



NIGERIA: SEPTEMBER 19, 2016

**International Justice Appeal For Freedom Of Nnamdi Kanu (Leader Of Indigenous Of Biafra-IPOB)
And Other Victims Of Regime Atrocities In Nigeria**

OPEN LETTER TO:

- (1) The Secretary General of the United Nations**
- (2) The President of the United Nations General Assembly**
- (3) The President of the United Nations Security Council**
- (4) The United Nations High Commissioner for Human Rights**
- (5) The United Nations Special Rapporteurs on :**
 - (a) Truth, Justice & Reparation**
 - (b) Extrajudicial, Summary or Arbitrary Executions**
 - (c) Torture and Other Cruel, Inhuman and Degrading Treatments or Punishments**
- (6) The Honourable British Prime Minister & Distinguished British Parliamentarians**
- (7) Distinguished European Union Leaders**
- (8) The President of the United States & Distinguished US Congressmen & Women**
- (9) Distinguished Canadian Leaders & Parliamentarians**
- (10) Other Internationally Distinguished Personalities:**
 - (a) Human Rights Activists & Groups**
 - (b) Former Heads of UN Bodies**
 - (c) Former World Leaders**
 - (d) Independent Experts on Justice, Peace, Security and Human Rights**

Distinguished Sirs/Madams,

Onitsha-430003: Southeast-Nigeria: Our name is: *International Society for Civil Liberties & the Rule of Law*; abbreviated as INTERSOCIETY. We are registered (Reg. No. 27239) rights based Civil Society Organization under the Laws of the Federation of Nigeria. Our advocacy voice or thematic areas are: civil liberties and rule of law, democracy and good governance, and public security and safety. We are based in Onitsha, Anambra State, Southeast of Nigeria. For easy of reference, we can be electronically visited or accessed via www.intersociety-ng.org.

The purpose of this **Open Letter** to your highly respected personalities is to seek for freedom of detained Leader of the Indigenous People of Biafra (IPOB) by name: Mr. Nnamdi Kanu and other victims of regime atrocities in Nigeria. This we respectfully seek through your informed voices, wise counselling and unbiased diplomatic interventions, to be appropriately and timely directed to the President of the Federal Republic of Nigeria by name: Mr. Muhammadu Buhari. Means through which Mr. Muhammadu Buhari can be reached or communicated are available at the diplomatic missions of your respective countries in Nigeria or the Nigerian Permanent Mission at the United Nations (i.e. New York, USA).

This ***international justice appeal*** particularly comes on the heels of the 71st Session of the United Nations General Assembly, comprising of 193 Member-States, at which President Muhammadu Buhari of Nigeria has been slated; likewise other world leaders, to address the UN General Assembly on 21st of September 2016, in line with the General Assembly's 2016 session theme: ***Sustainable Development Goals: A Universal Push to Transform our World***; which seeks a strong link between ***sustainable development, peace, security and human rights***.

It is our informed observation that 70%, if not more of international travels undertaken by President Muhammadu Buhari since he became the President of Nigeria on 29th of May 2015 took place in the countries of your highly respected personalities or at the UN headquarters in New York, USA and a number of its other meetings and conferences elsewhere. Just recently, too, the US Secretary of State, Senator John Kerry visited the President and extended his visit to a number of places designated for him to visit by his host President.

We are technically aware of the modern workings of international relations. We are further aware that modern international relations are extensively driven by Democracy and ICT-powered Globalization. We also know as a fact that modern democracy is driven by the rule of law; just as the ***justice*** aspect of the rule of law is chiefly driven by the two Latin doctrines of ***nemo iudex in sua causa*** and ***audi alteram partem***; which simply mean that someone should not be a judge in his or her own matter and must hear the other side before drawing a conclusion; otherwise called ***fair hearing***.

It is our knowledge that the modern UN System is strongly built on the principles of ***democracy, equality, rule of law and human rights***; which in turn, lays a strong foundation for advancement of ***international peace and security***. As your highly respected personalities are aware, these are fully embedded in the ***Principles and Purposes*** of the United Nations. We are aware too that your highly respected personalities are the guidance and custodians of democratic traditions in your respected countries and have further worked hard at ensuring the sustenance of the hallowed principles at the UN System and global level.

Your highly respected personalities are aware too that unless these hallowed principles are guided jealously at all times, otherwise their opposites will set in and consume the world, leading to eruption of municipal, regional and international insecurity and violence; otherwise called **complex humanitarian emergencies**. That is to say that **sustainable development** can never find its root under **complex humanitarian emergencies** powered by **regime atrocities and gross human rights violations** perpetrated by errant and violent Member-States. The crisis in Syria, for instance, has since gone beyond **domestic and regional problems**. It has long become a global headache with most territories under the watch of your highly respected personalities and the UN System bearing major brunt including incurring emergency expenditures of billions of dollars to cushion the effects of influx of Syrian refugees with associated public security threats.

