



Special Statement On Intersociety At 10

Dedicated To Victims Of Crimes Against Humanity, War Crimes & Genocide In Nigeria

(Onitsha Nigeria: 30th July 2018)-Int'l Society for Civil Liberties & the Rule of Law (Intersociety) is dedicating her 10th birthday to victims of **crimes against humanity, war crimes and genocide** across Nigeria irrespective of their religion or faith sect, ethnicity, age, gender, color, class, cultural affiliation or geopolitical location. Our birthday profile as to **how we came, what we do or have done, challenges and future** is a topic for another day, to be released soon. **Intersociety** was born into Nigeria's Human Rights Community in July 2008.

Our special birthday commendation goes to ten Nigerian citizens and their families for heeding our clarion call to join in the fight against regime atrocities and impunity for their perpetrators; which resulted in the ten citizens suing sixteen Nigerian security and political actors in far away United States in their private capacities as citizens of old Eastern Nigeria and of the international community under UN System. The **EKWENCHE Group** in Chicago Illinois, USA is also specially commended for principally facilitating the legal services of the Bruce & Delvalle PLLC, New York, USA; the lawyers handling the case on behalf of the ten victimized and traumatized Nigerians.

Defining Victims of Socio-political Crimes: They are the slain, the wounded, the tortured, the traumatized or the surviving victims of killings, maiming and torture; organized, ordered, supervised, facilitated and executed by violent State agents including security forces and political actors as well as violent non State actors such as armed opposition groups or institutions and organizations including socio-cultural/religious groups and multinational companies. Killings involving perpetration of crimes against humanity and war crimes or genocide are such perpetrated outside the confines of **traditional or street crimes** of armed robbery, kidnapping, domestic violence, organized crimes including trafficking in persons and drug and arms trafficking, civil homicide, etc.

Defining Crimes Against Humanity: They are crimes perpetrated through excessive and unlawful use of force by governing authorities against group of unarmed and defenseless citizens for political, ethnic, religious or economic reasons; perpetrated in non war situations and usually in execution of three illegitimate policies of *physical or personal violence, structural violence (i.e. political exclusion and lopsided appointments and sharing of public resources- on the ground of faith or ethnicity) and cultural violence (i.e. jihad or anti Christian killings).*

Crimes Against Humanity are also killings resulting from non State actor (armed opposition groups) violence against unarmed and asymmetric civilian populations on the grounds of their ethnicity and religion or cultural and economic emancipation. Such heinous acts by violent State and non State actors include mass killing, forceful movement of indigenous population; torture, rape, destruction, seizure, pillaging, plundering, burning or destruction of properties including homes, sacred places of worship and annexation and occupation of indigenous lands or violent land grabbing.

Defining War Crimes: They are killings and property destruction including burning or destruction of sacred places of worship perpetrated by armed forces and police of existing sovereign territory and its rival armed opposition group(s) outside the confines of military necessity or such horrendous acts carried out against civilians or non combatants and their properties. Items involve in *military necessity*, permissible in war situation include targeting military facilities and killing or wounding combatants. Instances of heinous acts not permitted in war situation under the Geneva Conventions of 1949 include mass killing, forceful movement of indigenous population, torture, rape; destruction, seizure, pillaging, plundering, burning or destruction of properties including homes, sacred places of worship and annexation and occupation of indigenous lands or violent land grabbing.

Int'l Legal Definition of Victims of Crimes: By the United Nations Declaration of Basic Principles of Justice for Victims of Crime & Abuse of Office (1985), victims of crimes particularly crimes against humanity and war crimes or genocide (int'l crimes) *"are persons, who, individually or collectively, have suffered harm including physical or mental injury, emotional suffering, economic loss or substantial impairment of their fundamental rights, through acts or omissions that are in violation of criminal laws operative within member-States, including those laws prohibiting abuse of power. The victims include, where necessary, the immediate family or dependant of the direct victim and persons who have suffered harm in intervening to assist people in distress or to prevent victimization"*.

