enforcement permitted by the Act.
4. A decision for registration shall be enrolled on orders of Council under the seal of the Commission.
5. An award shall be recognised as binding and shall, upon application in writing to the High court, be enforced by the court as a decision of the High Court.
6. The party relying on an award or applying for its enforcement shall supply and file with the Court:-
 - (a) A record of the award duly certified by the Commission; and
 - (b) The duly certified copy of the final decision of Commission of which the Award is part.
7. In these Rules, an award includes any final or dispositive directives, determinations, decisions or findings of the Commission.
8. An award shall be deemed to be duly certified under the seal of the Commission and signed by the Chairman, Executive Secretary or any other Commissioner so assigned.

Rule 90 - Record of Complaints

A special record, with a reference or unique number in which shall be entered the date of registration of each complaint and of the procedure adopted or authorised as well as evidence and arguments collected and evaluated by the Council in the consideration of each complaint, shall be kept at the Secretariat.

Rule 91 - Copies of Proceedings and Administrative Charges

1. Parties to a complaint or their legal representatives shall, upon request in writing, be supplied with copies of the records of proceedings by the Commission in the consideration of their cases or complaints.
2. An application for records shall be addressed to the Executive Secretary.
3. The Registry shall prepare the records and have them certified under the authority of the Executive Secretary.
4. The Executive Secretary may from time to time prepare and recommend to Council for approval a scale of fees chargeable for compilation or preparation of records of proceedings by the Commission.
5. The scale of fees payable for compilation of records by the Commission shall be publicly displayed and available on the website of the Commission.
6. The Commission shall issue official receipts for any fees collected for the purpose of compiling records of proceedings or any other purposes under these Rules.
7. The Commission may decline to grant a request for records until the assessed fees for their compilation have been paid.

CHAPTER XXI

ENTRY INTO FORCE, AMENDMENT AND SUSPENSION OF THE RULES OF PROCEDURE

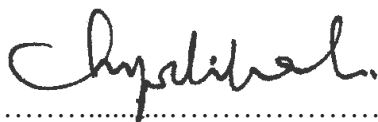
Rule 92 - Adoption and Amendment of Rules of Procedure

1. Council shall adopt and publish a final set of Rules of Procedure.
2. Council may, at the written request of any member accompanied by proposals setting out the proposed amendments or within such period as it considers appropriate or necessary, review or modify the present Rules of Procedures or any part thereof.

Rule 93 - Suspension of Rules

Council may suspend temporarily, the application of any Rule of the present Rules of Procedure, so long as such a suspension shall not be incompatible with any provisions of the Act. Such a suspension may take place only with a specific and precise object in view and should be limited to the duration necessary and specified to achieve that aim.

ADOPTED BY THE GOVERNING COUNCIL OF THE NATIONAL HUMAN RIGHTS COMMISSION AT ITS 3RD STATUTORY MEETING HELD IN LAGOS THIS 12TH DAY OF JUNE 2013.



.....
CHAIRMAN



.....
EXECUTIVE SECRETARY

1ST SCHEDULE

FEDERAL REPUBLIC OF NIGERIA
[INSERT COAT OF ARMS]
NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA
COMPLAINT NO..... OF 20....

COMPLAINANT DATA COLLECTION FORM

1. Complainant's Identity

Surname..... Middle Name..... First Name

If Married, Maiden Names

Victim (yes/no) Next-of-kin (yes/no) Other.....(Please specify)

Reasons why the victims(s) is/are unable to submit complaint in person
.....
.....
.....

Name(s) of Victims

- Is victim: (a) A minor or child (yes/no)
- (b) Permanently incapacitated (yes/no)
- (c) Mentally disabled (yes/no), if yes, please provide proof
- (d) Represented by counsel or other person (yes/no)
- (e) Desirous of confidentiality (yes/no), if yes, details please

Address/contact details of victim:
.....
.....

If Next-of-Kin, please state nature of relationship.....

Age Bracket of victim: 0-10 11-20 21-30 31-45 45-55 Above 55..... (please tick as appropriate)

Gender: Male/Female

Profession/Occupation:

Marital Status: Single, Married, Divorced, Widowed, Separated (please tick)

Nationality:

State of Domicile in Nigeria:

Local Government of Domicile:

Physical or Street Address:

.....
.....
.....

Telephone Number:

Name of Next -of -Kin:

Address of Next-of-kin:

Telephone Number of Next-of-kin:

Nature of relationship with Next-of-kin:

Referring person or Organisation:

If an Organisation, indicate name and numbers of contact person:

Name of Respondent:

Contact Address of Respondent:

Telephone Numbers of Respondent:

2. Incident or Allegations of Violations

Date/Time/Month/Year:

Place/Location:

Kind of violation alleged (e.g. unlawful killing, massacre, rape or other sexual assault, persecution, domestic violence, torture, cruel, other inhuman or degrading treatment, abduction, disappearance, unfair dismissal, forced eviction, etc.)

