

## **Vindictive Proscription Of Indigenous People Of Biafra As Terror Race: Buhari/Osinbajo Administration Has Crossed The Red-lines Of Nation Building With Generational Enmity And Unhealable Wounds**

### **----Intersociety & SBCHROs**

**(Onitsha, Southeast Nigeria: 24<sup>th</sup> September 2017)**-*The recent vindictive proscription and designation by way of blue-law presidential proclamation (done on a Sunday) and court ex-parte order; of the Indigenous People of Biafra (dominated by the Igbo Race) as a terror race or “terrorist organization” by the central Government of Retired Major Gen Muhammadu Buhari and Prof Yemi Osinbajo is shockingly riddled with far reaching and generational consequences. It is a mortal sin and a heinous crime against a race that can never be healed or forgiven in generations to come.*

*Telling a three year old child (now in code law) carrying a Biafra banner during a peaceful protest by his or her parents' indigenous people; in the street of Aba or London that he or she is now a terrorist and will be “crushed” or made to “rot in jail if caught protesting again”; speaks volume of the generationally un-forgotten and un-forgiven mortal sin and heinous crime against his or her own race which he or she is bound to pass unto his or her succeeding generation. This is more so when under the universal criminal law and culture; that of Nigeria inclusive; that same child and others like him or her who are under seven years; are incapable of doing wrong or committing any offense: Emeka Umeagbalasi (Criminologist & Security Studies Graduate: 23<sup>rd</sup> September 2017).*

The leaderships of **Int'l Society for Civil Liberties & the Rule of Law (Intersociety) and Southeast Based Coalition of Human Rights Organizations (SBCHROs)** have watched with deepest shock and disbelief the gravity of governmental gangsterism and social primitivism, rot and decay in Nigeria especially with respect to opinions, reactions, propagandas, lies, deceits and acute misrepresentation of facts following the recent vindictive and ethno-religiously motivated presidential and court ex-parte (one sided) declaration of the Indigenous People of Biafra (mostly Igbo People) as a terror race.

Further shocking is the venomous turning of the entire Statecraft against the Igbo Race. Government propaganda machinery has let loose; lawyers are now hired and paid by the Government in their large numbers and ferried to all known electronic media outfits both within and across borders to defend government illegalities using personal opinions and biases. The deadlier tragedy is the throwing up of *legal lepers* who have brutally attacked and usurped the Constitution and other compatible extant laws and taken over their functions with reckless abandon. They have jointly become the “Constitution of the Federal Republic of Nigeria, 1984 (sarcastic reference to Decrees 2 & 4 of 1984)”.

Some hired print and online media columnists and writers are now recruited by Government and positioned to run riot on the Igbo Race; the propaganda/fetish information arm of the Government is already on globetrotting with its diplomatic luggage loaded with lies, deceits and blackmails. In all these, the sole aim of the antagonist central Government is to force every Tom, Dick and Harry within and beyond the borders of Nigeria to call white kettle black kettle or to force the world to criminalize and terrorize the Igbo People; a race not credited with any recorded antagonistic racial violence in Nigeria or any part thereof since 1945.

**Terrorization of Nigerian Federation by Buhari/Osinbajo Government:** Since coming to power in late May 2015, this present central Government has not hidden its agenda of undermining the Constitution of the Federal Republic of Nigeria 1999; which though riddled with defects, but still recognized the ethnic, cultural and religious diversity of the country; with 383 ethnic nationalities and over 400 languages and multi religions.

The Constitution strongly gave and still gives conditions under which the unity of Nigeria (nation building) will remain indissoluble or non-negotiable. The Constitution went further, firmly, and invited all Nigerians and others and admonish them to always read and interpret her provisions in the context of “community reading and interpretation” where strikingly necessary.

The non tradable conditions under which the Federal Republic of Nigeria can exist as “one indivisible and indissoluble sovereign State” (as contained in its Section 2 (1)) are contained in the following Sections: by Section 17 in its **Chapter Two**, under *Fundamental Objectives & Directive Principles of State Policy*; otherwise called “*the Charter of Responsibilities for the Public Office Holders in Nigeria*”; the Constitution firmly affirms that *the State Social Order is founded on ideals of Freedom, Equality and Justice.*

*17 (2) : In furtherance of this social order: (a) every citizen shall have equality of rights, obligations and opportunities before the law; (b) the sanctity of human person shall be recognized and human dignity shall be maintained and enhanced; (c) government actions shall be humane; (d) exploitation of human and natural resources in any form whatsoever for reasons, other than the good of the community, shall be prevented; and (e) the independence, impartiality and integrity of courts of law, and easy accessibility thereto shall be secured and maintained”.*

