



Public Interest Memo To:

Prof Yemi Osinbajo, SAN

Acting President of Nigeria & Commander-in-Chief of the Armed Forces

Presidential/Aso Rock Villa, Three-Arms-Zone

Abuja, Federal Capital Territory, Nigeria

Sir,

Public Interest Memo On Commission Of Heinous Crimes/ Perpetration Of Gross Rights Abuses In Nigeria And Allied Matters: Names Of Suspected Chief Culprits (3)

(Intersociety, Nigeria, 3rd July 2017)-It is recalled that the leadership of our Organization (Int'l Society for Civil Liberties & the Rule of Law (www.intersociety-ng.org) had on 29th June 2017 written and successfully submitted **a 17-page detailed memo** to Prof Yemi Osinbajo, SAN, in his official capacity as the Acting President of Nigeria & Commander-in-Chief of the Armed Forces.

The memo seeks to draw his Government's attention formally or officially to raging gross abuses of human rights in Nigeria and associated heinous crimes especially since 29th May 2015 when the sixth central civilian Government which he now heads in acting capacity came on board. For easy public reading, comprehension and analysis, the memo was segmented with its first and second parts published on 29th June and 1st July 2017 respectively.

The links to the two parts are here: <http://www.intersociety-ng.org/component/k2/item/263-gross-abuses-of-human-rights-in-nigeria>, <http://www.thetrentonline.com/intersociety-osinbajo-human-rights/>. The third part continues today, with the fourth/concluding part expected to be published next tomorrow being 5th July 2017. The hard copy of the memo has also been sent to the Acting President of Nigeria and Commander-in-Chief of the Armed Forces.

Part three of the detailed memo is published as follows:

Our writing you Sir follows attempts by the strongly suspected masterminds of the above named butcheries to escape local and international justice. In Kaduna State, for instance, one of those fingered as a co-mastermind of the massacre of Shiite Muslims in December 2015 had gone to the extent of hurriedly setting up a selective and segregated judicial commission of enquiry to facilitate its escape from local and international criminal and civil sanctions. The suspected co-mastermind is the Governor and his Government of Kaduna State. The integrity challenged National Human Rights Commission was also procured by the Nigerian Army leadership and its COAS to technically issue them "a certificate of exoneration" in a massacre operation where even the integrity challenged Kaduna State Judicial Panel inexcusably admitted that "347 Shiite Muslims were killed by soldiers and buried in mass graves".

Apart from mass boycott of the Kaduna State Judicial Commission of Enquiry and its proceedings by the IMN on account of lack of fairness, impartiality and independence, the findings of the Commission are also being selectively and vindictively implemented by the Government of Kaduna State; whereby, for instance, hundreds of innocent Shiite Muslims are arbitrarily arrested and detained on phantom accusation of *killing an army corporal during the December 2015 massacre of over 800 members of the group (Shiites)* whereas no single soldier including the COAS (Lt Gen Tukur Yusuf Buratai), who operationally ordered and supervised the massacre using his official convoy, security guards and reinforcements which he ordered; has been arrested and charged for mass murder, genocide and attempted genocide (mass maiming).

The army corporal in question is independently said to have died of wounds sustained in Northeast in counterinsurgency operations against Boko Haram insurgents, yet he is said to have been crookedly linked and disguised as “a fallen victim of Shiite attacks”. Not minding the partial and selective setting of the Kaduna State Judicial Panel, yet it opened up and admitted, per a top official of the Kaduna State Government that “347 Shiite Muslims were massacred by Nigerian Army on 12th and 14th December 2015 and buried in mass graves”; and till date, no single personnel of the Nigerian Army especially its COAS, Lt Gen Tukur Buratai has been put behind bars.

As you are aware or unaware, Sir, the authorities of the Nigerian Army led by its Chief of Staff, Lt Gen Tukur Yusuf Buratai have also reportedly engaged in all kinds of image laundering, panicky and self exonerative efforts to escape local and international justice over their genocidal roles in the massacre of Shiite Muslims in Zaria and unarmed pro Biafra activists in Southeast and parts of South-south Nigeria.