We have always paused to ask ourselves and other international watchers **how the world including your highly respected personalities' countries and the UN System will look if Nigeria with estimated population of 174million people goes the Syrian way or erupt into complex humanitarian emergencies**. That is to say that if Syria with less than 25million population could have approximately half of its population displaced, leading to generation of 3.9million refugees and 6.3million internally displaced persons just in five years; what then will happen if Nigeria is to explode in a like manner going by ongoing intensification of **triggers of widespread violence**; occasioned by current policies of militarism and militarization of the Government of Mr. Muhammadu Buhari?

We have carefully studied the ongoing diplomatic interactions and relations between your highly respected personalities and President Muhammadu Buhari of Nigeria and found them commendable. But in spite of their commendable outlook, we still find such interactions and relations lacking in one key area: **regime atrocities and abuse of office**. That is to say that your highly respected personalities have in the course of the diplomatic interactions and relations under reference; turned blind eyes to ongoing regime atrocities in Nigeria under the Presidency of Mr. Muhammadu Buhari. Many Nigerians see this lukewarm attitude as **aiding and abetting of regime atrocities in Nigeria**.

Regime Atrocities under democracy are taken to mean State-actor promotion and enforcement of gross rights abuses including widespread State killings outside the law, disrespect to judicial pronouncements, criminal stigmatization and trumped up charges. Others are executive interference in judicial affairs and castration of the independence of the judiciary; political domination, exclusion and segregation; nepotism and favouritism; ethno-religious cleansing and adoption of State religion; widespread insecurity, morality corruption and abuse of office as well as general governance failure. These are State-triggered structural violence culminating into deep societal divisions which can snowball into **complex humanitarian emergencies**. In quick consequences of these, both **negative peace (absence of physical violence)** and **positive peace (absence of structural violence)** have grossly eluded Nigeria.

Therefore, our writing your highly respected personalities is generally predicated on the above with particular attention centred on the ongoing persecution of Mr. Nnamdi Kanu and other victims of regime atrocities by the Presidency of Muhammadu Buhari. It is shocking to inform your highly respected personalities that till date, Mr. Nnamdi Kanu is not standing trial in any known court in Nigeria.

For the avoidance of doubt, **the Black's Law Dictionary, 9th Edition (2009)**, defines a criminal trial as ***a formal judicial examination of evidence and determination of legal claims in an adversary proceeding***. In other words, a criminal trial is a proceeding preceding issuance of a judicial notice about intended legal claims and accompanying evidence (charge) before a judge by the accusing authority (i.e. AGF, Police or DSS) against an accused citizen in which the veracity of legal claims and accompanying evidence is determined through formal judicial examination. It is extremely important to inform your highly respected personalities that none of the foregoing has taken place in Nnamdi Kanu's Matter till date.

He has been detained without trial for a period of eleven (11) months or since 14th of October 2015. The circumstances under which he is held are unlawful, illegal, unconstitutional and an aberration to modern international human rights and justice norms. Your highly respected personalities may recall that Mr. Nnamdi Kanu is the Leader of the Indigenous People of Biafra (IPOB) and Director of a UK registered Radio Station by name ***Radio Biafra London (RBL)***. The IPOB is registered at the United Nations as a body advocating for the indigenous rights of indigenous people located in the Southeast and the South-south parts of Nigeria. Both IPOB and RBL earned their recognition and registration on account of their nonviolence methods in accordance with the UN mandate or principles.

As your highly respected personalities are aware, under the UN System, ***Rights to Self Determination, Development and Identities*** are recognized and enshrined provided their proponents do not use or advocate for violence. Where violence is resorted to by their proponents leading to widespread violent conflict between their proponents and the host political territory, the conduct of such is strictly governed by the Laws of War or Geneva Conventions of 1949 and their Protocols. The enshrinement of these rights is internationally done by way of ***Treaty Laws or International Conventions***; which are legally binding on Member-States that are parties to them.

Regionally and globally, the Federal Republic of Nigeria has willingly acceded to these ***treaty laws*** and accepted to be bound by their provisions and obligations. Till date, Nigeria is a party to the UN's Covenants on Civil & Political Rights (ICCPR) and Economic, Social & Cultural Rights (ICESCR). As a matter of fact, Nigeria ratified them in 1993. Nigeria is also a party to the African Charter on Human & Peoples Rights (ACHPR), which it ratified and domesticated in 1981. Several decided cases by Nigeria's courts of competent records or jurisdictions have also upheld their admissibility and enforceability in the Nigerian Legal and Justice System.