.....
.....
.....

(Attach signed statement of witness if possible)

3. Particulars of Violation

Indicate reason or likely reasons behind the violation (e.g. domestic, labour, political, inter-ethnic or inter-communal, abuse by law enforcement or security agencies, ordinary crime, militia violence, land grab, religious or sectarian causes etc.)

.....
.....
.....

4. Particulars of Persons or Institutions Complained Against

Name Individual(s) Community Institution

Any distinguishing features (e.g. uniforms, tribal marks, height, complexion, vehicle numbers, etc.)

If officials of Government indicate agency and whether state or federal:

Physical Address:

.....

Telephone Numbers:

5. Supporting Evidence

Indicate and attach any evidence such as witness statements, affidavits, documents, photographs, medical, survey, geophysical or other expert reports, etc (use separate sheets if necessary)

.....
.....
.....
.....
.....

6. Witness Details

Indicate if there were any witnesses to (any aspects of) the violations. If yes, please indicate:.

- (a) Name:
- (b) Age:
- (c) Occupation:
- (d) Contact address:
- (e) Telephone Number:
- (f) Would the witness be willing to testify (yes/no)
- (g) Does the witness require protection (yes/no). If yes, why?

7. Remedies Sought

Indicate the kind of remedies, if any, that you seek from the Commission:

.....
.....
.....

8. Previous Steps Taken

(Briefly indicate any previous steps that you have taken since the violation alleged. E.g. reported the matter to police, public administration, church, labour, tribunal, lawyer, NGO, filed a suit in court etc. Attach proof if possible)

.....
.....
.....

.....
.....

9. Declaration

(a) I hereby certify that the information given by me is true to the best of my knowledge and the same has been given voluntarily and I further authorise the Commission to use the same in reports for the purposes of promotion or protection of human rights:

Signature of Complainant or Representative.....

Date.....

(b) I would prefer my case to be identified anonymously (without the victim's name or other identity markers) YES/NO

Signature/Thumbprint of Complainant or Representative.....

(c) I hereby certify that the contents of this complaint have been read over and explained to me in my own language and, not being literate in English language, that I understand the contents as reflecting my complaint and hereby confirm that by the mark appended below:

Thumbprint of Complainant or Representative.....

Date.....

Signature of Attending Officer.....

Date.....

10. Details of Attending Officer

Name:.....

Position:.....

Signature:.....

Location:.....

Date:.....

FOR OFFICIAL PURPOSES

11. Assessment (by officer of the Commission)

(Briefly state the assessment of the Secretariat):

.....
.....
.....
.....

12. Preliminary Recommendation:

Admissible

Inadmissible

FEDERAL REPUBLIC OF NIGERIA
[INSERT COAT OF ARMS]
NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA
COMPLAINT NO..... OF 20....

.....} COMPLAINANT(S)
.....}
AGAINST/AND
.....} RESPONDENT(S)
.....}

SUMMONS FOR PERSONAL ATTENDANCE

[Section 6(2)(b)&(e) of the National Human Rights Commission Act 1995, as amended]

To.....
.....

Whereas the National Human Rights Commission of Nigeria is investigating or considering the above complaint;

And whereas your personal attendance is now necessary for the determination of the complaint:

YOU ARE HEREBY REQUIRED TO PERSONALLY OR (IF APPLICABLE) THROUGH YOUR AUTHORIZED REPRESENTATIVE

Appear before the Commission at.....(location)
on.....(date)

At.....(time) hours in the forenoon, or so soon thereafter as the Commission may direct, and provide such information orally or in writing regarding the complaint as the Commission may require you to or which may be in your possession.

Particulars of Documents Required:

.....
.....
.....

ISSUED UNDER MY HAND THIS..... DAY OF20.....

.....

CHAIRMAN

For NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

[Section 6(4) of the National Human Rights Commission Act (as amended) provides that it is an offence for any person, body or authority to refuse to provide evidence, including documentary evidence, to the Commission in response to a written request to do so or to obstruct or do anything to prevent any member of the Council or an employee of the Commission from the lawful exercise of any of the functions conferred on the Commission by this Act; or to punish intimidate, harass or discriminate against any person for cooperating with the Commission in the exercise of its functions under this Act; or to refuse to comply with lawful directives, determination, decision or finding of the Commission and Section 6(5) of the same Act provides that any person who commits any of the offences specified in Section 6(4) shall be liable on conviction to imprisonment for a term of 6 months or to a fine of N100,000.00 or to both such imprisonment and fine]

.....
ISSUED UNDER MY HAND THIS..... DAY OF20.....
.....