By Section 14, *the Federal Republic of Nigeria shall be a State base on Principles of Democracy and Social Justice; Section 14 (2), it is hereby declared that sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authority; 14 (2) (b) the security and welfare of the people shall be the primary purpose of the Government; and (c) the participation by the people in their Government shall be ensured in accordance with the provisions of this Constitution.*

By Section 14 (3), *the composition of the Government of the Federation or any of its agencies and the conduct of its affairs shall be carried out in such a manner as to reflect the federal character of Nigeria (pluralistic composition) and the need to promote national unity, and also to command national loyalty, thereby ensuring that there shall be no predominance of persons from a few States or from a few ethnic or other sectional groups in that Government or any of its agencies.*

By Section 15 (1), *the motto of the Federal Republic of Nigeria shall be Unity and Faith, Peace and Progress; and (2) accordingly, national integration shall be actively encouraged, whilst discrimination on the grounds of place of origin, sex, religion, status, ethnic or linguistic association or ties shall be prohibited”; and by Section 13, it shall be the duty and responsibility of all organs of government, and of all authorities and persons, exercising legislative, executive or judicial powers, to conform to, observe and apply the provisions of this Chapter (11) of this Constitution (as above highlighted).*

**Political Exclusion & Segregation:** The central Government of Buhari/Osinbajo has not only observed the above fundamental constitutional provisions and requirements in grave and impeachable breach but also been running a segregated, secluded and excluded government since June 2015. This government of segregation and exclusion not only gravely and impeachably violates or breaches the Constitution and its above highlighted provisions, but also aimed and targeted at the Igbo Race and their neighboring ethnic nationalities. The Igbo Nation is Nigeria’s largest Christians with 50million population. It also constitutes bulk of over 25,000 Nigerian scholars in USA and tens of thousands of others across the world including Europe, Canada, South America and Southeast Asia.

But for Section 147 (3) of the Constitution and mandatory involvement of the Senate in the appointment of Ministers of the Federal Republic of Nigeria, the Southeast Zone/Igbo Race would have been denied ministerial slots by the referenced central Government. Even those so appointed are reduced to “caliphate errand boys”. The same Government has so cowed and intimidated the Southeast Governors that they have become “**the Ahaji Governors of the Southeast**”. No minding that the Igbo Race are one of the three most populous and largest ethnic nationalities in Nigeria, the people of the Race including its 11.4million residents in Northern Nigeria are the most endangered and unprotected in the country today.

Till date, no serving senior Service Officer from the Southeast/Igbo Race is among the country’s Service Chiefs; we are also not aware of any being among about 24 serving Police AIGs especially the 12 AIGs in charge of the country’s 12 Police Zonal Commands. The number of serving Police Commissioners from Southeast/Igbo Race is shrinking on bi-yearly basis; likewise those in the ranks of DCPs, ACPs, CSPs, etc. Serving senior and junior police officers and those in the Armed Forces and Police from the Southeast/Igbo Race are still meted with age long “promotion stagnancy” and “piecemeal duty assignments/postings”; forcing them to retire unceremoniously without reaching their career peaks.

The other day, a group of serving senior army officers from the Zone/Race were rounded up and edged out unceremoniously; to compound the acuteness or shortage of the Zone’s senior and junior military and other service officers in the so called “Nigerian Armed Forces and the Police”. For instance, Lt Gen Tukur Yusuf Buratai is long due for statutory retirement since January 2016 having reached mandatory service age of 35years and as a non graduate commissioned army officer with NCE from NDA (Course 29), but he is defiantly retained while those at their prime time in the service from Southeast/Igbo Race are edged out with reckless abandon because of where they come from.

We challenge the central Government of Buhari/Osinbajo to contradict and rubbish us publicly by publishing the names and geopolitical zones of all serving AIGs (including Zonal heads), CPs (including State CPs), DCPs, ACPs and CSPs as well as names and geopolitical origin of all heads of police formations in Nigeria. The Administration is also openly challenged to publicly name any Igbo/Southeast person among the country’s Service Chiefs as well as names and geopolitical origin of all top military commanders and those of the SSS, NIA and para-militaries (i.e. Customs, Immigration, Prisons, FRSC, EFCC, NDLEA, NSCDF, etc) and heads of MDAs and tertiary institutions (i.e. VCs, Provosts and Rectors); all appointed by the Administration since June 2015.

As if these were not enough, the Government of Buhari/Osinbajo further initiated its “Plan B” anti Igbo policy by presidentially and **black-judicially** tagging the Igbo Race as a terror race. Although, the name: *Biafra* or *Biafara* originated from the maps the European travelers used in 15<sup>th</sup>-19<sup>th</sup> centuries to describe the region of today’s West Cameroon including an area around Equatorial Guinea which contained in Johann Heinrich Zedler (a German publisher)’s encyclopedia of 1731; just as Lagos was so named by first Portuguese settlers; the name has come to be accepted by the Igbo People and their neighbors.

