

Public Awareness On Managing Peaceful Assemblies In Nigeria And Dangers Of Their Stigmatization And Criminalization By Nigerian Security Forces And Unprofessional Print Media

(Intersociety: Onitsha Nigeria, 26th of September 2016)-It shocks and alarms us on continuous basis concerning orchestrated and systematic stigmatization and criminalization of the citizens' rights to freedom of association, expression, movement, personal liberty and fair hearing by the Nigerian Security Forces and unprofessional print media; particularly since the inception of the Government of Gen Muhammadu Buhari. Despite the enshrinement of these fundamental human rights and their *justiciability* (S.46), on account of their containment in Sections 40, 39, 41, 35 and 36 of the Constitution of the Federal Republic of Nigeria 1999, as amended in 2011; they have suffered gross brutalization and bastardization in the hands of the Security Forces and unprofessional print media.

Apart from the above constitutional guarantees and protections in the 1999 Constitution, they are also fully recognized by the *African Charter on Human & Peoples' Rights of 1981 (ACHPR)*, the *UN Covenant on Civil & Political Rights of 1976 (ICCPR)* as well as the *Basic Standard of International Law & Humanitarian Principles* of the United Nations; a driving force of the *Principles and Purposes of the United Nations*. The latter not only recognize the rights of the citizens of the Member-States of the UN including Nigeria, to peaceful assemblies and expressions, but also outline ways through which their exercises shall be managed or responded to by security forces. As all are aware, Nigeria ratified ICCPR in 1993 and ratified and domesticated the ACHPR in 1983. Nigeria is also bound morally and legally by the *Fundamental Rules of the United Nations* including the *basic standard of International Law and Humanitarian Principles* as well as the *Purposes and Purposes of the United Nations*.

For instance, under the *ten basic standards of international law* made mandatory for security forces of Member-States of the UN for the management of civil assemblies and free speeches as well as arrest, detention and prosecution of citizens accused of commission of municipal crimes of whatever code definition; following key directives are provided: (1) **treat all victims of crime with compassion and respect, and in particular protect their safety and privacy;** (2) **avoid using force when policing unlawful but nonviolent assemblies;** (3) **when dispersing violent assemblies, use force only to the minimum extent necessary (i.e. in line with proportionate use of force and avoidance of application of excessive force on non-military necessity).**

Others are (4) **arrest no person unless there are legal wounds to do so and ensure that the arrest is carried out in accordance with lawful arrest procedures;** (5) **ensure that all detainees have access, promptly after arrest to their families and legal representatives and to any necessary medical assistance;** (6) **all detainees must be treated humanly and humanely and avoid infliction, instigation or toleration of any act of torture in any circumstance and refuse to obey order to do so;** (7) **do not carry out, order or cover up extrajudicial executions or disappearances of the arrested or the detained and refuse to obey any order to do so;** (8) etc.

Sadly, these sacred international rules and obligations and their sister provisions in the Constitution of the Federal Republic of Nigeria 1999, as amended in 2011; are not only observed in gross breach by the security forces and unprofessional print media in Nigeria but have also faced systematic patterns of stigmatization and criminalization to the extent they are now classified as **military necessity**, warranting militarized and violent responses or actions including mass murder or massacre of proponents of peaceful assemblies and free speeches and injuring of others.

Others are: unjust arrest and detention of unarmed and innocent citizens without trial; indiscriminate pre-trial or custodial killings, torture and disappearances. Today, the Nigerian Security Forces, fully backed by a presidential death code issued by President Muhammadu Buhari; erroneously and mischievously tagged: *rules of engagement of the Nigerian Armed Forces*; place high security priority on peaceful assemblies and free speeches than the activities of terrorist organizations or violent armed opposition groups like Boko Haram and Fulani Janjaweed (Herdsmen).

As a matter of fact, the Buhari Administration does not consider the violent activities of the Fulani Janjaweed, which lead to massacre of hundreds of unarmed and innocent Nigerians almost on weekly basis as a public security threat requiring military actions under the UN's Rules of Engagement or the Geneva Conventions of 1949 and their Four Protocols of 1977.

