



**Memo To Federal Government On Gross Abuses Of Human Rights In Nigeria: Urgent Call For Special Criminal Investigations Board & 3-in-One Federal Judicial Commissions Of Enquiry (Concluded)**

(Intersociety, Nigeria, 5th 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](http://www.intersociety-ng.org)) had on 29<sup>th</sup> 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 29<sup>th</sup> 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, second, and third parts published on 29<sup>th</sup> June, 1<sup>st</sup> July and 3rd 2017.

The links to the three 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/>and <http://www.intersociety-ng.org/component/k2/item/264-public-interest-memo-on-commission-of-heinous-crimes--perpetration-of-gross-rights-abuses-in-nigeria-and-allied-matters>.

The final part of the Memo is concluded today being 5<sup>th</sup> July 2017. The hard copy of same has also been sent to the Acting President of Nigeria and Commander-in-Chief of the Armed Forces via courier service while its soft copy with relevant attachments had earlier been successfully submitted to him on 29<sup>th</sup> June 2017 via his personal email and those of the AGF and the SA on Media to the President.

The concluding part of the detailed memo is published as follows:

- *The Return of Decree 2 and Long Detention without Trial in Nigeria:*

The continuing long and incommunicado detention of Citizens Ibrahim Zaky El-Zaky and his wife-Malama Zeenatu as well as Chidiebere Onwudiwe, Dave Nwawuisi, Ben Madubugwu and Bright Chimezie Ishinwa, etc is totally condemned. It is constitutionally, regionally and internationally abominable and unjustifiable to throw innocent citizens into indefinite detention for two years without trial; on sheer basis of regime hatred and vindictiveness. These are a clear breach of Section 35 (4) of Nigeria's 1999 Constitution which prohibits arrest and detention of citizens for over 60 days or two months without trial or administrative or court bail no matter the gravity of the alleged criminal offence or offences. It is our further and firm demand that there shall be immediate and unconditional release of all innocent *political detainees* in Nigeria including the leader of IMN and his beloved wife. All phantom charges against them must be dropped and discontinued by the AGF.

We also urge you, Sir, as acting President of Nigeria and a professor of law and Senior Advocate of Nigeria to direct the AGF and the authorities of the SSS including its DG to discontinue as a matter of uttermost immediacy the draconian, undemocratic and unconstitutional practice of arresting and detaining Nigerians especially the regime critics for several months and in many cases for over one year and above without trial or administrative bail.

The most recent case in point is the release by SSS on 23<sup>rd</sup> June 2017 of the duo of Citizens Henry Onuorah and Bassey Mohammed; two IPOB officials arrested and detained solitarily without charge by the Service since 9<sup>th</sup> July 2016; a period of over 11 months. Another clear case in point is the inclusion on 22<sup>nd</sup> June 2017 through an *amended charge* of Citizen Bright Chimezie Ishinwa in the list of those IPOB/pro Biafra activists vindictively arraigned in court by the SSS/AGF. Citizen Bright Chimezie Ishinwa is an IPOB official arrested and detained incommunicado without trial or access to his family and lawyers by SSS since 16<sup>th</sup> of September 2016.

Despite the 24<sup>th</sup> May 2017 judgment of a Uyo Federal High Court ordering his unconditional release and payment of N5million compensation to him, the SSS refused to release him till date; leading to contempt and committal proceedings initiated against the authorities of the Service; only for the Service to make a u-turn and hurriedly filed an amended charge in the pending case of Nnamdi Kanu and ors and joined him as a co-defendant. In the said amended charge, Citizen Bright Chimezie Ishinwa was slammed with “conspiracy to commit treasonable felony and improper importation of goods”. On account of this, Sir, Citizen Nnamdi Kanu’s present bail or conditional freedom is threatened, if not technically revoked. This is owing to the fact that all the accused persons including Nnamdi Kanu will take fresh pleas whenever their case resumes leading to their fresh bail applications to be made orally or in writing.

