

Intactness Of Kanu's Bail Conditions & Emptiness Of Nigerian Army In Policing Public Assemblies In Nigeria

(Intersociety, Onitsha Nigeria: 4th June 2017)-The leadership of **Int'l Society for Civil Liberties & the Rule of Law** is not surprised at the negative reactions of the Federal Government of Nigeria and its Nigerian Army as well as some unfriendly media practitioners sympathetic to the present Federal Government and its suppressive and annihilative policies against the Igbo Ethnic Nationality in Nigeria. The unfolding negative reactions of the referenced are clearly borne out of huge successes that followed the 30th May 2017 sit-at-home protest organized by the leaderships of IPOB and MASSOB, which recorded 95% success in the targeted areas and cities in Igbo Land and other Igbo populated and business areas in Nigeria.

We make bold to say that the negative reactions are not unexpected and clearly borne of frustrations, humiliations, surprises and shocks received by the unrepentant ethno-religious cleansers; forcing them to deploy all arsenal they think they have so as to register their frustrations and humiliations. Since the end of the hugely successful sit-at-home protest, we have been following the referenced negative reactions with no iota of surprise.

While the media branch of the named sworn Igbo enemies have heightened a smear and inciting campaign, claiming that "Citizen Nnamdi Kanu has flouted his bail conditions and should be re-arrested and sent back to prisons", the military branch of the referenced sworn Igbo enemies, represented by the Nigerian Army, has gone gaga and uncontrollable telling the whole world how "it escaped IPOB and MASSOB's ambush" and how "IPOB and MASSOB and their int'l collaborators have transformed into armed militias".

Totality of these is not unexpected of a set of genocidal people kitted and armed with lethal weapons and chronically commissioned to slaughter at any slightest opportunity members of Igbo Ethnic Nationality in furtherance of their decades' long genocidal and annihilative policies. Which explains why despite killing over 3.5million innocent and defenseless Igbo citizens since 1945, they are yet undone and always in the look for bloods of Igbo people in Nigeria or any part thereof.

The truth of the matter leading to the present litany of frustrations and negative reactions by the referenced, strictly lies on *two successes recorded in the all important sit-at-home protest*: (a) successful and masterful change of protest strategy; from open street protest prone to mass murder by Nigerian Army, Nigeria Police Force, SSS, Navy and Police SARS, etc, to sit-at-home or ghost street protest; and (b) huge compliance or approval voluntarily given by 95% of the urban Igbo people to the sit-at-home call by the leaderships of IPOB and reformed MASSOB.

Consequently, we at Intersociety make further bold to say that *Citizen Nnamdi Kanu's bail conditions are intact, inviolable and strictly adhered to*. Those calling for his re-arrest or revocation of his bail conditions have failed woefully and shall continue to fail. The issue of bail conditions *ordering a beneficiary citizen to quarantine himself/herself to indoor or cave and not be seen among a crowd exceeding ten citizens* is not only a judicial disaster, but intensively and extensively unknown to the Constitution of the Federal Republic of Nigeria 1999.

No court order or judicial pronouncement releasing a detained citizen on bail can invalidate his or her constitutional right to freedom of association and assembly. Ordering Citizen Nnamdi Kanu “not to be found in a crowd numbering over ten persons” expressly means that *he cannot worship or be found in the midst of his lawyers, siblings, his father’s palace, among his father’s cabinet chiefs, with his wife and his in-laws, in sporting arena, inside a plane or public vehicular transport, in a motor park, in a meeting of his kinsmen, peer group and social and political associates, etc.*

By Section 1 (3) of Nigeria’s 1999 Constitution, any pronouncement of the court in Nigeria that rises in conflict with the provisions of the 1999 Constitution is totally dead on arrival, particularly if such judicial pronouncement is made as *ratio decidendi*. Such unconstitutional *ratio decidendi* should not only be trounced but also expressly treated as *orbita dictum or dicta*. No court in Nigeria under the 1999 Constitution must issue an order undermining the 1999 Constitution particularly its *justiciable* rights to freedom of expression, assembly and association.

As for recent ranting of the Nigerian Army, represented by its 82nd Division in Enugu, it is a clear case of pathological emptiness of Nigerian soldiers in modern soldiering and military science particularly as it concerns military-public relationship and policing of public assemblies in Nigeria. The frustrations of the 82nd Division of the Nigerian Army and its satellite formations in the Southeast are clearly understandable.

