

## **Right Of Movement, Assembly And Association Are Not For Violent Persons And Entities In Nigeria**

### **...Intersociety Replies Buhari & Osinbajo**

**Onitsha, Eastern Nigeria: Sunday, 21<sup>st</sup> July 2019:** The fundamental human rights of Nigerians to move freely across the country or part of it, assembly themselves or with others and form or belong to associations in the country as contained in Sections 41 and 40 of the 1999 Constitution and the Nigeria's Int'l Treaty Rights Laws are strictly not for violent persons and entities or violent ethno-religious groups such as Miyatti Allah and Fulani Kautal Hore parented jihadist Fulani Herdsmen (Nigerian version of the Sudanese Janjaweed). Such rights, contrary to the Nigerian Presidency's recent lies and misinformation, are provided for or meant for peaceful Nigerians as well as for peaceful purposes. The Buhari Presidency, as a Government of 'technical laws', 'self help and ideas', has again lied, misinformed and misled Nigerians.

The above was the position of **Int'l Society for Civil Liberties & Rule of Law, Intersociety**, as contained in a statement issued today being Sunday, 21<sup>st</sup> July 2019 and signed by Lawyers Obianuju Joy Igboeli, Head of Civil Liberties & Rule of Law Program, Chinwe Umeche, Head of Democracy & Good Governance Program, Evangaline Chidinma Udegbumam, Head of Campaign & Publicity Dept and Emeka Umeagbalasi, a Criminologist & Graduate of Security Studies and Board Chair of **Intersociety**.

**Turning The Constitution & Other Laws Of Nigeria Upside Down:** The Buhari and Osinbajo Administration as *Nigeria's anti constitution virus*, having long earned notoriety in misinterpreting, misapplying, trivializing and disrespecting the country's Constitution and other body of domestic laws; has now extended its *virus* beyond borders by misinterpreting, misinforming and misleading Nigerians and members of the international community over the true position of the provisions of the international treaty rights laws particularly as they concern citizens' rights to freedom of movement, assembly and association.

**Miyatti Allah & Fulani Kautal Hore As Legal Violent Bodies:** Apart from the person of President Buhari remaining as the life patron of the Miyatti Allah and vicarious, if not direct protector of its slaves' atrocities, the Government has continued to allow the Miyatti Allah (MACBAN) and Fulani Kautal Hore as registered bodies corporate despite their open promotion of widespread violence, called 'Fulani terrorism'. MACBAN was registered in 1986 while Fulani Kautal Hore got registered about ten years ago or in 2009.

**Right Of Movement, Assembly & Association Pillared In Peace, Not Violence:** Just as the international system per UN was founded on the Principles of Freedom, Equality, Justice, Peace and Security, the Federal Republic of Nigeria was also legally (by constitution in place or popularly imagined) founded on the Principles of Justice, Equality and Peace; with the word 'Peace' being the *primus inter pares*. That is to say that by letter and spirit, peace is the grand benchmark for exercise and enjoyment of the constitutional human rights to freedom of movement, assembly and association. Any person or group of persons or members of ethnic or religious group that uses or use violence as a trademark, instantly loses or lose such rights in the country or any part thereof.

**Int'l Notion Of Right Of Movement, Assembly & Association:** It must be informed that the three human rights in question preceded the formation and foundation of Nigeria; with their roots in divinity and latterly adopted by the United Nations under its Universal Declaration on Human Rights of 10<sup>th</sup> December 1948. Apart from their further adoption and enshrinement into Nigeria's Independence Constitution of 1960 per Willink Minority Rights Commission of 1957; primarily for protecting Nigeria's Ethnic Minorities and ensuring peaceful coexistence of all the country's ethnic nationalities, the three important rights are also part and parcel of the Treaty Laws of the Federal Republic of Nigeria.

They include the African Rights Charter Law and the International Covenant on Civil & Political Rights Law, ratified by Nigeria in 1983 and 1993 respectively. Constitutionally or under the existing Constitution of Nigeria 1999, while Section 40 guarantees right to freedom of peaceful association and assembly, Section 41 guarantees right to freedom of movement and residence in any part of the country for every Nigerian citizen. The latter provision (s.41) is not absolute as its sub section (2) (a) excludes from the exercise and enjoyment of the same right any person or group of persons found to have committed crime or reasonably suspected to have done so.

The 1999 constitutional provisions are also unambiguous with respect to nationality or citizenship, as the three rights under reference are strictly for Nigerians only, and not for Futa Toro (Senegal) originated alien-terrorists. The processes for the attainment of citizenship in Nigeria, now being observed in breach by the present Buhari and Osinbajo Administration, are clearly spelt out under *Chapter 111 (Citizenship)*, specifically Sections 25-32.

**Jihadist Fulani Herdsmen As Self-Declared *Persona Non Gratae* In Nigeria:** Nigerians are therefore called upon to take public and defensive notice of the presidential misinformation and misinterpretation of the clear provisions of the law highlighted above. Citizens or members of other ethnic and religious divides can only accept to live with others such as members of the Fulani Ethnic Nationality only when they are peaceful and peace loving including respect for other citizens' religious freedoms.