In order to facilitate their exoneration and escape from local and international justice, Sir, rented crowds have been hired; overnight CSOs and pro human butchers’ activists raised and sponsored. Conformist media activists have also joined. Cases in point are the recent picketing by recruited pro human butchers’ activists at Amnesty Int’l office in Abuja and protests by allied others at the US Embassy in Lagos against a certain *compensatory and declaratory justice suit* filed against Tukur Buratai & ors at the US District Court of Columbia by some families of the slain nonviolent pro Biafra activists.

As if these were not enough, Sir, the Nigerian Army also went and set up a questionable Board of Enquiry on 9th March 2017 peopled by its serving and retired personnel to investigate itself over serious and grievous human rights concerns raised by the above named leading local and international human rights groups and as expected the said Army Board of Enquiry issued a kangaroo report on 16th June 2017, exonerating itself and claimed that “nobody was killed in the entire pro Biafra “violent” protests”; forcing us to awash the public with graphic and gory accounts of the atrocities of the Nigerian Army during pro Biafra civil protests or assemblies in Southeast and parts of South-south Nigeria leading to over 270 deaths and 370 injuries.

Contradictorily, Sir, the same Nigerian Army and its COAS had in December 2016 during the 2016 Chief of Army Staff Conference in Owerri told the media that Nigerian Army “killed IPOB members during their protests because they were armed and we acted in self defense”(<https://www.olisa.tv/2016/12/why-we-killed-pro-biafra-protesters-buratai-speaks/>). Copies of the report summaries and that of our special report (welcome to bleeding republic of Nigeria: a land flowing with blood and tears) are attached below.

Sir, our writing you, therefore, is solely predicated on the foregoing. As you may professorially be aware or unaware, whenever heinous crimes or issues of gross abuses of human rights such as the above named are raised against some public office holders of a serving central Government such as yours, the said Government must exercise its powers and rights under the International Law's *Principles of Complementarity and No Impunity* by ensuring as matter of uttermost immediacy and public importance that the masterminds or chief culprits are fished out and brought to book accordingly and in line with the international best practices.

The serving Government must in doing so measure up with the doctrine of *ability and willingness* and where it fails or refuses to do so within a reasonable stipulated period or time frame, such central home Government loses its rights and powers and a doctrine of *inability and unwillingness* will be invoked or entered against it. It is at this stage that regional and international criminal remedies and safeguards will inexcusably be resorted to and defense of *territorial sovereignty or integrity* will fail woefully if invoked by the municipal Government. These are also clearly provided in the Rome Statute for International Criminal Court of 1998, signed and ratified by Nigeria on 27th September 2001.

We had during the public presentation of our referenced special report on 12th March 2017 demanded and given the present central Government which you now head in acting capacity 90 days to investigate all the gross abuses of human rights under complaint. Unfortunately, the demand went unmet. We are using this medium again to extend our demand which is also a popular demand, for another 90 days to elapse by 1st of October 2017 within which your acting Presidency must have started and advanced the criminal and civil enquiries being demanded.

