

Open Letter To Nigerian Army, Defense Headquarters & Nigeria Police Force

Onitsha, Eastern Nigeria, 30th Oct 2019

- Lt Gen G. Olanisakin, Chief of Defense Staff
- Lt Gen Tukur Yusuf Buratai, Chief of Army Staff
- The GOC, 6 Division, Port Harcourt, Maj. Gen Jamil Sarham (outgoing) & Maj. Gen FO Agugo (incoming)
- The GOC, 82 Division, Enugu, Brig Gen Lasisi Adegboye
- Brigade Commanders, Cantonment Commandants & Commanding Officers of Army's Artillery, Amphibious and Engineering Regiments & Their Navy & Air Force Counterparts in Southeast and South-south Nigeria
- Mr. Adamu Abubakar, Inspector Gen of Police & AIGs in Charge of Zone 5 (Benin), Zone 6 (Calabar) & Zone 9 (Umuahia) and Commissioners Of Police for Akwa Ibom, Bayelsa, Delta, Edo, Cross Rivers, Rivers, Anambra, Abia, Ebonyi, Enugu & Imo States

Sirs,

Exposing Service Blunders & Unanswered Questions In The Nov 1-Dec 23 2019 Military Operations In Southeast And South-south & Other Parts Of Nigeria Particularly The So Called "Operation Positive Identification"

Background

The Nigerian Army said on 25th Sept 2019 that it is embarking on another round of military operations "across Nigeria" for purpose of "fighting kidnapers, armed robbers, bandits, arsonists, cultists, ethnic militias or militants and other violent criminals and crimes threatening national security". Nigerian roadway travelers and general road users; likewise those in the streets, parks, markets and other public arenas and dwelling abodes are most likely going to be targeted.

The planned Army operations and their so called "Operation Positive Identification" has been met with stiff opposition including strong condemnations from the **Ekwenche, Persecuted Christians Int'l** and **Biafra Genocide Survivors Int'l**, all based in the United States. Others are the Nigeria's House of Reps, Nigerian Bar Association, the Committee for Defense of Human Rights, the Campaign for Democracy and **Intersociety**. Among notable Nigerians and media outfits kicking against same include Femi Falana, SAN, Mike Ozokhome, SAN, and Punch and Premium Times and host of others.

As controversial, unwarranted and unreasonable as the exercise looks, the Army claimed that "operation positive identification" would involve mandatorily tasking the stationed or drafted roadway soldiers to strictly check citizens to ensure they possess or have with them valid means of identification such as identification through 'National Identity Card', 'Voter's Registration Card', 'Driver's License' or 'International Passport', or "other valid official identification before allowing such persons passage".

Clarification Concerning The Latest Army Denial

We wish to clarify that the latest denial by the Nigerian Army is strictly restricted to disowning a flyer with the Army logo that has gone and still going viral on social media. The disowned Army flyer specifically spelt out identification criteria required of roadway travelers and other users. That is to say that the denial has nothing to do with the planned "Operation Positive Identification or OPI" as it was restated or re-emphasized in the Army denial statement. This open letter of ours is therefore not affected by the said denial.

Nigerian Army As Interloper In Matters Of Control & Management Of Street Crimes

The clearly spelt out duties of the Nigerian Army and other branches of the Armed Forces, contained in Section 217 of the Constitution of Nigeria 1999 are the counterinsurgency operations against Boko Haram and ISWAP in the Northeast as well as the insurgency and terrorist activities of the world's fourth most deadly terror group or 'Jihadist Fulani Herdsmen'. As obtained in other parts of the world, Nigerian Army or the Military is trained and charged with the responsibilities of combating and managing the internal violent conflict or war and defense of the country's territory against external attacks or aggressions.

The Nigeria Police Force, on its part, is charged with internal policing including detection, control and management of domestic or 'street crimes'. The SSS is charged with gathering and managing internal intelligence and the National Intelligence Agency is tasked with gathering and managing external intelligence including at Nigeria's embassies, high commissions and consulates overseas as well as at the country's international airports, seaports and borders. These latter tasks of the NIA are performed side by side with the SSS.

Past Atrocities Of The Army, Military & Police In The Southeast & The South-south

It is reminded that the Nigerian Army has earned notoriety in using disguised military operations, giving different names such as 'Python Dance', 'Crocodile Smile' and lately 'Atilogwu Udo Dance', etc to execute circumstantially undeniable ethnic agenda, leading to massacre of targeted unarmed and defenseless citizens of particular ethno-religious nationality.

In Sept 2017, for instance, the Nigerian Army carried a well coordinated massacre operation in Abia State under the guise of "Operation Python Dance 11 for Southeast", targeting members of the Indigenous People of Biafra and other general population and in the end, no fewer than 180 were killed and over 130 others maimed. The Army did not lose a single soul on its part nor bring the perpetrators to book till date.

