



Untried Pro Biafra Detainees Must Not Die In Nigeria's Government Captivity

---Intersociety

(Onitsha Nigeria, 10th February 2018)-Int'l Society for Civil Liberties & the Rule of Law is calling on Nigeria's central Government of Retired Major Gen Muhammadu Buhari to ensure that 87 pro Biafra detainees held untried in various prisons and detention facilities in Southeast and South-south Nigeria including those of its secret police do not die in Government's captivity.

The central Government in Nigeria must also comply fully with detained citizens' fundamental rights to fair hearing, fair and speedy trial; unhindered access to their families including wives and children; access to family or personal doctors and lawyers; adequate medical care and sanitary conditions and ventilation as well as decent feeding, clothing and shelter while in captivity.

These are not only provided and entrenched in Sections 36 and 17 of Nigeria's 1999 Constitution but also contained in the African Charter on Human & Peoples Rights of 1981; signed, ratified and domesticated by Nigeria in 1983 as well as the UN Covenant on Civil & Political Rights signed and ratified by Nigeria in 1993. Nigeria is also a State Party to various UN and AU Principles and Protocols on the rights and conditions of Prisoners and Awaiting Trial Detainees.

Background: It is recalled that Nigeria particularly its Southeast and South-south parts was greeted with nonviolent protests and agitations over what the citizens of Southeast and South-south saw as national policy of *structural, physical and cultural violence* targeted at the citizens of the two zones resulting in indiscriminate arrest and killing of citizens of the two areas using racial profiling and ethnic hatred.

The two zones particularly the Southeast further experienced political exclusion and denial of sensitive political appointments at federal levels. Through mob violence and ethno-religious radicalism, thousands of citizens of the Southeast and parts of South-south were hacked to death in Northern Nigeria with perpetrators going scot free and successive and subsisting central Governments doing nothing.

Sum total of grievances arising from the above resulted in several street protests and agitations strictly through nonviolence or total absence of armed rebellion. The civil protests and agitations thickened between August 2015 and September 2017; leading to the central Government through its security forces opening fire and launching a violent crackdown resulting in the death of not less than 400 unarmed and defenseless citizens and injuring of over 300 others.

Hundreds were also arrested and detained for months or years without trial. Most of the arrested and detained were tortured and dumped in various prison and policing custodies and abandoned at pre-trial stages till date using *prosecutorial vindictiveness* (see the Black's Law Advanced Dictionary: 9th Edition 2009).

US Civil Suit & Its Proprietary: The killings and maiming perpetrated by the present central Government in Nigeria elicited local, regional and international concerns; partly resulting in some concerned Igbo-Nigerians in USA (not IPOB) approaching and briefing the law firm of Fein & Delvalle PLLC in Washington DC, USA for a civil suit against 16 (Sixteen) identified perpetrators in the US District Court for the District of Columbia. The law firm is headed by Mr. Bruce Fein, an internationally respected former Assistant Attorney General of USA. In the course of this, 10 (Ten) families/claimants of the slain agreed to sue the referenced perpetrators in their individual capacity as legal citizens of Nigeria under the UN System permissible under the US legal system.

This was followed by filing of a civil suit against the 16 (Sixteen) perpetrators before the US District Court in the District of Columbia; referenced as: *Doe, et al. v. Buratai, Case No: 17-cv-1033 (June 2017)* as well as visit of the principal partners of the Fein & Delvalle PLLC to Enugu Nigeria in August 2017 and subsequent meetings with the claimants, other witnesses and stakeholders.

Panicky Response Of Key Perpetrators: In a panicky response to the said suit, the perpetrators and their agents; most of who are serving public office holders in Nigeria sponsored protests and picketing especially at the US Embassy in Nigeria. This was followed by the Federal Government ordered military crackdown launched in the Southeast in September 2017 leading to death of not less than 100 unarmed and defenseless citizens.

The leadership of IPOB said that it lost "305 members and supporters" in the 12th and 14th September 2017 military crackdown particularly in Aba, Afara-ukwu Ibeku and Isiala-Ngwa all in Abia State. The Federal Government hurriedly issued a criminal retroactive proclamation on 17th September 2017, declaring "IPOB a terrorist organization"; in a clear bid to truncate and pervert local and int'l justice and shield its key perpetrators.