It is therefore nothing short of a mortal sin and heinous crime against a race for them to be hurriedly, hastily, vindictively and wickedly tagged a terror race by an existing Government. Such a mortal sin and heinous crime is generationally un-forgiven and un-healable. The Government of Buhari/Osinbajo has crossed the red-lines of its nation building, if any. Nonviolent agitations by Indigenous People of Biafra dominated by people of the Igbo Race are fallout of decades of the three hydra-headed injustices against them; namely: *structural violence, physical violence and cultural violence*. The name: “IPOB” is therefore not linked to any person or group of persons but the entire People of the Old Eastern Region.

The Yoruba or Oduduwa Nation or Arewa Nation cannot be linked to an individual or group of persons; but the Peoples of the Southwest and core North. This further explains why IPOB is recognized by UN as indigenous people of Igbo Race. This is also why it is not registered in Nigeria. A Component Unit of the Federation can never be registered as living or lifeless legal person. This, the Buhari/Osinbajo Administration also acknowledges by its ongoing grossly belated and smokescreen peacemaking across the country using its procured Igbo errands so as to pacify the Race it abominably tagged a "terror race".

### ***Illegalities of the Military and Nigerian Government in the Past Two Weeks:***

- **12<sup>th</sup> September 2017:** The Nigerian Military as directed by the President and the COAS invaded Abia State particularly Aba and Isialangwa civilian populations and opened fire; killing dozens of defenseless members of the two populations. The military operation; without any form of armed resistance or combatant attacks on military personnel and installations from the populations also included late night house raiding of same date; during which scores were killed and others forced to abandon their sleep and run for cover in nearby bushes. These included nursing mothers, pregnant women, children and the aged. Dozens of supporters of Nnamdi Kanu were also barricaded at Isialangwa and tortured on the same date.
- **14<sup>th</sup> September 2017,** the Nigerian Military led by soldiers of the Nigerian Army invaded Nnamdi Kanu's house at Afara-Ukwu in Umuahia and opened fire, killing dozens including domestic livestock. The Palace of Nnamdi Kanu's father was also shattered with mortar bullets. Days later, scores of dead bodies were still being recovered from the nearby bushes while those who died on the spot were taken away by soldiers. The whereabouts of the Royal Father and his son-Nnamdi Kanu remain unknown till date.
- **15<sup>th</sup> September 2015,** the Military began official cover-up of its 12<sup>th</sup> and 14<sup>th</sup> September atrocities by retroactively and punishably declaring "IPOB" a "terrorist organization". On the account of swift reaction of the Senate President; declaring the Military's action illegal and unconstitutional, the *Aso Rock Legal Lepers* (two profs of law, a professor of criminology and a doctor of criminology), pressed the President to perform his official duty on legally forbidden work date/hours on Sunday (17<sup>th</sup> September)-an unlawful working day in Nigeria; by issuing a hasty and hurried proclamation, proscribing the Indigenous People of Biafra/Igbo Race as a terror race. The *Legal Lepers* had before then dusted an outdated Apex Court verdict and fast-forwarded it to the Military to use to back up its unconstitutional declaration of 15<sup>th</sup> September.
- **20<sup>th</sup> September 2015,** the *unlearned AGF* of the Federation rushed to his Hausa-Fulani brother and *unlearned colleague* in the Bench, who is struggling to be confirmed as the substantive CJ-FHC to issue a declaratory order in his bedroom without hearing from legal representatives of the Race so labeled. The said Judge issued a declaratory order proscribing the Indigenous People of Biafra/Igbo Race and designated them as a "terror race".

- **21<sup>st</sup> September 2017**, government propaganda and sponsored blackmails against the Igbo Race let loose. The blackmails later crossed international borders and the likes of France, UK, USA, Spain, Hong Kong, Germany, etc became labeled "IPOB backers and sponsors". Even when the said proscription is yet to be gazetted, the Nigeria Police Force have already lost control; threatening fire and brimstone; including instant death, shoot-at-sight and rotting in jail of any member of Igbo Race found gathering or assembling. These violent agents of the State were also too impatient to allow fourteen days *right of appeal or reply* for the "proscribed" to elapse or the processes to be completed before embarking on another of massacre operation.

**Analysis:** All the actions of the Government of Buhari/Osinbajo and its Military as above highlighted are nothing short of compound-illegality. There is no law in Nigeria or any part of the world that allows a Government to unleash State terror and violence on defenseless population. Criminal laws all over the world do not allow mere suspicion as basis for punishment. This was also clearly stated in the recent judgment of Hon Justice Binta Nyako, delivered on 28<sup>th</sup> February 2017 in **Suit No. FHC/ABJ/CR/383/15 (Federal Republic of Nigeria v Nnamdi Kanu & 2 ors)**.