In these three important treaty laws cited, rights to self determination, development and identities are fully enshrined. Nigeria's assent to them is intact till date. Under the International Law and the UN system, Nigeria is also under inexcusable obligation to be bound by these treaty laws as well as ***the Principles and Purposes of the United Nations*** particularly in the areas of respect for human rights and its obligation in the maintenance of international peace and security. Perpetration of regime atrocities particularly gross human rights abuses and reckless disregard to rule of law is the greatest threat to international peace and security as well as sustainable development.

Nigeria is further bound by **the ten basic standards of the International Law** including tolerance and peaceful management of nonviolent and peaceful assemblies; fair trial of citizens held under whatever guise; prohibition of solitary confinement or long detention without trial of detained citizens; prohibition of torture and custodial killings as well as bringing errant law enforcement personnel involved in gross violation of human rights to account for their conduct atrocities.

Under the UN's Customary International Law with its principles of **substantial uniformity of practice by a substantial number of States and Opinio Juris**(i.e. a general principle that holds that a non-treaty rule is legally binding on all member-States of the UN); Nigeria as a member-State of UN is inexcusably bound by fundamental rules of the United Nations and International Law. Where the ruling Government in Nigeria or President Muhammadu Buhari pretends not to be in the know of all these, then the moral and diplomatic responsibility turns to your highly respected personalities to do so. The authorities of the UK Government, which colonized Nigeria and co-inhabits Mr. Nnamdi Kanu as one of its legal citizens, are morally and diplomatically obligated, exceptionally speaking, to do so; likewise the top leaders of the UN.

Allowing a gross abuser of human rights to be dinning and winning with your highly respected personalities without calling him to order morally and diplomatically is nothing but **aiding and abetting**. It is also an international conspiracy and encouragement of citizens' militancy and violent resistance. It is like an abomination in human rights community whereby **a human parts dealer is asked to join an organization that is defending human rights**. This position of ours follows our informed observation that your highly respected personalities are steadily failing in your moral and diplomatic obligations to the good people of Nigeria particularly as they concern their liberties, lives and collective security.

We respectfully inform your highly respected personalities further that Mr. Nnamdi Kanu who is has been detained for eleven months having been arrested on 14th of October 2015 by Nigeria's Secret Police by name DSS (Department of State Security) is treated sub-humanly by the Presidency of Mr. Muhammadu Buhari. Apart from the fact that offences slammed on him are trumped up, the conduct under which he was arrested and detained is also criminally stigmatized. There is nowhere in the civilized world or law that voice conduct without force of arms or physical violence of any form constitute criminal offence not to talk of offences carrying capital punishment.

President Muhammadu Buhari was in opposition politics for over a decade and was noted for mobilizing several assemblies against successive administrations. In his several public speeches then, he was noted as a violent political campaigner, periodically threatening the authorities and rest of Nigeria, yet he was never arrested for one day. This was on account of relatively culture of political tolerance of the referenced past administrations, but months after he became President, he criminalized peaceful assemblies and ordered his security forces to shoot and kill any group of people gathered to exercise their constitutional rights to freedom of association and peaceful assemblies. On account of this, as much as 250 Pro Biafra activists were gunned down and mass-murdered in about eight different locations by Nigerian security forces between 30th of August 2015 and 30th of May 2016. Till date, the perpetrators are still on the prowl.

As if these were not enough, President Muhammadu Buhari made a public speech on 30th of December 2015 during which he vowed to ensure that Mr. Nnamdi Kanu and ors spend the rest of their lives in prison custody. This signalled the beginning of persecution of Mr. Nnamdi Kanu. On account of Mr. President's open bias and threats, the Judiciary became frightened and terrified. A search for an amenable, conformist and pro establishment judge to actualize President Buhari's open threat commenced and seemed successful, leading to the choice of one Honourable Justice John Tsoho of the Federal High Court, Abuja Division. The Judge as expected became bias and hostile; threatening and undermining the rule of law and its hallowed principles of *nemo iudex in sua causa* and *audi alteram partem*; which simply mean that someone should not be a judge in his or her own matter and must hear the other side before drawing a conclusion; otherwise referred to as *fair hearing*.

Apart from holding Citizen Nnamdi Kanu for eleven months now without trial, four orders of the courts of constitutional records given for his bail and discharge were all flouted. This is attestation of President Muhammadu Buhari's meddlesomeness and castration of the independence of the Judiciary. Citizen Nnamdi Kanu was kept in detention for months while the Buhari Presidency was busy searching for a conformist Judge to jail him at all costs. Since then, it has been one pre-trial arraignment and gimmickry to another.

As we speak, the scripted trumped up judgment against Mr. Nnamdi Kanu may most likely have been written long ago; waiting for a makeshift trial using masked witnesses; an infamous request from the Presidency of Muhammadu Buhari which Justice John Tsoho initially turned down but later upturned following a circumstantially obvious directive and pressure from the Presidency. Citizen Nnamdi Kanu's Case (still at pre-trial stage) is scheduled to resume on 26th of September 2016 and despite calls by well meaning Nigerians and other informed observers on Hon Justice John Tsoho to hands off the case for obvious bias and hostility, he has refused to disqualify himself and is bent on doing President Muhammadu Buhari's bidding. Citizen Nnamdi Kanu's lawyers, too, have spoken out and written several protest letters.