- *Suspected Chief Culprits:*

- (1) Chief of Army Staff, Lt Gen Tukur Yusuf Buratai: vicarious and operational culpability in the massacre and maiming of defenceless Shiite Muslims and pro Biafra activists.
- (2) Governor Nasiru el-Rufai/Government of Kaduna State: complicity in the massacre of Shiite Muslims and Southern Kaduna Xian killings.
- (3) Governor William Maduabuchi Obiano: complicity and vicarious culpability in the 2nd and 17th December 2015 pro Biafra protest killings and the 29th and 30th May 2016 pro Biafra Heroes Day massacre in Anambra State.
- (4) Governor Okezie Victor Ikpeazu: complicity and vicarious culpability in the 18th and 29th January and 9th February 2016 IPOB massacre in Aba
- (5) Retired IGP Solomon Arase: (he ordered the maximum use of force and violent crackdown against unarmed and nonviolent pro Biafra protesters): vicarious and operational culpability in the pro Biafra protests' massacre/mass shootings.
- (6) IGP Ibrahim Kpotum Idris: operational culpability in the pro Biafra protests' massacre in his capacity then as AIG Federal OPS
- (7) DIG Habila Joshak (then CP Abia), now DIG OPS: vicarious and operational culpability in the pro Biafra singing and rally massacre in Aba.
- (8) AIG Hosea Karma (then CP Anambra), now AIG Zone 9: vicarious and operational culpability in the pro Biafra protests' massacre of 29th and 30th May 2016.
- (9) Major Gen Ibrahim Attahiru (then GOC 82 Division, Enugu and now theatre commander, Operation Lafiya Dole): vicarious and operational culpability in the pro Biafra protests' massacre of 29th and 30th May 2016 in Anambra State and Asaba spill over massacre.
- (10) CP Babatunde Johnson Kokomo (then DCP OPS, Anambra), now CP Armaments at Force Headquarters: operational culpability in the pro Biafra protests' massacre of 29th and 30th May 2016.

- (11) Col Issah Mehadi Abdullahi (then Commander/Cantonment Commandant, Onitsha 302 Artillery; now at NIPSS, Kuru near Jos): operational culpability in the pro Biafra jubilation and protests' massacre of 17th December 2015 and 29th and 30th May 2016 in Anambra State.
- (12) Major C.O. Ibrahim of Military Police Unit (leader of army massacre operations of 29th and 30th May 2016 in Anambra State): operational culpability in the pro Biafra protests' massacre.
- (13) CSP James Oshim Nwafor (OC/SARS, Anambra during the 2nd December 2015 joint massacre operations at Onitsha Niger Bridgehead, now at CP's Admin Office, Awka): operational culpability in the pro Biafra protests' massacre.
- (14) CSP Basse Abang (OC/SARS, Anambra during 29th and 30th May 2016 massacre, now OC/Commander IG Strike Force at Force Headquarters, Abuja): operational culpability in the pro Biafra protests' massacre.
- (15) ACP Peter W. Nwagbara (he was Aba Area Commander during 9th February 2016 IPOB massacre, now Police Area Commander of the Akwanga Area Command in Nasarawa State) operational culpability in the pro Biafra protests' massacre.
- (16): Lt Col Sidi Umar Kasim (then Commander of 144 Battalion at Ukwa Ngwa that massacred IPOB activists on 9th of February 2016 in Aba. 144 Battalion is a unit of 14 Brigade of Nigerian Army, Ohafia in Abia State): operational culpability in the pro Biafra protests' massacre.
- (17) Retired SSS Director Musa Lawal Daura (SSS DG; his agency supplied hostile intelligence leading to the massacre in addition to participation of his men in the joint security taskforce or JTF that perpetrated the mass murder of pro Biafra activists): vicarious culpability in the pro Biafra protests' massacre.
- (18) Air Vice Marshal Sadiq Abubakar(Chief of Air Staff): vicarious and operational culpability in the 17th January 2017 Rann IDP bombing in Maiduguri that killed 236 defenceless civilians (war crimes) .
- (19) National leaders of the Miyatti Allah Cattle Breeders Association of Nigeria: vicarious culpability in various agro-Jihadist massacres by its armed and State protected Fulani herdsmen. The organization should also be proscribed.
- (20) Other culprits that may be uncovered by the criminal investigations and proceedings of the 3-in-One Judicial Commissions of Enquiry under demand.

