

Calls For Referendum: Kanu's Detention, Igboho's Harassment Won't Stop Agitations For Self Determination –IPOB Leader's Lawyer

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Report By: Lesi Nwisagbo |

Ifeanyi Ejiofor, the lead counsel to the leader of the Indigenous People of Biafra, Nnamdi Kanu, speaks with LESI NWISAGBO about the arrest, detention and ongoing trial of his client and among other sundry issues:

How would you describe Nnamdi Kanu's health condition presently?

I have expressed concerns about his present state of health. I have also made known to the world the manner in which he was treated by the Kenyan police. They abducted him. I believe they know who he was at the point he was arrested and they subjected him to all forms of inhuman treatment. He was beaten, handcuffed and kept in a very terrible environment. So, he was not detained in an official and conventional custody. He was tortured. They tried to extract information from him. From what I got from him, he was being investigated at the point for terrorist offences, thinking he was one of the people coming to that place to give them trouble. But apparently, they know they are acting a script. So, after detaining him for eight days, they now called on the Nigerian government to send their security agency to come and pick him.

Do you mean the Kenya government arrested him?

Very well. Let me resolve this issue, because I have not been able to say this. The Kenyan government is making desperate efforts to deny its involvement. It is simple. Is it possible for police in Nigeria as we are today to arrest somebody in the class of Nnamdi Kanu, assuming he is not from this country? Can the police in Kenya make any form of communication or contact with the Nigerian government without the government of Kenya approving it? Is it possible? Is there any way they can arrest him, then proceed to make contact with Nigerian authorities without the knowledge and approval of the Kenyan government? The answer is 'No'. So, the denial is coming too late in the day. This is apart from the fact that we have other compelling evidence to the effect that he was arrested in the airport and taken to an unknown destination where he was subjected to torture and all forms of degrading human treatment. Also, we have other information and evidence to show what happened there. So, they cannot deny it. These pieces of evidence are going to be used at the appropriate forum in the course of the proceeding.

He came back here with serious injuries. The security agency that travelled from Nigeria to Kenya to take him saw someone that was near lifeless and they were so circumspect of the fact that this guy may die in their hands. Out of that curiosity, they insisted on going to the hospital for further examination and he was taken to Nairobi Hospital where he was examined and doctor found that there was an enlargement of his heart to about 13 per cent. That was before he was brought to Nigeria. Since they brought him here, they kept him in solitary confinement without access to his relatives. Except on a special request from us, his lawyers, that we go to see him. We have seen him once and we may see him again any moment from now.

You said he was abducted at the Kenyan airport.

Very well.

Was he arrested at the point of entry or what?

No, he came into Kenya, it was at the point of departing from Kenya to attend other important engagements (that he was arrested). It was upon his arrival at the airport that they accosted him. They started asking him some funny questions. We have the information from him that the people that arrested him pretended as if they didn't know who he was at that point. They knew! You can't just go after someone you don't know to arrest him. They said they were investigating him that he was involved in terrorism in Kenya. That was why they kept him there for eight days and subjected him to that kind of treatment under the guise of investigating the offence of terrorism. After eight days, they discovered that he was not involved in any form of crime in Kenya. Their findings also showed that.

Why was he in Kenya?

He went to Kenya for a special meeting. You know he is the leader of IPOB. He travelled on his British passport for meetings over there and other official engagements.

There have been reports that he travelled from the UK to Kenya to meet a woman. Is this true?

It is totally false. I have told you he went there on official engagement. It has also been said that before going to Kenya, he was in Brazil. He didn't go to Brazil. That is out of it. I'm aware he told me he went to Israel and then to the UK, from there to Kenya. So, Brazil was not part of his itinerary at the moment, he travelled to Kenya.

Nnamdi Kanu has always said he was prepared to pay the ultimate price for Biafra ...

(Cuts in) When did he say that?

There have been videos online that attributed such to him

Let me say this to you and I would also advise you to be circumspect. When they brought him here (Nigeria), they took him to court without reference to us. Unarguably, there is a pending case in court before what happened in his house on September 14 happened when there was an invasion on his premises. People were killed and this was a person who was to be in court on October 14, 2017 for trial. In a bid to kill him, they killed over 28 persons in his house. Eventually, by act of providence, he ran for his dear life and the trial of his comrades who were charged alongside him continued. They were coming to court for trial.