By the above UN definition, **Intersociety** is also a victim of crimes against humanity and war crimes or genocide in Nigeria and as a legal victim, we join other victims of state actor and non state actor perpetrated crimes across the country in mourning our departed heroes and heroines massacred by the agents of the present central Government in Nigeria and its protected jihadist brigades operating under the color of Fulani Herdsmen as well as those sent to their early graves by Boko Haram insurgents and "Zamfara Bandits".

Specifically mourned and remembered in our 10th birthday are the following unarmed and defenseless citizens killed in the past three years by the present central Government of Nigeria: (a) 450 (including 150 killed in Army Python Dance 11) pro Biafra activists and others in Southeast and South-south (August 2015-September 2017), (b) 236 Christian IDPs in Kale-Balge in Borno State (Jan 2017), (c) 50 rural Christians Numan in Adamawa State (December 2017), (d) 240 civilian detainees (Christians and Muslims) at Giwa Military Barracks in Borno State (2016), (e) 1,130 members of Shiite Muslim sect in Zaria, Kaduna State (December 2015) and (f) 159 children (Christians and Muslims) in Northeast Nigeria (2017); totaling 2,265 defenseless civilian deaths.

In the list of those mourned and remembered today by **Intersociety** are unarmed and defenseless citizens massacred since June 2015 by the trio of Boko Haram, "Zamfara Bandits" and Fulani Jihadists operating under the color of Fulani Herdsmen. They include 8,920 Christians massacred by Fulani Jihadists and Boko Haram, 4,470 Muslims massacred by fellow violent Muslim groups: Boko Haram and "Zamfara Bandits", 5,400 Christians massacred by Fulani Jihadists since June 2015 and 1,870 other Christians killed by same since January 2018.

Remembered and mourned, too, are 411 children killed by Boko Haram insurgents in 2017; out of 881 children killed or maimed in the country same year which was disclosed recently by the UN Sec Gen. Not forgotten are victims of police custodial and extra judicial killings in Nigeria in the past three years numbering not less than 9,000, at annual rate of 3,000 and monthly rate of 250. Remembered are survivors of police custodial torture numbering tens of thousands and thousands of citizens who got arrested by police, army and ors and made to disappear till date from custody. Victims of Nigerian Army rape violence in Northeast recently disclosed by Amnesty Int'l are also remembered.

Decision to dedicate the 10th birthday of our Organization is in strong recognition of the fact that **int'l crimes not only grievously violate individual victims' rights and plunder or annihilate their properties but also touch humanity in all of us.** When such crimes are perpetrated, **a three-way traffic justice** seek permanent vengeance for the purpose of facilitating: **justice for victims whose lives have been terminated or liberties impaired; justice for the perpetrators who perpetrated the atrocities with impunity and walk free in the streets of Nigeria; and justice for the society that have its moral values impaired and herself desecrated.** Failure to ensure these and on time is capable of opening a floodgate for **self help and reprisal radicalism** both in short and long times.

It therefore saddens our heart that those responsible for the perpetration of heinous crimes highlighted above are still walking the streets of Nigeria free and even poised to perpetrate or do more. Fulani Jihadists who massacre thousands of innocent and defenseless Nigerians yearly since June 2015 are not only protected by central Government of Nigeria till date but also allowed to dine and wine with powers that be in Nigeria's central seat of power. The said perpetrators now decide when to resume the killings or put same on hold according to the whims and caprices of their patrons at Nigeria's central seat of power. It is correct to say that human rights abuses and violations in Nigeria perpetrated by State actors and non State actors have become unspeakable and in industrial scale.