The Nigerian Army and other branches of the Armed Forces and Police, with intelligence supplied by the SSS, had earlier between 30th August 2015 and 20th Jan 2017, engaged in series of killings and maiming, targeting unarmed and defenseless street protesters and other members of the Southeast and South-south populations; leading to death of no fewer than 300 and maiming of over 370. The killings and maiming then were perpetrated under the guise of "internal Security Operations". Again, no soldier was killed and no perpetrators brought to book till date.

Unfolding Real Motives Of The Nov 1-Dec 23 Operations In Old Eastern Nigeria

The repeat of the Sept 2017 massacre is most likely going to take place in the seven Igbo dominated States of Anambra, Abia, Delta, Ebonyi, Enugu, Imo and Rivers and their immediate neighbors. In Sept 2017, the Army led Nigerian Military faked and camouflaged a military operation for the Southeast which turned out to be a coordinated massacre operation, leading to death of multiple hundreds and injuring of hundreds of others. This time around, the Army is likely going to fake and camouflage.

Signs of what to come are also beginning to unfold particularly in the targeted areas in Igbo Land including Ebonyi, Abia, Anambra, Delta (Asaba), etc. We included the Nigeria Police Force, the Air Force and the Navy in this open letter because they had always acted as inseparably accomplices in the precious Army atrocities. Available statistics showed that nine residential houses were burnt or razed by the Nigeria Police on 30th August 2019 in Ndiegoro suburban of Aba-during which multiple dozens were arrested, detained, tortured and extorted. Over 500 citizens including infants and their mothers were rendered homeless. Till date, no senior police officers or culpable junior police officers have been held to account.

Cases of indiscriminate raids, arrests, detention without trial and torture by soldiers and Police including Police SARS in various parts of Igbo Land are torrentially being reported. Recently on 14th Sept, over 45 mourners attending a funeral in Ishiagu, Onicha LGA of Ebonyi State; traveling on three 18-seater Costa Buses were blocked and surrounded at Army roadblock, stripped half naked and battered by soldiers. They were labeled "runaway IPOB terrorists". In the evening of Sunday, 27th Oct, 2019, a peaceful meeting venue of some indigenous Biafra activists was violently invaded by the combined team of Army and Police SARS in a Primary School located in Abakiliki, Ebonyi State.

The violent disruption and attacks with live bullets saw the duo of Barr Ndubuisi Cyril Orogwu and his pregnant wife, Mrs. Precious Orogwu and four others, arrested and taken away amidst beatings and other forms of torture. Others arrested and detained included Nwoba Chika, Edeh Samuel, Odeh Sunday and Chinwendu Nweke Daniel and those shot with live bullets and wounded included Nwokpuko Ezekiel, Osu Michael, Oti Ogbonnaya Oti and Nwoke Ezekiel. Barr Orogwu was at the meeting in his capacity as their legal adviser.

It was specifically confirmed from the couple on Tuesday, 29th Oct 2019 at Abakiliki Federal Prisons that Mrs. Precious Orogwu passed out inside the SARS detention and lost her three months pregnancy. The Ebonyi State Police Command had without the lawyer's wife presence, arraigned her secretly and in absentia alongside her husband and four others on Monday, 28th Oct 2019 at an Abakiliki Magistrate Court with six count charge including "being found with a locally made pistol and its cartridges and belonging to illegal organization", etc.

They were arraigned in **Charge No. MAB: 764 C/2019 (CP, Ebonyi v. Orogwu Cyril Ndubuisi & 5 ors)** with the case adjourned till 7th Nov 2019. The six defenseless citizens are presently languishing at Abakiliki Federal Prisons where they were remanded till 7th Nov 2019. Also, twenty-seven (27) defenseless citizens of old Eastern Nigeria including four women were on 1st Oct 2019 arrested by soldiers in Ideato South LGA of Imo State. They were later paraded in the media by the Nigerian Army, alleging "they were IPOB terrorists caught with one AK-47 rifle". Their whereabouts since then have remained independently or publicly sketchy.

The above therefore are just to highlight but very few and are obviously signs of what to come out of the military operations and their so called "operations positive identification". It is also widely feared that the so called "operation positive identification" is deliberately targeted at the Southeast and the South-south and designed for mass arrest, torture, extra judicial killing, disappearance or long captivity without trial of defenseless and innocent citizens of the two regions. To think otherwise is to be economical with the truth until the operations commence and end.