The most abominable and unforgiving of it all is the Nigerian Security Forces deliberate application or use of war-time military approaches or methodologies in managing civil assemblies and democratic free speeches. For the purpose of setting the records straight, *civil or peaceful assemblies and free speeches*, no matter their intents, are purely non-military or non-war or nonviolent affairs or conducts and are totally devoid of *military necessity*, warranting State violent approaches or use of force, not to talk of excessive application of State force or violence.

That is to say that the **Rules of Engagement** of the UN and International Law recognition and definition are strictly applied in *war or conflict situations*. Just like we have severally educated publicly, the **Rules of Engagement**, which are presently corrupted and bastardized by the Nigerian Armed Forces (including the Army, Police, DSS, Navy, etc), are strictly applicable in *international or internal armed conflict*; otherwise referred to as **complex humanitarian emergencies**.

Key features of the internationally standardized **Rules of Engagement**, strictly applied in war or conflict situations are (1) *legitimate use of force*, (2) *proportionality of use of force*, (3) *legitimate self defense*, (4) *treatment of prisoners of war or conflict*, (5) *avoidance of attacks on non-military necessity or civilian targets or properties*, (6) *avoidance of attacks on civilians or non-combatants*, (7) *treatment of the wounded*, (8) *avoidance of attacks on culture symbols or places of worship*, (9) *avoidance of attacks on humanitarian agencies and personnel/human rights activists*; (10) *treatment of other peoples of the war (i.e. spies and journalists)*.

The **Rules of Engagement** are the integral part of the **Geneva Conventions of 1949 and their Four Protocols of 1977**; and originally came from the **three war doctrines of Jus Ad Bellum** (justification and ground for going to war); **Jus In Bellum** (ethical rules of conduct during war, such as ethical standards expected of soldiers in wartime or **rules of engagement**); and **Jus Post Bellum** (regulations on how wars are ended and facilitation of transition from war to peace).

Another name for **the Rules of Engagement** is ***the Standard Rules for the People of the War***. The ***People of the War*** here literally means parties in the conflict who occupy the conflict areas such as fighting parties, non-combatants or civilians as well as other third parties playing direct or indirect roles in the conflict.

In all, non-war civil conducts such as civil or peaceful assemblies and democratic free speeches have nothing whatsoever to do with the so called ***Rules of Engagement of the Nigerian Armed Forces*** neither do they have any to do with the UN and International Law's standardized *Rules of Engagement*. In managing civil assemblies and democratic free speeches for whatever intents, use of military actions including mass shooting and wounding of protesters and militarization of the protesting entities are out-rightly and inexcusably forbidden.

Such civil assemblies and free speeches even if they turn non-lethally violent are managed under UN System or within the confines of international best practices using modern non-lethal crowd control instruments or devices such as **tear gas, rubber bullets, pepper spray, electric tasers, batons, whips, water cannons, long range acoustic devices, aerial surveillance, police dogs, etc**; which are aided by body protective devices such as **anti crowd helmets, face visors, body armor (i.e. vests, neck protectors, knee pads, etc), gas masks and anti crowd shields?**

This *special human rights education or public awareness on management of civil or peaceful assemblies and free speeches in Nigeria* is extremely necessary so as to educate, expose and condemn the intensified stigmatization and criminalization of same by Nigerian Security Forces and unprofessional print media. The stigmatization and criminalization under reference are done deliberately and systematically by the security forces as a justification for committing the highlighted conduct atrocities which amount to crimes against humanity (i.e. State crimes or regime atrocities committed against unarmed and innocent citizens in peacetime or in non-war situations). Unprofessionalism or media corruption or both are chiefly suspected as the brain behind print media's conspiracy in stigmatizing and criminalizing civil or peaceful assemblies and free speeches in Nigeria.

The Nigerian Security Forces particularly the Nigerian Army, Nigeria Police Force and the DSS have steadily or systematically stigmatized and criminalized Pro Biafra agitations in Nigeria. Apart from official nonviolence stance declared by the leadership of the Indigenous People of Biafra (IPOB), totality of our advocacy investigations particularly in the Southeast and the South-south of Nigeria as they relate to IPOB agitation matches, rallies and processions, has not, till date, found the group engaging in violent and other traditional crime conducts such as looting, car-jacking, abduction/kidnapping, armed robbery, extortion, sexual harassment, house breaking or stealing during or after its street or in-door protests.