At the level of our Organization, the **three-way-traffic justice** must be pursued with vigor and resilience no matter how long it takes. In the words of the Geneva based Civitas Maxima-an expert justice group seeking for *independent legal representation for victims of War Crimes and Crimes Against Humanity* around the world; **we must continuously seek access to justice for victims of war crimes and crimes against humanity; whenever, wherever and however possible!**

TVPA Suit In US & FG's Celebration of Impunity: Our attention is again drawn to brazen misrepresentation of facts and celebration of impunity by agents of the present Federal Government of Nigeria involving **Case No.: 17-cv-01033-ESH (John & Jane Does 1-10 v. Buratai & ors).** The civil claimant suit instituted in June 2017 in US District Court for the District of Columbia suffered a temporary setback on 19th July 2018 when the Presiding Judge Dabney L. Friedrich errantly, feebly and flimsily dismissed the suit citing *lack of personal and subject matter jurisdiction based on foreign official-immunity.*

Victoriously, apart from the Court's denial of defendants' application for the matter to be struck out, the matter was never heard on its own merit. Ownership of accountability or responsibility for shooting and killing or torturing the unarmed and defenseless citizens of old Eastern Nigeria many of whom pro Biafra activists including the ten plaintiffs in the case was indisputably admitted or established by the defendants who presently serve as key political and security actors in Nigeria. The case is expeditiously and expertly receiving appellate attention either through a *motion for reconsideration* or substantive appeal.

Good a thing the US Law under which sixteen Nigerian security and political officials were sued (Torture Victims Protection Act 1992) was principally drafted and worked on for six years by Bruce Fein (the attorney handling the case on behalf of ten Nigerian victims) before its passage by the US Congress on 12th March 1991. He was a former Assistant Attorney General of USA. The **TVPA Act** enacted on March 12, 1992 is a statute that allows for the filing of civil suits in the United States against individuals who, acting in an official capacity for any foreign nation, committed torture and/or extrajudicial killing.

The statute requires a plaintiff to show exhaustion of local remedies in the location of the crime, to the extent that such remedies are "adequate and available." Plaintiffs may be U.S. citizens or non-U.S. citizens. The **TVPA Act** is therefore designed to fight impunity in foreign countries including Nigeria. All local remedies had long been exhausted all to no avail warranting resort to US courts.

The central purpose of **TVPA Act** is to compel foreign governments including Nigeria to comply with customary international law's obligations and prohibitions and put an end to culture of lawless savagery. Importantly, the **universal crimes against mankind** such as extra judicial killings and torture perpetrated under the color of foreign law can be prosecuted or redressed in any jurisdiction in the world in consonance with with due process. Such heinous and horrendous crimes threaten the humanity of the species and are enemies of mankind!

Sadly, since the filing of the suit, there have been panics and desperations on the part of agents of the Federal Government including shielding and defending the perpetrators and brazen misrepresentation of facts. Such facts misrepresentation include tagging the case "IPOB suit against Federal Government", "continuation of Nigeria-Biafra Civil War" and tagging of the law firm of Fein & Delvalle PLLC as "IPOB Lawyers hired against Government of Nigeria (GON)".

The Government's misrepresentation of facts also includes ***using the cover of "terrorism" for the purpose of making it to look like a legally impermissible suit by relatives of dead combatants arising from a warlike situation involving violent conflict or war between a symmetric sovereign territory and asymmetric armed opposition group over violent territorial dispute.*** Part of the desperation too was deliberate muddling of the suit and importation into same of a so called suit seeking for "40% cuts" or non-repatriation of the "Abacha's loots".

It must be restated clearly and unambiguously here that the TPVA suit pending before the United States Court for the District of Columbia is on its own and has nothing whatsoever to do with the so called "IPOB suit against Federal Government of Nigeria in USA" or "dismissed Abacha's loots case in US Court". Going by raging panics and desperations from political quarters in Nigeria over the **TVPA** case, we now have every reason to strongly suspect possible involvement of "double agents" in the matter. The strongly suspected clandestine role may most likely involve using "lobbying" (foreign version of bribery and corruption) by suspected double agents to lure and possibly rip off desperate government agents especially the defendants and at the same pretending to be "friends of the victims".

Totality of these may most likely have been directed towards perverting the course of justice and scuttling reparative same for the victims. If our suspicion is true, then those involved have failed. Apostles of justice and lovers of human rights shall never let go or allow impunity to continuously thrive. Assertion of right to self determination using nonviolence is a universally recognized principle. It is fundamentally a human right embedded in democratic free speeches and can be asserted for purposes of territorial autonomy, self governance, confederacy, union of federating units, or political reforms including restructuring, regionalism or for advancement of ethnic identity, cultural and economic emancipation including resource control. The fundamental odd to it is resort to armed resistance or insurrection.