- *Demand for FEC Approved Special Criminal Investigations Board:*

There shall be constituted urgently a special criminal investigations board to thoroughly, dispassionately and conclusively investigate: (1) the massacre and maiming of Shiite Muslims in Zaria; (2) the mass killing and maiming of pro Biafra activists in Southeast and parts of South-south Nigeria; (3) the mass killing of predominant rural citizens especially Christians by armed Fulani herdsmen since June 2015 and possible reprisal killing of Fulani herdsmen/citizens by the victims’ groups; and (4) the Rann IDP bombing in Maiduguri and other war related conduct atrocities including Amnesty International’s allegation that “240 civilians including 29 children aged between new born and five years were made to die in Nigerian Army’s custody in 2016 in Maiduguri; after which they were buried in secret mass graves by the officials of the Borno State Emergency Management Agency”.

The modalities for the special criminal investigations board under demand shall be worked out by the Attorney General of the Federation and Office of the Secretary to the Government of the Federation and presented to the Federal Executive Council for ratification and approval. That is to say Sir, upon receipt of this letter of ours and its attachments, you shall refer same to the AGF and Office of the SGF for immediate action Sir.

The Special Criminal Investigations Board shall expertly be headed by the DIG in-charge of Nigeria Police Criminal Investigations and; composed of representatives of Directorate of Military Intelligence, Military Police, State Security Service, and National Intelligence Agency and their legal departments as well as office of the Attorney General of the Federation.

The investigative personnel so chosen must be serving members of the Nigerian Armed Forces and the Police and drawn from all the six geopolitical zones of Nigeria. We suggest further Sir that the Board may be decentralized and that its investigative personnel must penetrate impenetrable and avoid any form of armchair syndrome or staying in the comfort of their offices and be inviting members of the public to appear before them.

Their fact-finding and crime scenes’ investigation or visitation modes shall be *down-top modes* or from non-State actors to State actors. Their field investigation personnel must civilianize themselves when visiting (i.e. dressed in plainclothes and avoid brandishing AK-47s). This is to avoid creating unnecessary panics and psychological insecurity among those capable of assisting them in their investigations.

Authorities and offices of those human rights organizations, activists and other relevant stakeholders including the victims' groups that investigated and issued reports concerning the referenced gross rights abuses or commission of heinous crimes shall be friendly and humanely located and approached. It must be clearly stated here Sir that we may most likely not going to entertain or answer any call or response or invitation arising from this letter except that credibly emanating from the Board of Criminal Investigations under demand which must be headed by the DIG Force Criminal Investigations.

In the case of the trio of Governors William Obiano, Okezie Ikpeazu and Nasiru el-Rufai of Anambra, Abia and Kaduna States respectively, they can be criminally and conclusively investigated while in office. If indicted, their trial commences the moment they lose immunity of office with the exception being if they are to be tried internationally such as before the ICC. Please see the case of Gani Fawehinmi v. Inspector General of Police (and Gov Ahmed Bola Tinubu) (2002) 7 NWLR (Pt.767) 606.

Where it is found that the continuing staying in office of the named top officers of the Armed Forces and the Police especially the present IGP, COAS, Chief of Air Staff, DG of SSS, DIG Habila Joshak, Major Gen Ibrahim Attahiru and AIG Hosea Karma, etc will impede or jeopardize the investigations and their outcomes, they should be asked to step aside.

- *Demand for FEC Approved 3-in-One Judicial Commissions of Enquiry:*

There shall be constituted a 3-in-One Judicial Commissions of Enquiry to be decentralized and located in (a) Zaria, (b) Benue and (3) Enugu to look into: (i) massacre and maiming of Shiite Muslims in Zaria, (ii) killings by armed Fulani herdsmen and reprisal killings, if any, since June 2015, and (iii) mass killing and maiming of pro Biafra activists in Southeast and South-south. Its modalities shall also be worked out under your directive by the AGF and Office of the SGF and presented to FEC for ratification and approval.

