

How DSS Compounds & Complicates Nnamdi Kanu's Detention: From Judicial To Extra-Judicial Captivity

(Intersociety (Nigeria), 24th October 2015)-Following torrential calls made to us and concerns expressed by millions of Nigerians, the media and foreign nationals and bodies over the ongoing ordeal of detained Citizen Nnamdi Kanu, leader of the *Indigenous People of Biafra (IPOB)* and *Radio Biafra (RB)* who was given a controversial judicial bail on 19th October 2015 by the Abuja Municipal Magistrate Court, at Wuse (Zone 2); the leadership of **International Society for Civil Liberties & the Rule of Law (Intersociety)** is *sad and happy*. This follows our latest findings and updates arising from our latest communications with the Counsel to Citizen Kanu (Barr Egechukwu Obetta) over the ordeal of the *persecuted Biafran self determination activist*.

We are *sad* because a new potentially dangerous dimension has been introduced into the ordeal of the detained *Biafran self determination activist*. His detention has now graduated from **judicial detention to extra-judicial detention**. That is to say that he is no longer being detained on the orders of the named Magistrate Court upon the Court's harshly imposed bail conditions; rather he is now detained *extra-judicially* according to administrative and operational whims and caprices of the Department of the State Security Services (DSS). These administrative and operational whims and caprices lately deployed by the DSS are totally unknown to the principles of the rule of law, constitutional democracy, the 1999 Constitution and local and international human rights and humanitarian norms.

On the other hand, we are *happy* because, it is triumphantly necessary to inform the world that the *harsh and draconian* bail conditions so imposed have been met by Citizen Kanu's lawyers and associates as at Tuesday, 20th October 2015 leading to filing of all necessary papers and completion of their processes in good time. The DSS ought to or was expected to have completed its *verification* process by Thursday, 22nd October 2015 and caused Citizen Nnamdi Kanu to be released in compliance with the order of the Abuja Municipal Magistrate Court, dated since 19th October 2015. This, the DSS failed woefully to do till date. We wish to further inform authoritatively that upon meeting all draconian bail conditions so attached leading to refusal by the DSS to release the detained Biafran self determination activist, the Presiding Magistrate made an express *Production Order* on Friday, 23rd October 2015 for the DSS to produce Citizen Nnamdi Kanu before his Court same date and explain why it failed to release the detained Biafran self determination activist upon meeting the imposed bail conditions.

The *Production Order* was communicated to the DSS by the *Court's ambassador (bailiffs)* and the Magistrate's *orderly* yesterday, 23rd October 2015. Disappointedly, they were sent back by the DSS and the order was fragrantly and rapaciously disobeyed. As it stands now, the *struggle continues* next week! Our heart is further gladdened because Citizen Nnamdi Kanu was allowed for hours to meet with his lawyer-Citizen (Barr) Egechukwu Obetta where upon their meeting lasted for hours. According to Citizen Kanu's lawyer, *he was met as at the evening of Friday, 23rd October 2015, in good health with access to food of fair health, hygienic and delicious standard as well as access to physician*. We consider this as a departure from previous sad development where the detained Citizen's access to his lawyer and physician was blatantly refused and denied. Other adjudicatory and non adjudicatory processes and arrangements have been put in place to continue the struggle by the coming week until he is freed.

Further, it is very important to state that our strategic roles and involvement in the campaigns to set *Citizen Nnamdi Kanu free* or be tried fairly before a court of superior records or competent jurisdiction under laws clearly written with expressly defined penalties tailored in international human rights and humanitarian norms; are totally beyond *personal sympathy*. Such noble roles of ours are strategically

designed to save the country's constitutional democracy from transforming into *constitutional dictatorship, authoritarianism and totalitarianism or anarchy*.

Various signs of triggers of *constitutional dictatorship* have continuously been on increase in Nigeria since 1st June 2015 with the most shocking being collective silence or leprous opinions of the hitherto mainstream *civil society* of the Southwest zone. Our several studies of the *root causes of African dictatorship* clearly indicate that dictatorship is often made possible by *collective silence or misguided quietness and conformism of attentive public* (i.e. professional bodies in natural and social science disciplines, labour leaders, academia, church leaders, media and rights based civil society organizations and their leaders) otherwise called *the Civil Society*. Recent experiences have also shown that *the doctrine of checks and balances* is no longer situated among *the executive, the legislative and the judiciary arms of government*, but strictly between these three arms of government on one part and *the civil society* on the other. The collective quietness of *the civil society* in constitutional democracy is a clear recipe for *constitutional dictatorship*.

In various African countries where *constitutional dictatorship* has been entrenched, it was the collective silence of the civil society that made it possible. That is to say that no constitutional dictatorship has been empirically found to be solely built and entrenched by *a small clique of its operators* alone but through collective conspiracy of silence or leprous concordance with the *attentive public or civil society*. In Cameroon today, the constitutional dictatorship of President Paul Biya has lasted for 33 years (since 1982) and all democratic pluralistic agents and agencies have been shut up and bottled. In Angola, same thing happens with President Eduardo Dos Santos being in power for 36 years (since 1979) with all modern democratic agents grounded in intractability.

This is also replicated in at least 25 other African countries. Constitutional dictatorship also goes beyond elongation of tenure of office to include rapacious turning of the State coercive institutions or establishments against the ordinary or common citizens and members of dissent community as well as entrenchment of executive lawlessness and impunity. We wish to sound an alarm and caution all Nigerians particularly the *civil society or attentive public* to rise up in defense of the country hard earned constitutional democracy.

If the excesses of President Muhammadu Buhari administration are condoned and shepherded by those destined to speak out on account of *civil society-opposition (former) conspiratorial demographic theory and national cake*, their *safety and comfort* of today will be that of *the graveyard* with capacity to turn around and bounce back on them when another set or section take charge at the expiration of the tenure of the incumbent particularly if the referenced set or section are the *injured and wounded of today*. Running a government of vendetta or vindictiveness clearly amounts to laying a foundation of intractable sectional discords and social fragmentation and intractable violence of tomorrow. Nobody stays in the corridors of power forever and there is even a limit to *political harlotry or leprosy*. Political wounds have never been healed by their direct or indirect perpetrators by running from pillar to pole using vicarious liability mantra placed upon the heads of their former terror bosses as *blame game*.

Finally, the courage and boldness of the Counsel to Citizen Nnamdi Kanu; Barr Egechukwu Obeta, despite sustained threats, frustrations and stresses is unreservedly commendable. The roles of the Nigerian and international media particularly the online media in the campaigns to free the detained Biafran self determination activist are also commendable; likewise the concerns shown by millions of Nigerians and selected members of the international community including foreign missions in Nigeria. Amnesty International, UK and the Human Rights Watch in USA are also singled out for commendation and appreciation over their interests and roles in the struggle so far.

We wish to remind all that it is *Aluta Continua, Victoria Acerta (struggle continues until victory is achieved)*. The campaigns shall take new dimensions locally and internationally within the ambits of the law if by the coming week, Citizen Nnamdi Kanu is still held extra-judicially by the DSS acting under direct authorization of President Muhammadu Buhari.

Signed:

Emeka Umeagbalasi, Board Chairman

International Society for Civil Liberties & the Rule of Law

+2348174090052 (office)

emekaumeagbalasi@yahoo.co.uk, info@intersociety-ng.org

Obianuju Igboeli Joy, Esq., Head, Civil Liberties & Rule of Law Program