That is to tell you that they were ready to face their trial and also get their innocence established beyond reasonable doubt. When he was eventually abducted and brought back to Nigeria, the prosecutor is under compelling obligation to let me know that my client has been abducted and he will be taken to court on Tuesday. We have a subsisting date which has come, in which the matter was supposed to come up in court, but because the courts were on strike, we were not able to be in court on that date. Also, we have pending applications before the court challenging the order revoking his bail, which was granted without giving us opportunity to be heard.

We have the applications before the court and the Federal Government has not responded to any of those applications. We intend to take these applications in subsequent proceedings before he was abducted in Kenya and brought back to Nigeria. The Federal Government is under an obligation to tell me that my client has been arrested and that they will be taking him to court on Tuesday but nobody informed us.

Considering the manner in which he was taken to court, they clearly violated his right to fair hearing, right to dignity of human person. His face was covered. In open court, he was allowed to talk to the court. If I was in court; can't I address the court on his behalf? Assuming he proceeded to say things that were implicating to him, would that be extracted from the record of the court? The answer is

No! It can't be expunged from the record of the court. They took him to the court without my knowledge and they had ample time to inform me that a date had been taken for them to bring him back to court.

Now, coming to your question, a lot is happening online. People will clone someone's voice. People will write things on behalf of another and put the person's name and signature. Only this morning, I saw online where the Attorney General of the Federation was denying ever insulting the Igbo and Hausa. But it has been online and all over the place. This morning, he issued a statement that he never made such a statement insulting the Hausa and Igbo. Before now, people had believed that he said such things.

So, when you see things online or on social media, you have to verify whether it originates from Nnamdi Kanu or elsewhere. I heard a lot of things that people are saying that he said, but he didn't say. And part of what you are saying now forms part of those things he didn't say. It is only when they come to court that they will establish and tell me how he said it. When Nnamdi Kanu was abducted and brought to this place, you now see people that are making confessions that Nnamdi told us to do this and do that. Where have they been all this while? He didn't say that. Don't give credence or ascribe any value to things you see online until when those things are proven beyond doubt in court.

A lot of the killings of policemen, as well as the burning of police stations and INEC offices, have also been attributed to IPOB and ESN. How do you respond to this?

If I had prior knowledge that you were going to ask this question, I would have printed statements issued by IPOB and signed by relevant departments of IPOB, wherein they were so emphatic that the instruction to the ESN is to be in the bush and fight the sponsored herdsmen who are there kidnapping our mothers, raping our mothers and sisters, and killing our farmers. They were to sanitise the farmlands and bush where those things take place. They are not under any instruction to go after any security man or even northern civilians. These are the people who are in the bush. IPOB is not associated with crime. They don't carry arms. Now people thrive on propaganda. A lot happens.

What do you think would happen if Nnamdi Kanu is not given a fair trial?

As his counsel, we will insist that he is given fair trial. If at any point we discover that he is not going to get a fair trial in the open court, we will inform the court. We are going to be circumspect of the proceedings that are adopted in court to ensure he is given a fair trial. If at any point in time his team of lawyers discover that he is not going to be given a fair trial, we will protest and do the needful. We also have options to approach the court of appeal to challenge what we perceive to be unfair trial, unfair treatment or abuse of court process, or violation of his constitutional right, even in the course of the proceeding.

The manner in which he was taken to court is a clear violation of his right to fair trial and right to dignity of human person. As it stands today, he is still presumed innocent of the allegations against him. It is constitutional. At this stage of being accused of committing an offence, he has not been convicted. So, he should not be treated like a convicted person. The manner in which Kanu was taken to court safely away from the press, covered and blindfolded, shows that there is more to it than meets the eye. Anything that would suggest that he would not get a fair trial, we are going to protest it.

What do you expect from the UK government in these circumstances since Nnamdi Kanu is a British citizen?