- *Rejection of Kaduna and Army Boards of Enquiry and Culture of Impunity in Nigeria:*

Our total rejection of the Kaduna State Judicial Commission of Enquiry into Shiite massacre and the recent Nigerian Army's Board of Enquiry into gross rights abuses by its key personnel in the course of its counterinsurgency operations and unconstitutional and violent involvement in civil assemblies in Nigeria leading to death of thousands of defenceless citizens and injuring of over a thousand others is on account of manifest bias and partiality associated with same whereby the same Nigerian Army and its key personnel as well as the Governor/Government of Kaduna State being fingered as culprits are those investigating themselves. This is tantamount to being judges in their own case and hearing themselves alone. In other words, it is a fundamental breach of the two natural justice principles of *nemo iudex in causa sua* and *audi alteram partem* (i.e. do not be a judge in your own case and always hear the other side).

We also frown at the seeming institutionalized culture of impunity and selective application of law in Nigeria whereby citizens of the country from particular or hated section are treated with brazen discrimination by the Government and security agencies including being made to pass through Government's criminalization and criminal labelling, stigmatization and prosecutorial vindictiveness; while others or favoured or first class citizens are treated kingly and as being above the law. These are grave violation of Section 42 of Nigeria's 1999 Constitution or right against discrimination. Totality of these has also continued to breed divisions and divisive tendencies and have gravely fuelled social radicalization in Nigeria.

Human rights as universally indivisible and indissoluble must be treated as such by your acting Presidency. Where gross abuses of human rights are condoned by Government and intensified by security agencies because the affected victims are “slave-citizens” or third class citizens, they will intractably push Nigeria into precipice and crossroads if remain unaddressed.

We, therefore, call on your acting Presidency to end the raging State actor and non-State actor butcheries in Nigeria or any part thereof. The sadistic menace of armed and government protected Fulani herdsmen must also be proactively checkmated and tamed by your acting Presidency.

Yours in Service to Humanity,

For: Int'l Society for Civil Liberties & the Rule of Law (Intersociety)

- Emeka Umeagbalasi (Criminologist & Graduate of Security Studies)
Board Chairman
Mobile Line: +2348174090052
Email: botchairman@intersociety-ng.org
- Chinenye Florence Akubilo, Esq., LLB, BL
Head, Campaign & Publicity Department
- Obianuju Joy Igboeli, Esq., LLB, BL
Head, Civil Liberties & Rule of Law Program
- Chinwe Umeche, Esq., LLB, BL
Head, Democracy & Good Governance Program

Address: 41, Miss Elems Street, 430003 Onitsha Nigeria

Email: info@intersociety-ng.org

Website: www.intersociety-ng.org

Phone Lines: +2348182411462, +2349063500218

CC:

1. **Chief Justice of Nigeria**
2. **Senate President of Nigeria**
3. **Deputy Senate President of Nigeria**
4. **Speaker of House of Reps**
5. **Catholic Secretariat of Nigeria**
6. **ECWA Church Worldwide**
7. **Christian Association of Nigeria**
8. **Ohanaeze Ndigbo**
9. **Islamic Movement in Nigeria**
10. **Indigenous People of Biafra (IPOB Worldwide)**

- 11. Ekwenche Group, Chicago, USA**
- 12. Alaigbo Development Foundation**
- 13. EU Mission to Nigeria**
- 14. Executive Director of Human Rights Watch**
- 15. Secretary General of Amnesty International**
- 16. Chief Prosecutor for International Criminal Court, Netherlands**
- 17. UK Foreign Secretary**
- 18. US Secretary of State**
- 19. UN Human Rights Council**
- 20. UN Special Rapporteur on Torture**
- 21. UN Special Rapporteur on Extra Judicial, Summary and Arbitrary Executions**
- 22. The Council of Europe**
- 23. Head of Division, Governance, Election & Human Rights of AU**
- 24. Chairperson of AU**
- 25. European Union, Brussels Belgium**
- 26. AU Spokesperson**
- 27. The African Union Commission on Human Rights**
- 28. Senator Patrick Leahy, United States Democratic Party Senator for Vermont**
- 29. World Organization Against Torture**
- 30. The Ambassadors and High Commissioners of France, Germany, Switzerland, Netherlands, Canada, Australia, Brazil, Sweden, Denmark, Belgium, Portugal, Spain and Japan, etc.**