For an offense or crime to be called one, it must be actionated and intended (*actus reus* and *mens rea*). Intent can only be subjected to investigation for the purpose of establishing it and link it to act or failure to establish same. Intent must never be punished. Terrorism is no offense until it becomes "acts" or "offense of terrorism". Burning of a police station or killing of police officer(s) or burning of a Mosque or killing of non indigenes in the South-south is acutely insufficient to proscribe the entire race and declare same a "terror organization".

Apart from being isolated case and lacking widespread and conventional terrorism linkage; if truly all or any of the above took place as officially alleged; it remains a truism that there is no police investigation report till date showing that "it is IPOB people". The Government even phrased it "suspected IPOB members". The question as per: *who are the IPOB People* is yet to be provided by the Police or SSS. It is also possible that the Government in its desperation masterminded the acts; if they truly took place. It is also possible that aggrieved citizens or angry mob could do same to register their anger against renewed massacre of members of defenseless and unprotected Igbo Population in the country.

**Constitutionally**, the said presidential proclamation and court ex-parte proscription so referenced are totally an affront to Section 36 of Nigeria's 1999 Constitution (fair hearing) as well as two core foundations of the Law of Natural Justice/ Rule of Law: *always hear the other side and do not be a judge in your own case*. By Nigeria's Supreme Court Act of 1960, *trial by ordeal or jungle justice* is prohibited. By Section 36(8) of the Constitution: *nobody shall be held guilty of a criminal offence on account of any act or omission that did not, at the time it took place, constitute such an offence, and no penalty shall be imposed for any criminal offence heavier than the penalty in force at the time the offence was committed*. That is to say that retroactive criminal legislation and punishment are unambiguously prohibited in Nigeria or any part thereof.

Section 36(12) further prohibits conviction of any citizen of a criminal offence in Nigeria unless the offence is clearly defined with its penalty prescribed in a written law. Nigerians and members of the international community are therefore invited to compare and contrast the referenced recent actions of the central Government of Buhari/Osinbajo against the Igbo Race; with respect to their compliance or otherwise with the Constitution and other extant laws of the Federation.

The court ex-parte order proscription of the Indigenous People of Biafra (Igbo); even though contained in Section 2 of the Terrorism Prevention Act of 2011; is totally in conflict and incoherent with Section 36 of the Constitution (fair hearing) and by simple reading of Section 1 (3) of the Constitution, it is null and void. Section 1 (3) clearly provides: *If any other law is inconsistent with the provisions of this Constitution (1999), and that other law shall to the extent of the inconsistency be void.* Sections 6 and 13 of the Constitution command the Courts in Nigeria including the Federal High Courts through their Judges to uphold and protect Constitution and its provisions at all times.

Grandly and strikingly, Nigerians and members of the international community are further invited to assess and read the subsisting (criminal) judgment of the Abuja Division of the Federal High Court, delivered on 28<sup>th</sup> February 2017, in Suit No: FHC/ABJ/CR/383/15: FRN v Nnamdi Kanu & 2 ors; delivered by Hon Justice Binta F.M. Nyako. The Judge had in her ruling as per whether: (1) *IPOB should be tried as proscribed or unlawful society; and whether defendant Chidiebere Onwudiwe should be tried for offense of terrorism based on allegation of being caught harboring intentions (not acts) on how to manufacture improvised explosive devices (IEDs);* not only struck out same, but further ruled that “mere intentions are not trialable and punishable under the law”. The Judge further ruled that “for the fact that IPOB was not registered in Nigeria does not make it unlawful or a proscribed society...”

Till date, the Federal Government has not appealed the ruling or set it aside at appellate Court. The criminal proceedings of the named defendants are already billed to resume on 17<sup>th</sup> October 2017. Yet the same Federal Government has taken laws into its hands and assumed the duties of the “police, court and executioner” ; it has found Nnamdi Kanu “guilty” with “extra judicial death penalty”!

**Commendations:** The timely intervention by the Senate President, Abubakar Bukola Saraki and his Deputy, Ike Ekweremadu; by strongly condemning the Military action is very commendable. We are not unaware of the central Executive Government’s blackmails that have been let loose on the duo; simply because they saw and stood by the truth.

The fact remains that the Indigenous People of Biafra/People of the Igbo Race and all lovers of truth, freedom and democracy will never forget the duo’s courage and vehemence. It is also a shame that while the **“Alhaji Governors of the Southeast”** are busy running for cover and abandoning their own people; both those in the North and those at home; to be crushed and perished; it took a courageous savior from the North-central to issue a “thunder and lightning warning” which de-escalated the already soaked tensions and apprehensions and possibly halted further military massacre of the Igbo People in their own ancestral citadel!

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