We have also not found IPOB as a group using or advocating violence as a method in its self determination agitation for the status of its Biafra Land through national or international referenda. Till date, the group is not traced to any form of armed rebellion or insurrection or armed uprising in Nigeria or any part thereof. Where pockets of breaches are recorded during its public peacefully intended protests, such happened on account of State provocation through use of massive State violence or expression of anger for mass murder and other mass shooting of its unarmed and defenseless members by security forces particularly the Nigerian Army.

The stigmatization and criminalization of the IPOB peaceful and lawful agitation and free speeches have thickened in recent months particularly in the press conferences and other public statements issued by the Nigerian Army, Nigeria Police Force and the DSS. IPOB has in several of these publications been classified as “militant group”, “terrorist group” or “armed Independent People of Biafra (A-IPOB)”. At the other time, the group was tagged “insurrectionist group”.

Apart from these criminal labeling, the Police, DSS and the Army have gone further to clamp down on its members and sympathizers and treat them as “terrorist suspects”; clamping and detaining them for months without trial. In the course of all these, the provisions of the 1999 Constitution are breached with reckless abandon. Comrade Chidiebere Onwudiwe, for instance, has been detained incommunicado as a “terrorist” for 94 days without trial or administrative bail, having been arrested, according to the official statement of the DSS, on 22nd June 2016.

By the express provision of Section 35 (4) (a) of the 1999 Constitution, Comrade Chidiebere Onwudiwe is no longer *triable*, having been held incommunicado or without administrative or court bail for over two months or 60 days. He is also not *triable* having been held in DSS custody for over 90days without bail and trial. This is contrary to Section 35 (4) (b) of the Constitution. We call on the Attorney General of the Federation to take note!

The Nigerian Security Forces also routinely torture their detained IPOB activists for the purpose of forcing them into admitting being “terrorists” when not even fireworks were found on them. They routinely raid their residences in the dead of the night, shoot and arrest them and take them away without informing them of crimes under which they were arrested. The security forces also compile lists of unarmed and defenseless members of the Indigenous People of Biafra (IPOB) and put them in their wanted list. IPOB activists arrested and detained are also made victims of ***jungle justice or trial-by-ordeal***.

The unprofessional print media, on their part, have steadily stigmatized and criminalized the IPOB nonviolent protests. Even when such protests are sit-at-home, the print media must find a way of stigmatizing and criminalizing same. The Vanguard and the Sun Newspapers news reports of Saturday, September 24, 2016 on IPOB organized sit-at-home protest in the Southeast and the South-south of Nigeria per their Saturday Editors; are a clear case in point.

For instance, apart from attempts to create a false public impression of “failure” of the sit-at-home protest, the editors further claimed that “that those who stayed away did so because of fears of being attacked by IPOB”; thereby labeling IPOB a violent group or an armed uprising group.

At Intersociety, we got surprise calls from some journalists on Friday, 22nd September 2016 (day of IPOB organized sit-at-home protest) asking us “how many trailers were burnt in Onitsha”. This is when it is clear to them that the protest was sit-at-home and not street protest. Which explains our position that “the stigmatization and criminalization of peaceful assemblies and free speeches (i.e. IPOB led protests) by the print media are borne out of unprofessionalism or media corruption or both”.

We condemn in its entirety the stigmatization and criminalization of civil and nonviolent protests and democratic free speeches in Nigeria. The conspiracy of the print media in the conduct atrocities is further condemned. We call on all Nigerians and members of the international community to take advocacy notice of this special publication and stand up at all times against stigmatization and criminalization of civil assemblies and free speeches by the Nigerian Armed Forces and their unprofessional print media collaborators. Rights to freedom of association, expression, movement, fair hearing and personal liberty, which are locally and internationally recognized and entrenched, must be defended and upheld by all and sundry at all times.

Signed:

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