CHAIRMAN

For NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

[Section 6(4) of the National Human Rights Commission Act (as amended) provides that it is an offence for any person, body or authority to refuse to provide evidence, including documentary evidence, to the Commission in response to a written request to do so or to obstruct or do anything to prevent any member of the Council or an employee of the Commission from the lawful exercise of any of the functions conferred on the Commission by this Act; or to punish intimidate, harass or discriminate against any person for cooperating with the Commission in the exercise of its functions under this Act; or to refuse to comply with lawful directives, determination, decision or finding of the Commission and Section 6(5) of the same Act provides that any person who commits any of the offences specified in Section 6(4) shall be liable on conviction to imprisonment for a term of 6 months or to a fine of N100,000.00 or to both such imprisonment and fine]

FEDERAL REPUBLIC OF NIGERIA
[INSERT COAT OF ARMS]
NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA
COMPLAINT NO..... OF 20....

.....} COMPLAINANT(S)
.....}
AGAINST/AND
.....} RESPONDENT(S)
.....}

WARRANT TO COMPEL ATTENDANCE

[Section 6(2)(c) of the National Human Rights Commission Act 1995, as amended]

TO THE COMMISSIONER OF POLICE

.....
.....

Whereas the National Human Rights Commission of Nigeria is investigating or considering the above complaint;

And whereas, for the determination of the above complaint, the Commission has sought and summoned the presence and attendance of.....
.....(name)
.....(address)
on.....(date summoned)
at
(venue of summons);

And whereas the within-named person who was summoned by the Commission to appear before it has failed, neglected or refused to do so without satisfactory reasons or explanation;

Now, therefore, this warrant commands you to locate and arrest the within-named person in order to produce him/her before the Commission at (venue) on..... (date) at hours in the forenoon or so soon thereafter as the Commission may direct

FURTHER PARTICULARS OF PERSON OR PERSONS SOUGHT BY THE COMMISSION

.....
.....
.....

ISSUED UNDER MY HAND THIS DAY OF20.....

.....

CHAIRMAN

For NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

[Section 6(4) of the National Human Rights Commission Act (as amended) provides that it is an offence for any person, body or authority to refuse to provide evidence, including documentary evidence, to the Commission in response to a written request to do so or to obstruct or do anything to prevent any member of the Council or an employee of the Commission from the lawful exercise of any of the functions conferred on the Commission by this Act; or to punish intimidate, harass or discriminate against any person for cooperating with the Commission in the exercise of its functions under this Act; or to refuse to comply with lawful directives, determination, decision or finding of the Commission and Section 6(5) of the same Act provides that any person who commits any of the offences specified in Section 6(4) shall be liable on conviction to imprisonment for a term of 6 months or to a fine of N100,000.00 or to both such imprisonment and fine]

FEDERAL REPUBLIC OF NIGERIA
[INSERT COAT OF ARMS]
NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA
COMPLAINT NO..... OF 20....

.....} COMPLAINANT(S)
.....}
AGAINST/AND
.....} RESPONDENT(S)
.....}

HEARING NOTICE

[Under Rule 80 of the Rules of Procedure of the National Human Rights Commission]

To.....
.....

Whereas the above-named complaint is now pending before this Commission and the particulars of the complaint aforesaid are already within your knowledge,

And whereas the complaint has been assigned to be heard by the Commission for determination;

YOU ARE HEREBY required to appear in person or through a legal practitioner of your choice or other authorized representative before this Commission on the day of 20 at hours in the forenoon or so soon thereafter as the Commission shall direct at(location) for the hearing and consideration of this complaint and to bring your witnesses with you.

FURTHER TAKE NOTICE that the hearing shall consider the following issues in dispute as agreed by the parties:
.....
.....
.....

AND FURTHER TAKE NOTICE that if you or your legal practitioner or authorized

representative do not attend the hearing as required, the case may be heard and determined in your absence.

Issued thisday
of.....20.....

.....

EXECUTIVE SECRETARY

For NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA

2. COMPOSITION

The membership of the Inquiry shall be as follows:

.....
.....
.....

3. LOCATION/VENUE:

.....
.....
.....

4. TIME & DURATION:

.....
.....
.....

5. APPLICABLE RULES/GUIDELINES:

.....
.....
.....
.....

AND FURTHER TAKE NOTICE that any person, party or institution wishing to appear or testify at or present evidence to the Inquiry may do so in person or through a legal representative of their choice.

Issued this..... day
of.....20.....

.....

EXECUTIVE SECRETARY

For NATIONAL HUMAN RIGHTS COMMISSION OF NIGERIA



NATIONAL HUMAN RIGHTS COMMISSION

National Headquarters

No. 19 Aguiyi -Ironsi Street, Maitama-P.M.B 444 Garki, Abuja, Nigeria

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