Here is a supposed Army of multi ethno-religious composition of the Federation of Nigeria, but defiantly and lopsidedly composed and peopled presently by brigades and battalions of ethno-religious cleansers within the Hausa-Fulani Muslim stock. The 82nd Division of the Nigerian Army is utterly angry and frustrated because streets and roads in the Southeast that had last year’s 29th and 30th May provided same with an opportunity to shed and spill the bloods of over 140 innocent and defenseless Igbo citizens at Nkpor, Onitsha and Asaba; grossly disappointed and denied it of same violent opportunity on 30th of May 2017; leading to its present frustrations, humiliations, shocks and disappointment.

We had in September 2016, issued a *public enlightenment advocacy statement* in which we stated and pointed out clearly that the Nigerian Army is the most atrocious and barbarous military under any credible democratic country in Africa, South America and Asia, Europe and North America. It is also backwardly and illiterately composed and commanded.

In policing public assemblies including peaceful and even unlawful or violent assemblies in Nigeria or any part thereof, Nigerian Army has no iota of role or responsibility. The gross ignorance of the Nigerian Army in policing public assemblies in Nigeria other than armed rebellion, is further exposed when it claimed that “its violent crackdown of innocent and unarmed pro Biafra campaigners, and their nonviolent processions and street protests leading to over 270 deaths and 370 injuries in less than two years (August 2015-January 2017) is in line with military’s *rules of engagement*”.

Owing to its collective and administrative backwardness and illiteracy, the Nigerian Army is thousands of miles away from realizing the fact that *rules of engagement* under the UN System and int'l law such as int'l humanitarian law and the Laws of War or Conflicts, popularly called *the Geneva Conventions of 1949*; are strictly not applicable to policing public assemblies or non war civil assemblies; even if such assemblies turn violent other than armed rebellion. The Nigerian Army's gross ignorance and illiteracy further darkens its eyes and sense of reasoning to the effect that *rules of engagement* is solely applicable in inter State or intra State conflicts or wars and that it was founded on three war doctrines of *jus ad bellum, jus in bellum and jus post bellum*. The word "bellum" literally means *war or armed conflict*.

These are the reason behind the Nigerian Army's recent claims, as it has always done that "IPOB and MASSOB are violent and armed independent people of Biafra" and that "they and their int'l collaborators have transformed into armed militias". The link to the said public enlightenment on policing public assemblies in Nigeria is here: <http://thenigerialawyer.com/public-awareness-on-managing-peaceful-assemblies-in-nigeria-and-dangers-of-their-stigmatization-and-criminalization-by-nigerian-security-forces-and-unprofessional-print-media/>

We therefore call on the Chief Judge of the Federal High Court to ignore any frivolous petition from any quarter asking it to stampede Hon Justice Binta Nyako into revoking Citizen Kanu's bail. The Federal Ministry of Justice is also warned not to undermine the sacred provisions of the 1999 Constitution in the like manner. As we have always done successfully, we shall oppose with utter advocacy vehemence any attempt to unjustly revoke Citizen Nnamdi Kanu's bail or return him to prison. The heightening surveillance around Citizen Kanu's Afara-Umuahia Community and its environs as well as his movement by soldiers and SSS must be totally discontinued.

Hon Justice Binta Nyako must reverse herself when judicially approached by releasing the trio of Citizens Benjamin Madubugwu, Dave Nwawuisi and Chidiebere Onwudiwe on bail. The IPOB legal team is also advised to appeal the judicial decision of Hon Binta Nyako, refusing the trio bail and get them released on bail. As a matter of fact all the spurious charges preferred against Citizens Nnamdi Kanu, Dave Nwawuisi, Chidiebere Onwudiwe and Benjamin Madubugwu should be quashed or withdrawn and discontinued by the Federal Ministry of Justice.

The charges are not only spurious and uncalled for, but also a situation whereby no single member of Fulani terrorist group that has killed with automatic weapons over 4000 innocent and defenseless Nigerian citizens since the inception of the Buhari Administration in June 2015 has neither been arrested or prosecuted; amounts to *killing, prosecuting and persecuting* the innocent and law abiding and protecting and rewarding murderers and genocidists.

It is also shocking as why a citizen who possess a self-defensive non prohibited firearms in the category of Pump Action Guns with a valid license, which has since been tendered in court; will be held without trial or bail since two years whereas no single member of Fulani terrorist group has been arrested and put on trial for possession of prohibited firearms such as AK-47 assault rifles or sub or machine guns.

Finally, we call on the Akwa Ibom State Directorate of SSS to as a matter of uttermost immediacy comply with an Akwa Ibom Federal High Court judgment, ordering for unconditional release from its custody of Citizen Bright Chimezie (an IPOB chieftain), who was arrested since 16th September 2016 or a period of over eight months, in Uyo and detained under its custody without trial since then. If the Directorate has murdered him in its custody through close range shooting or torture, the Directorate is called upon to release his corpse publicly to IPOB, his lawyers and family.

Signed:

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