For purpose of clarity, therefore, the suit (**John & Jane Does 1-10 v. Buratai & ors**) has absolutely nothing to do with "Biafra sovereignty judicial contest" as issue of "sovereignty or territorial judicial contest" can never be entertained by foreign municipal court including the US Court for the District of Columbia. The matter under reference is strictly about gross human rights abuse civil claimant suit using the instrument of TVPA Act of March 12, 1991 (USA). The principal aims of the suit are to ***internationalize the ongoing persecution including killing, maiming and torturing of innocent and defenseless citizens of Nigeria mostly of Igbo Ethnic Nationality; seek an end to perpetrators' impunity by way of facilitating reparative justice making the perpetrators to pay heavily or in heavy reparative manner to serve as deterrent to others.***

Therefore, IPOB as a group or corporate legal personality is not legally responsible for the case and does not retain professional services of the named Law Firm in the named case. The name of the group is involved only at the background of the case such as ***when, where, how, why and who killed the victims' relatives or maimed surviving others***. Some of the slain victims whose relatives filed the suit have also been found to be "non IPOB members" or ordinary members of the public shot and killed in their places of work during government violent crackdown on pro Biafra activists and their peaceful assemblies.

Informatively and importantly, the TPVA suit (**Case No.: 17-cv-01033-ESH (John & Jane Does 1-10 v. Buratai & ors)**) is a hybrid arrangement involving several human rights, socio-cultural and justice groups principally led by **EKWENCHE Group** in Chicago, Illinois, USA. The highly respected and lettered **EKWENCHE Group** is an assemblage of accomplished Igbo experts living in USA and other western countries. As at May 2018, **the EKWENCHE Group**, as principal funder of the case had committed tens of thousands of dollars to retain the services of the Law Firm of Bruce & Delvalle PLLC. As a matter of fact, the Law Firm of **Fein & Delvalle PLLC** (USA) shall speak publicly on the matter and related others in coming days.

Commending IPOB for Its Continued Nonviolence Stance: IPOB is hereby commended for remaining steadfast and nonviolent despite the Government of Nigeria's violent policy against it in particular and extended policies of *physical, structural and cultural violence* against the citizens of old Eastern Nigeria in general. The Group is also commended for being helpful in the course of gathering of evidence pertaining to killing, maiming and torturing of some of their supporters profiled by **Intersociety** and **Amnesty Int'l**. This is more so when a saying goes in the principle of evidence that: ***when a crime is committed without any documentation, then no crime has been committed***.

The verdict of 19th July 2018, described by Bruce Fein (a former Assistant Attorney Gen of US) as "errantly and egregiously flawed in reasoning" marks *the beginning of all the beginnings* in our solemn quest for justice for the victims of crimes against humanity and war crimes or genocide in Nigeria. The zeal and determination to pursue the case with vigor and courage will hopefully open a floodgate of further civil and criminal suits against perpetrators of the named heinous and horrendous crimes in Nigeria; using the instrumentalities of **local judicial processes** (when appropriate and safe), **Int'l Criminal Court (ICC) and the Universal, the Passive Personality and the Active Personality Jurisdictions**. These shall be used or resorted to **whenever, wherever and however possible!**

Our quest for justice for the victims of crimes against humanity and war crimes or genocide can never be overturned by perpetrators' resort to hide under the cleavages of *office or official foreign-immunity* because nothing including political office holding lasts forever. We call on apostles of justice and lovers of human rights across Nigeria and beyond including the authorities of Civitas Maxima, Geneva, Switzerland to pay special attention to Nigeria and adopt or designate same as one of their "focus areas" hit by ***industrial-scale abuses and violations of human rights especially crimes against humanity and war crimes or genocide***.

Signed

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

Emeka Umeagbalasi, Board Chairman

Mobile Line: +2348174090052

Email: botchairman@intersociety-ng.org

Barr Chinwe Umeche

Head, Democracy & Good Governance Program

Email: chinwe.inglewood@gmail.com