Such peaceful coexistence is an act of impossibility under the present atmosphere with respect to the unchecked atrocities of the Miyatti Allah and Fulani Kautal Hore parented jihadist Herdsmen, who riotously go about and without checks to massacre, murder, abduct, rob, traffic, maim, rape, seize, confiscate and rename. As a matter of fact the jihadist Fulani Herdsmen have not only made themselves unwanted guests or neighbors but also declared themselves *persona non gratae* among Nigerian Ethnic and Religious Nationalities.

**Rainy Season 'Grazing' In The South & Middle Belt Is Jihad Driven:** The insistence of the cattle breeders and their parent bodies to remain in Southern Nigeria and Middle Belt in the thick of this rainy season despite growth and abundance of foliage or pastures in core Northern Nigeria is a further confirmation of propagation and execution of jihadism using grazing route cattle rearing as a cover. The decades past rag tag conflicts between cattle herders and farmers had severally been observed to increase during dry seasons and scale down drastically during rainy seasons.

**Nigerians Must Activate Constitutionally Allowed Self Defensive Mechanisms:** Nigerians are reminded again of their Constitutional Right to Life, strengthened by *self defense provisions* contained in Sections 258 of the Nigeria's Criminal Code, applicable in Southern Nigeria and Section 60 of the Penal Code, applicable in Northern Nigeria. The citizens' right to self defense is generally defined as "justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion." Under Sections 258 of **the Criminal Code** and 60 (a) of the **Nigerian Penal Code**, it is also provided that "every person has a **right to defend** his own body, and the body of any other person against any offence affecting the human body".

**Justice For The Massacred As A Must Task Before Nigerian Lettered Minds:** Apart from the exercise of their right to self defense, collective vigilance and collective security approaches, conscientious lettered Nigerians and campaigners of justice across the world are also called upon to deploy their brains and pens to seek and get justice for the murdered and massacred in Nigeria. Under the Principle of **Vicarious Liability or Responsibility**, it is no longer in doubt regarding the complicity of the present Federal Government in all the non-state actor atrocities in the country or any part. The Government's trailer-load of conspiratorial public utterances in recent times are also clearly prosecutorial and litigable, capable of securing convictions and awards of punitive, compensatory and restorative justice.

To do these, it must be understood that the benchmark for today's and future justice against regime or non-state actor atrocity perpetrators is the establishment or creation and management of atrocity database. For instance, the atrocity database created by **Intersociety** and **Amnesty Int'l** concerning the military massacre operations in Eastern Nigeria will perpetually hunt and haunt the likes of Buratai, Daura, Arase, Idris and 28 others for the rest of their living.

**No Database, No Crimes Or Atrocities:** *Crime is not statute bared* becomes practicable only where there is a forensic atrocity database such as **Bullets Raining Everywhere (chilling massacre of 150 pro Biafra activists: 24/11/2016)** by Amnesty Int'l and **Under Buhari & Osinbajo: Many Have Gone & Crippled For Life In Eastern Nigeria (detailed chronology of the military massacre of over 480 defenseless Igbo citizens and maiming of 500 others: 23/01/2019)** by Intersociety. In law and criminology, too, *no crime or atrocity is committed unless it is properly investigated and documented.*

**Need For More Concentration On Research & Documentation:** Intersociety hereby calls on members of the Nigerian intellectual community especially the conscientious apostles of justice among them including those living outside Nigeria to concentrate less on *synchronous and asynchronous web or social media chats* including postings and re-postings and pay more attention on research and documentation of the Fulani atrocities and supportive utterances, policies and conducts by the Buhari and Osinbajo Administration. The apostles of justice being called upon should also make maximum use of national, regional and international justice mechanisms or remedies to hold the state actor and non state actor atrocity perpetrators accountable now or in the nearest future.

The research and documentation must include profiling all the recent killings and crimes against properties including land seizure, confiscation and renaming as well as destruction of the sacred places of worship including religious symbols; all perpetrated by the Miyatti Allah and Fulani Kautal Hore parented jihadist Fulani Herdsmen in Kaduna, Plateau, Benue, Taraba, Adamawa, Kogi, Nasarawa and Enugu States. The investigations must also include names or identities of the principal leaders of the two parent cattle breeders' bodies as well as military, police and civilian political office holders found to have aided the atrocities.

**Demanding Justice For Massacred Nigerians:** The today's international justice system so frowns at regime or non-state actor atrocities that a criminal complaint against a perpetrator can easily be lodged by a concerned national at a UK Court, for instance, and once the perpetrator steps on UK soil; he or she will be arrested by the Met police for investigation and prosecution. Such is also obtained in USA, Netherland, Belgium and a number of other leading Western countries. Civil claimant suits (such as TVPA in USA) can also be easily filed in the countries named and any judgment obtained against the perpetrator and his or her Government backers or sponsors will deal a devastating blow to the atrocity country including ruining its international image and bilateral or multilateral relations including trade and arms embargoes and cuts in dev aides.

**No Retirement Peace For Buratai, Arase & Others:** On our part Intersociety again makes bold to say that those responsible for the massacre of over 480 defenseless Igbo citizens and maiming of over 500 others between August 2015 and September 2017 in Eastern will not only be hunted and haunted for the rest of their living by the spirit and ghosts of the massacred, but also be made to run perpetually amok from the chambers of justice no matter how long they hide or cocoon or quarantine themselves in the corridors of the Nigerian Political Power. These are achievable in collaboration with other global apostles of justice, human rights defenders and research bodies.