

Mazi Nnamdi Kanu's Special Counsel Barrister Aloy Ejimakor Writes AGF Demanding Criminal Prosecution Over Torture Of Mazi Nnamdi Kanu

Barrister Aloy Ejimakor has asked the Attorney General of the Federation (AGF) Abubakar Malami to initiate the prosecution of all persons that are directly or indirectly culpable in the torture of his client, Mazi Nnamdi Kanu during and after his abduction and extraordinary rendition from Kenya.

Ejimakor who stands as the Special Counsel to the embattled leader of the Indigenous People of Biafra Mazi in a letter obtained by Umuchiukwu Writers directed to Abubakar Malami, the Attorney-General of the Federation (AGF) highlights squarely the need for the Minister to ensure a sanction on those who initiated the inhumane violation of Mazi Nnamdi Kanu's rights.

The letter which dated 20th March 2022 enlisted and explained how Mazi Nnamdi Kanu was kidnapped, tortured and renditioned back to Nigeria without a legal process or pronouncement from either the Kenyan court or the Nigerian court.

Confirming the authority behind the letter, Ejimakor noted that his actions were based on the instructions of his client, Mazi Nnamdi Kanu adding that the Nigerian constitution of Federal Republic of Nigeria 1999 is against the torture of any person placed under investigation or held in custody of any person in authority.

He said, "We are Solicitors to Mazi Nnamdi Kanu (hereafter: our Client), on whose behalf and Instruction we most respectfully bring this Complaint pursuant to Section 1 (a) and (b), Section 5, Section 6 of the Anti-Torture Act 2017; and Section 174 of the Constitution of Federal Republic of Nigeria, 1999.

"According to the information given to us by our Client, the details of this Complaint are as follows:

" Our Client entered the Republic Kenya on his British passport on May 12, 2021 and was admitted as such at Jomo Kenyatta International Airport, Nairobi. After his admission, he settled-in at a temporary location in Nairobi, Kenya.

" On June 19, 2021, our Client drove himself to Jomo Kenyatta International Airport, Nairobi, Kenya on a personal errand. As soon as he pulled to a stop at the parking lot and alighted from his vehicle, about twenty well-armed persons violently accosted and abducted him, handcuffed him, blindfolded him, bundled him into a vehicle and sped away.

"His abductors took him to a secret private location (not a police station) somewhere in Nairobi, Kenya and chained him to the floor. He was neither shown a Warrant of arrest or extradition, nor told why he was abducted. The abductors did not tell him who they are but from their conversations, he surmised that they were working for the Government of Nigeria (GON) and its security agencies.

" While chained to the floor, his abductors took turns beating and torturing him to the point that he fainted several times and was intermittently revived when they poured cold water on him.

" During the tortures and beatings, his abductors taunted him, verbally degraded him and called him a "separatist Igbo Jew". They also told him he will be "expelled to Nigeria to face death". He was chained to the floor for eight (8) days and was thus forced to relieve himself of urine and excrement where he was chained.

"Throughout the duration of his secret captivity and torture, he was not allowed to bathe and was fed only on bland bread once a day and given non-sanitary water to drink; and except for the presence of his abductors, he was in solitary confinement the entire eight days. Section 3(2) of the

Anti Torture Act states that “Secret detention places, solitary confinement, incommunicado or other similar forms of detention, where torture may be carried on are prohibited”.

"The inhuman treatment, cruelty and degradation to which the abductors subjected our Client and the external and internal injuries he sustained therefrom coupled with his pre-existing poor health made him to live in dread, fear and terror that he was going to die in captivity and his body disappeared

"His anguished entreaties to his abductors to get him some medication for his hypertension, heart condition and physical injuries were inhumanely refused and his pleas to be taken before a Court or even an official police or other law enforcement facility or allowed a phone call were flatly refused.

"Throughout the 8-day duration of the captivity and torture of our Client, his torturers were in constant telephone conversations with, and taking directives and instructions from the Nigerian High Commissioner to Kenya and other Nigerian officials. Section 2 of the Anti Torture Act makes a person complicit in torture when it is “inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity”. Similarly, Section 8(2) provide that “A superior military, police or law enforcement officer or senior government official who issues an order to a lower ranking personnel to torture a victim for whatever purpose is equally liable as the principal”.

"On the eight day, his abductors brought him out of the house, put him in a car, drove him straight to the tarmac of Jomo Kenyatta International Airport, where they evaded Kenyan immigration and forcibly bundled him into a private jet that departed the airport before noon on June 27, 2021 and arrived Abuja, Nigeria in the early evening of same day.