It shall have representatives drawn from (1) Amnesty International, (2) Human Rights Watch, (3) Nigerian Rights Groups especially those based in the Southeast Zone, Kaduna and Abuja; (4) the Federal Government of Nigeria bearing in mind its federal character principle or geopolitical spread; (5) Nigerian Armed Forces and Police; (6) Nigerian Bar Association; (7) the Catholic Secretariat of Nigeria and its Kafanchan Archdiocese; (8) the ECWA Church in Nigeria and its Kaduna zone; (9) the Christian Association of Nigeria including the PFN; (10) relevant Muslim bodies; (11) the Islamic Movement in Nigeria or Shiites; (12) the Indigenous People of Biafra (IPOB) and the Movement for the Actualization of the Sovereign State of Biafra (MASSOB); (13) Nigerian Union of Journalists, (14) Ohanaeze Ndigbo, (15) etc. It shall be 60% non-State actor and 40% State actor composed.

The 3-in-One Special Judicial Commissions of Enquiry of the Federal Government shall come out with fair and dispassionate recommendations including: (1) punitive and administrative sanctions such as dismissal or sack of those public office holders found vicariously and operationally culpable; as well as their criminal prosecution; (2) proscription of violent groups found culpable and criminal prosecution of its principal officers and foot perpetrators; and (3) adequate compensation of the individual and group victims of State killings as well as those killed by the Nomad Fulani armed group.

The rest is (4) proper and well publicized State apologies and setting up of the National Sorry Day for those killed outside the law in Nigeria during the periods under review or since June 2015 and victims' support trust fund whereby 0.5% from the Federation Account and 30% of the living remunerations and pensions and allowances of those public office holders found culpable will be deducted monthly for two years or more, starting from January 2018 and be paid into the victims support trust fund. The findings of the Special Criminal Investigations Board under demand shall be submitted and admitted by the 3-in-One Judicial Commissions of Enquiry under demand to assist same in its proceedings and outcomes.

- *Demand for Invitation of ICC to Probe and Prosecute War Crimes in Nigeria:*

Sir, we demand that your acting Presidency should invite the Prosecutor for Int'l Criminal Court to investigate and prosecute war crimes as raised in Amnesty Int'l Reports including the alleged death in 2016 in Army custody of 240 civilians including 29 children aged between new born and five years. There are also similar reports by AI and ors concerning willful killing of about 1000 civilians in the Northeast counterinsurgency operations contained in their recent reports as well as the January 17<sup>th</sup> 2017 Rann IDP camp bombing in Borno State, resulting in 236 civilian deaths.

- *Attachments:*

Sir, other important documents attached below apart from the links provided above are: (1) copy of Intersociety's Special Report (welcome to bleeding republic of Nigeria: a land flowing with blood and tears; with its pictorial evidence segment), (2) the executive summary of the special report, (3) copy of Intersociety's statement, dated 18<sup>th</sup> June 2017 and captioned: *Nigerian Army's False Claims Against Slain Innocent Biafra Activists: Graphic Accounts (part one)*, (4) copy of the concluding part of the statement, dated 22<sup>nd</sup> June 2017 and captioned: *Nigerian Army's False Claims Against 270 Slain Innocent Pro Biafra Activists & 370 Injured Others: How They Were Massacred And Maimed (Concluded)*.

Others are: (5) pictures (a, b and c) of scores of slain pro Biafra activists massacred by soldiers on 29<sup>th</sup> and 30<sup>th</sup> May 2016 at pro Biafra Heroes Day mass killings and shootings in Nkpor and Onitsha being conveyed in military trucks to places where soldiers of Onitsha 302 Artillery Regiment and the Government of Anambra State criminally buried them in secret mass graves. The pictures were scientifically and manually verified and linked to crime scenes and their perpetrators; and (6) pictures of 13 lifeless bodies of slain pro Biafra activists comprising those possibly shot and killed in the 9<sup>th</sup> February IPOB massacre in the premises of the Aba National High School, and immediately after; dumped by soldiers inside a burrow pit located along Aba-Port Harcourt Expressway. It was manually found by Amnesty International team during their visit on 18<sup>th</sup> February 2016 that some of them were tied with cut pieces of *Biafra flags*.

**The 17-page Memo was copied to the following key national and international institutions and bodies for their information and necessary actions:**

**(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.**

Others are (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) Society for the Threatened People, Germany, (31) The Ambassadors and High Commissioners of France, Germany, Switzerland, Netherlands, Canada, Australia, Brazil, Sweden, Denmark, Belgium, Portugal, Spain and Japan, etc.

**Signed:**

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

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