Deteriorating Health Conditions Of Detained Pro Biafra Activists: Therefore, our issuance of this statement is not only to put the records straight and refresh the minds of all Nigerians and members of the int'l community; but to particularly alert all and sundry over the deteriorating health conditions of scores of the named detainees. There are at least 87 pro Biafra detainees presently languishing in various prisons and other detention facilities across the Southeast and South-south Nigeria. Many of these detainees have been detained since 2015 and abandoned at pre-trial stages till date using *prosecutorial vindictiveness*.

Among the 87 pro Biafra detainees are 15 detainees at Port Harcourt Maximum Prisons, 20 at Ahoada Prisons and 10 at Degema Prisons all in Rivers State. Others are one detainee with a severe eye injury at Amawbia Prisons in Anambra State; 33 detainees including minors and one Ms Ada Nnude (a female detainee) at Aba Prisons in Aba State and 4 detainees at Enugu Prisons.

Pro Biafra star detainees are Benjamin Madubugwu (detained without formal trial since July 2015; accused of conspiracy to commit treasonable felony and unlawful possession of un-prohibited firearms or pump action (gaming) guns); Dave Nwawuisi (held since October 2015 over allegation of illegal importation of goods and conspiracy to commit treasonable felony); Chidiebere Onwudiwe (held since June 2016 over allegation of conspiracy to commit treasonable felony) and Bright Chimezie (held since September 2016 over allegation of conspiracy to commit treasonable felony).

It is also important to inform that the maximum prescribed punishment, on court conviction, for each of the above named criminal accusations is not above 5 (Five) prison term; yet some of the detainees have already been held in captivity for almost three years without formal trial or abandoned at pre-trial stages till date.

Specifically, in the case of Citizen Bright Chimezie, despite the grand judgment of the Uyo Division of the Federal High Court in Suit No FHC/PH/CS/61/2017, delivered on 24th May 2017 by Hon Justice Ijeoma L. Ojukwu; declaring his detention by SSS illegal, ordering for his immediate release and awarding a cost of N5M against his captors (SSS); he has remained in the hands of SSS without arraignment or trial till date.

The SSS in a panicky response to the judgment merely filed an amended charge in the pending but stalled criminal trial of Onwudiwe, Nwawuisi, Madubugwu and ors to include his name but refused to arraign him and allow him to take plea till date. This is a clear case of application of Decree 2 of 1984 by other means and impeachable violation of Section 35 of Nigeria's 1999 Constitution.

Deteriorating Health Of Detained Citizen Ben Madubugwu: Among the pro Biafra detainees with deteriorating health conditions is Citizen Benjamin Madubugwu. Owing to seriousness of his ill-health, he may most likely die in captivity unless his captors act fast to save his life. Citizen Madubugwu was medically diagnosed and found to be at high risk of threat of death.

According to Dr. Ikechukwu P. Amadi, consultant general/surgeon of Federal Medical Centre, Jabi, Abuja, who conducted the test on ailing Citizen Madubugwu on 15th November 2017, "Citizen Benjamin Madubugwu (43) is known hypertensive/asthmatic who presented to the Health Facility in the Prison (Kuje) with a three month history of recurrent painless rectal bleeding not associated with anal protrusion and has equally been having recurrent acute asthmatic attacks". "He would need to be evaluated outside the Prison with colonoscopy barium enema to ascertain the etiology of the bleeding and subsequently have a definitive treatment".

Sadly, since 15th November 2017 when the expert medical test was conducted and advice given, the authorities of the Federal Kuje Prisons, the Attorney General of the Federation and the Judge handling the case, Hon Justice Binta-Murtala Nyako have refused to allow the life and health of Citizen Madubugwu to be saved and improved.

Updates from the Prison clearly indicate that Citizen Benjamin Madubugwu is on danger list and at the high risk of losing his life. The central Government in Nigeria must not allow Citizen Benjamin Madubugwu and others suffering similar fate to die in captivity. He should be admitted on bail or taken to a better hospital outside the Kuje Prison for proper treatment as expertly recommended.

Reports from other prisons where pro Biafra activists are being held and abandoned at pre-trial stages also indicate that the health of scores of them is at risk with their constitutional rights and entitlements as detained or untried inmates substantially denied.

The detaining and trial authorities must as a matter of uttermost immediacy and urgency verify the health and detention conditions of all detained pro Biafra activists so as to ensure steady improvement of their health and detention conditions. As a matter of fact, they should be freed, discharged and acquitted by the Attorney General of the Federation and other detaining and trial authorities responsible for their present incarceration.

Signed:

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