As advocates of rule of law and human rights, we are not in opposition to judicial processes, provided they are credible, open and transparent. What we oppose at all times is the State efforts to use judiciary to pervert the course of justice and perpetrate gross abuse of the fundamental human rights of the citizens and undermine democracy and constitutionalism. Sections 35 and 36 of the Constitution of the Federal Republic of Nigeria as amended in 2011; likewise the UN Covenant on Civil and Political Rights as well as the Ten Basic Standards of the International Law and the African Charter on Human & Peoples Rights contain express provisions entitling citizens to fully enjoy their rights to personal liberty and fair hearing.

These sacred provisions include unhindered access of the accused citizens to their lawyers, adequate time for accused citizens to prepare their own defence, timely availability of records of proceedings for perusal and other lawful uses by the accused citizens, custodial detention within the period legally allowed, trial of the accused citizens in the open court, accused citizens' right of appeal and their presumption of innocence until they are pronounced guilty by courts of competent records.

Sheik Ibrahim Zakzaky; leader of the Islamic Movement of Nigeria (IMN) is another major victim of President Muhammadu Buhari's regime atrocities. Sheik Zakzaky had been detained incommunicado for over nine months or 270 days after he was shot severely, battered and blinded by soldiers, during which as much as 809 of his followers were also massacred. The massacre took place on 12th and 14th of December 2015 while they were peacefully and nonviolently marking their annual religious event in Zaria, Kaduna State of Northwest Nigeria. The Government of Kaduna State had publicly admitted burring in mass graves of 347 bodies of the massacred IMN followers alone. Till date, the blinded Sheik has neither been produced publicly nor put on trial in any court in Nigeria; a period of over 270 days and none of errant soldiers that perpetrated the heinous crime has been arrested and put on trial.

We hereby call on your highly respected personalities to:

- 1. At all times, manually and electronically, advice and task President Muhammadu Buhari on modern workings of democracy, human rights and rule of law.**
- 2. Investigate and condemn all forms of human rights abuse particularly unprovoked attacks and killing of unarmed citizens, criminalization and stigmatization of rights to freedom of association, peaceful assemblies and freedom of expression; and reckless use of State violence in public governance approaches.**
- 3. Task him to preserve and protect at all times the sanctity and independence of the Judiciary and the National Assembly as well**
- 4. Task President Buhari to publicly renounce his abominable pronouncement made on 30th of December 2015 during his maiden Presidential Chat; upon which the Judiciary has been frightened and become terrified to the extent of conducting its proceedings (i.e. Hon Justice John Tsoho in Nnamdi Kanu's Case) according to the dictates or whims and caprices of the President**
- 5. Urge President Muhammadu Buhari to steer clear of Mr. Nnamdi Kanu's ongoing Court Case and allow a level ground for the accused and his accusers (Buhari's Presidency) to proof their cases.**
- 6. Allow constitutionalism to be strictly followed in Mr. Nnamdi Kanu's Case including the need for the proceedings or proposed trial to be conducted in the open court in accordance with Section 36 of the Constitution of the Federal Republic of Nigeria 1999, as amended in 2011, as well as the ICCPR and the ACHPR Treaty Laws.**
- 7. Urge President Muhammadu Buhari to end his obvious meddlesomeness in Mr. Nnamdi Kanu's Case and the Judiciary and direct his Attorney General to proof the Federal Government's allegation that Citizen Nnamdi Kanu is a treasonable felon or an insurrectionist; or withdraw the bogus charges against him for want of evidence.**
- 8. Urge President Muhammadu Buhari to produce publicly dead or alive the Leader of the Islamic Movement of Nigeria, Sheik Ibrahim Zak El-Zaky, who was shot and battered and detained incommunicado since December 14th 2015; a period of nine months or 270 days.**
- 9. Urge President Muhammdu Buhari to refrain from making further mockery of the rule of law and citizens' constitutional liberties by arresting and clamping citizens into detention for over three months without trial; contrary to Section 35 of the Constitution of the Federal Republic of Nigeria 1999, as amended in 2011.**

- 10. Urge Mr. President to end his clamp down, indiscriminate arrest and long detention without trial of Pro Biafra activists across Nigeria or any part thereof, particularly members of the Indigenous People of Biafra (IPOB) and release all their members languishing in various DSS cells across the country without trial.***
- 11. Urge President Muhammadu Buhari to immediately reverse himself concerning his violence prone style of governance particularly his anti human rights stance, divisive and sectional governance as well as his policies of militarization and militarism.***

Yours in the Service to Humanity:

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