Litany Of Legal Violations Fueling Army's Past Atrocities

From the Nigerian Army's past military operations to present, it has remained a gross perpetrator of **extrajudicial executions, unlawful killings, summary or arbitrary executions, enforced disappearances** and **torture**. The *code of conduct for personnel and officers of the Nigeria Police Force and the code of conduct and rules of engagement for personnel and officers of the Nigerian Army, Air Force and Navy* or all members of the Nigerian Armed Forces are also being observed in gross breach.

Who Is A Street Criminal In Nigeria?

By the combined provisions of relevant criminal laws (i.e. Criminal Code Act, Penal Code Act and Access to Criminal Justice Act), the 1999 Constitution and Regional and Int'l Rights Treaty Laws; a street criminal or offender of street crimes (which Army or Military does not have power or is not empowered to control, manage, investigate and prosecute) is a person of 18yrs and above, with sound mind, who violates as follows:

(a) *the offenses against persons (i.e. abduction, murder, rape, attempted murder, cultism, drug abuse, etc)*, (b) *the offenses against properties (armed robbery, car jacking, bank robbery, banditry, arson, house breaking, burglary, stealing, vandalism, illegal mining and bunkering, etc)*, (c) *the offenses against public good, decency or morality (i.e. control and management of riots, violent and riotous protests, vandalism, prostitution, drug abuse and addition and drug abuse related cultism, etc)* and (d) *the offenses against computer technology and its users (i.e. advance fee fraud, cyber hacking and theft)*.

By the same legal provisions, a citizen of Nigeria of 18yrs and above, who is of sound mind, is not a criminal unless he or she is validly suspected of committing any of the offenses above highlighted and fully subjected, under the jurisdiction of a court of superior records or competent jurisdiction, to the processes of **valid suspicion, arrest, investigation, prosecution, fair hearing and trial, conviction and sentencing**.

Service Blunders & Consequences Of "Operation Positive Identification"

Apart from the elitist status of the so called "operation positive identification", it is also express license to creation of artificial and chronic roadway logjams and entrapment on the fundamental human rights of citizens of the Southeast and the South-south to their freedoms of movement and religion (during Christmas season). "Operation Positive Identification" is also tortuous and an attribute of internal slavery and juicy grounds for extortion or roadway bribery. It equally has the capacity to lead to and fuel indiscriminate arrests, abductions, torture, extra judicial and unlawful killings and disappearances as well as sexual offenses including harassment and rape.

Unanswered Questions Nigerian Army Must Publicly Answer

- (a) Does it mean that Nigerians or citizens caught without Army's imposed valid means of identification such as identification through 'National Identity Card', 'Voter's Registration Card', 'Driver's License' or 'International Passport', or "other valid official identification" including the aging, the under-age and the poor, etc automatically become or be treated extra judicially as "kidnappers", "armed robbers", "bandits", "arsonists", "cultists", "IPOB terrorists", "419s" or "cyber criminals", "murderers", "rapists", "oil thieves", and "road traffic offenders"?*
- (b) Considering the fact that over 70% of Federal Roads in old Eastern Nigeria or Southeast and South-south are in acute deplorable state, is it not correct to say that the so called "operation positive identification" is a deliberately designed punishment or roadway torture package meant to further keep road users or travelers for several hours on cue or to suffer from artificially created chronic traffic jams?*
- (c) Is it not correct to say that it is a height of military or service blunder for Nigerian Army in this computer or ICT age to still hold that its own version of 'street criminals' including "kidnappers", "armed robbers", "bandits", "arsonists", "cultists", "IPOB terrorists", "419s" or "cyber criminals", "murderers", "rapists", "oil thieves" and "road traffic offenders" do not possess and can never possess "National Identity Card", 'Voter's Registration Card', 'Driver's License' or 'International Passport', or other valid official identification"?*
- (d) Is the Army not professionally aware; even going by ordinary common-sense that violent criminals and non-physically violent others (i.e. cyber criminals including advance fee fraudsters) are like other citizens in Nigeria with easy access to the named identification items if they so wish?*
- (e) Where in the history of Nigeria had the Nigerian Army come across citizens in conflict with the street criminal law particularly the violent criminals openly or publicly wearing signposts of their criminalities on peaceful or quiet roadways or in the streets?*
- (f) Where in history has it been heard or recorded that violent criminals are caught on quiet and peaceful roadway routes through paper or plastic identifications?*
- (g) Is this latest "national defense" policy of the Nigerian Army not an express indication of the Army of the Yore operating in the 21st Century technology ruled world and Nigeria as "the Nigerian Army"?*
- (h) What is the difference between the latest policy of the Nigerian Army and born-before-computer or BBC soldiering?*
- (i) Why is it that when other armies are busy leading their countries to the moon and mental and ICT driven securitization, the Nigerian Army is busy taking Nigeria and Nigerians back into the cave?*

Signed:

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

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