We have already notified the UK government of his predicament as their citizen and obviously there is a clear violation of international treaty, conventions, and diplomatic relations in the manner through which he was arrested. They are taking steps and they have made some statements too. I believe from their own end that they will take it up there as he is a citizen. Our counterparts overseas are taking up the facts of the breach of his rights in Kenya. That will be addressed at the international court. We are taking the Kenyan government to court based on the evidence available to us on what they did to him. That will be settled at the International Court of Justice. I believe in the same vein that the British government is doing something to address the situation. Our foreign legal partners who are representing Nnamdi Kanu are filing processes before the International Court of Justice to challenge the manner in which he was abducted, treated, and subjected to all forms of inhumane and degrading treatments in Kenya and the manner in which he was brought into the country in clear violation of his rights.

Do you think the government is biased towards southern agitators considering the way the Department of State Services raided Sunday Igboho's house?

We have a system that is terribly and unfortunately skewed towards protecting the interest of the North. There is no doubt about it. Nnamdi Kanu was hunted, billions of naira was spent by the Federal Government and spread across African countries for them to get him. We are in a country where you see bandits openly addressing senior security officials, police and army, with their guns boasting before them.

These are the people killing people every day and night, abducting and kidnapping. We are in a country where a sitting governor would come publicly to tell the world that IPOB should be decimated because they are agitating for secession from the country. But bandits are there doing their business, they will kidnap and people will pay. Few days ago, we heard of over a hundred persons that were arrested in that same Kaduna where the governor who said this thing came from. Babies that were just delivered in the hospital were kidnapped. We have cases where the Federal Government, through their agents, are negotiating with bandits and herdsmen to release their captives for ransom. If they can unleash this kind of terror on the bandits and herdsmen, will we be talking about insecurity in this country?

See what is happening in Benue State every day. People are being slaughtered in their homes, unchallenged. Every blessed day, killing is taking place there. The governor has been crying every day and no action has been meted out to them. For the people who are merely agitating and asking for referendum, including the Yoruba, what stops you from engaging them? Why can't you engage with these people? Why send soldiers to kill them? Why go after their lives? See what happened in Sunday Igboho's house a few days ago. People were slaughtered in their numbers for asking for Yoruba Nation. Can't you engage these people?

I have continued to say it and let me say it once again. The detention of Nnamdi Kanu will not solve anything. Rather, it will increase and heighten the case. Detention of Nnamdi Kanu or Sunday Igboho can never solve the problem. Engage these people and find out what their problem is. You send soldiers after innocent and defenceless people to go and kill them because they are talking about a referendum.

Boko Haram and banditry is now a business. They kidnap and you give them money. Look at the security agencies, and how it is structured; people of Fulani extraction heading security agencies. Nobody who is from the South-East can be counted as one of the security chiefs. The country is skewed towards protecting the interest of a certain region and in this country, certain persons are seen as second-class or third-class citizens. Why are they after my life? It is because I am defending Nnamdi Kanu. The June 6 attack on my home was the second. The first one was when they came on

December 2, 2019. About 10 houses were burnt in my premises, shops were burnt. Everywhere was set ablaze. They killed four people in my house.

There are speculations that your client was tranquilised before his arrest. How true is this?

I cannot confirm that. I will need to confirm that from him. But I know that his health is bad. We are working towards getting an approval from the court for an expert to see him and examine him. His heart condition is deteriorating day by day in view of the torture and inhuman treatment he received and he has not received good medical attention since he was brought into this country. We are going to the court to get an order of court because where he is, we do not have easy access to him, so that an independent medical expert will investigate and give him treatment. It is only the living that can face trial. If anything happens to him tomorrow, the government will be held responsible. They understand the medical condition he was in when they brought him from Kenya but upon arrival, they still kept him in solitary confinement. Do you know what it means? The mental torture! I don't think he is eating well, if at all he is eating. So, something urgent needs to be done. That is why we are going back to court to get that order to make sure something is done.

What else did Nnamdi Kanu tell you that you would want Nigerians to know?

Nigerians are fully aware that Nnamdi Kanu is a political prisoner. He is not being tried today because he has killed anybody. He is not being tormented, dehumanised, maltreated for anything but because he is an Igbo. It is because he is from the South-East. If you talk about killers, we have killers in the North. They will kill and own up. There was an attempt to kill the governor of Benue State and they escaped. People came to say that they own up to say that they were the ones after his life and that they would get him and kill him. Till date, nobody has been arrested or investigated-a sitting governor for that matter. They are killing in his state every day and they will own up and tell you that the state belongs to them. Have they sent people to bombard them? Or do you think they don't know what they are doing.?

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