"Throughout the duration of the flight from Nairobi to Abuja, our Client’s wrists and ankles were manacled so tightly that he was in extreme physical and mental pain for the entire duration of the flight. He also had the muzzle of a gun pointed to, and roughly rubbing the nape of his neck throughout the duration of the flight.

"On arrival in Nigeria, our Client was taken to and detained at the headquarters of the Nigerian Intelligence Agency (NIA) in Abuja. He spent the first night at the NIA detention facility, sleeping on the floor with very bright electric bulbs deliberately left on throughout the night, thus causing him extreme bodily heat, sleep deprivation and mental anguish.

"Our Client states that, from 29th June 2021 to date, he has been subjected to solitary confinement, lasting for 23 hours each day at the Headquarters of the State Security Services in Abuja. Since then, our Client has repeatedly requested independent medical examination by a physician of his own choice but the requests were denied. Section 7 of the Anti Torture Act provides that".

“ A person arrested, detained or under custodial investigation shall have the right to be informed of his right to demand a physical and psychological examination by an independent and competent doctor of his own choice after interrogation, which shall be conducted outside the influence of the police or security forces.

" The medical report shall include in detail the history and the findings of the physical and psychological examination and shall be attached to the custodial investigation report; otherwise, such investigation report is deemed void”

In reference to a public statement credited to the Kenyan Government over the rendition of Mazi Nnamdi Kanu, Ejimakor noted that the government of Kenya has exonerated itself from being involved in the extraordinary rendition of Mazi Nnamdi Kanu to Nigeria.

He stated, "the Government of Kenya (GOK) has publicly denied complicity and involvement in the said abduction, disappearance, torture and extraordinary rendition of our Client and asserted in judicial proceedings that there was no extradition, expulsion or deportation proceedings against our Client anywhere in Kenya. In particular, GOK asserts that its official records indicate that our Client is still in Kenya. See Attachment 1.

He further said, "Our Client has life-threatening serious health conditions, namely: heart disease and hypertension, which have been dangerously aggravated by the mental and physical torture he was subjected to.

" It is our considered position that the totality of what happened to our Client as enunciated above unarguably met the definition of Torture under Section 2 of the Anti-Torture Act, 2017, which also states at Section 9(1) that "A person who contravenes section 2 of this Act commits an offence and is liable on conviction to imprisonment for a term not exceeding 25 years".

Barrister Ejimakor proceeded by pleading that the Attorney General, Abubakar Malami to take prompt measures to initiate the prosecution of all persons that were directly or indirectly culpable in the torture of his Client, Mazi Nnamdi Kanu irrespective of the severity of his offense alleged against him.

"It is our further position that regardless of the severity of the offense alleged against our Client, there is absolutely no justification for the egregious torture our Client endured. Section 3(1) of the Act provides that "No exceptional circumstances whatsoever, whether a state of war or a threat of war internal political instability or any other public emergency, may be invoked as a justification for torture".

"In view of the forgoing, we hereby make the following Prayers: that, consistent with the provisions of the Anti-Torture Act, 2017, the office of the Attorney-General take prompt measures to initiate the prosecution of all persons that were directly or indirectly culpable in the torture of our Client. For your ease of reference, Section 5 of the Anti Torture Act provides that: "(1) A person who has suffered or alleges that he has been subjected to torture shall have the right to complain to and to have his case promptly and impartially examined by a competent authority.

(2) The competent authority under subsection (1) shall take steps to ensure that the complainant is protected against all ill-treatment or intimidation as a consequence of his complaint or any given evidence".

"That, said prosecutorial action be levied in line with Section 8 of the Anti Torture Act which provides that "(1) A person who actually participates in the infliction of torture or who is present during the commission of the act is liable as the principal.

"(2) A superior military, police or law enforcement officer or senior government official who issues an order to a lower ranking personnel to torture a victim for whatever purpose is equally liable as the principal.

(3) An order from a superior officer or from a superior in the office or public authority shall not be invoked as a justification for torture.

(4) The immediate commanding officer of the unit concerned of the security or law enforcement agencies is held liable as an accessory to the crime for any act or omission or negligence on his part that may have led to the commission of torture by his subordinates".

Barrister Ejimakor drew the attention of the minister to the provisions of Section 1 of the Anti Torture Act, which states that the government shall: "ensure that the rights of all persons, including

suspects, detainees and prisoners are respected at all times and that no person placed under investigation or held in custody of any person in authority shall be subjected to physical harm, force, violence, threat or intimidation or any act that impairs his free will and fully adhere to the principles and standards on the absolute condemnation and prohibition of torture set by the Constitution of the Federal Republic of Nigeria and various international instruments to which Nigeria is a State party”, He concluded.