



BIAFRA: ENFORCED DISAPPEARANCES IN BIAFRA

BRIEFING PAPER

APRIL 2020





This briefing note was produced for the Indigenous People of Biafra (IPOB)

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Introduction

1. The Indigenous People of Biafra (IPOB) is the main organisation which represents all who consider themselves to be Biafran. IPOB pursues the right to self-determination for Biafrans without the use of force. IPOB upholds human rights and rejects violence.
2. Biafra is usually associated with the Nigerian civil war between 1967 and 1970 when a proclamation of independence of the Republic of Biafra resulted in millions of deaths, mainly from starvation, and millions of displacements. Yet violations against the rights of Biafrans continue to this day.¹ Operations by Nigerian State Security Services (SSS) and continuous violations towards Biafrans and members and supporters of IPOB, including IPOB's leader, Nnamdi Kanu, are aimed at stopping any calls for Biafran self-determination.²
3. These violations have been well documented,³ including by Amnesty International in a damning report in 2016⁴ and which led a number of organisations to call on the Nigerian government to ensure an independent investigation into the allegations.⁵ Individuals have been targeted because of their membership or support for IPOB and these violations have continued after the proscription of IPOB by the Nigerian government and despite calls from the African Commission on Human and Peoples' Rights (ACHPR) which, as noted below, has called on the government 'not to take any further action so as to avoid irreparable damage to the victim, IPOB and its members'.
4. The situation is succinctly captured by the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, Agnes Callamard, after her visit to Nigeria in September 2019:

During my visit, I met with several survivors of various security attacks and witness to killings. I have received a large number of allegations of killings by the Military Forces in 2017, 2018 and 2019. In addition, a number of those arrested are allegedly held *incommunicado* before being detained without charges. When charges are finally made, they include membership to a terrorist organisation, unlawful gathering and in some cases kidnapping. It is alleged that not a single conviction

¹ See Nnamdi Kanu, 'Soldiers came to kill me: I'd be shot in the head and dumped in a shallow grave with my dead companions', *The Independent*, 22 November 2019: https://www.independent.co.uk/news/long_reads/nnamdi-kanu-indigenous-people-of-biafra-conflict-1967-a9169196.html

² S. Tayo, F Mbah, 'Calls for Biafran Independence Return to South East Nigeria', 9 November 2017, <https://www.chathamhouse.org/expert/comment/calls-biafran-independence-return-south-east-nigeria>.

³ S. Tayo, F Mbah, 'Calls for Biafran Independence Return to South East Nigeria', 9 November 2017, <https://www.chathamhouse.org/expert/comment/calls-biafran-independence-return-south-east-nigeria>.

International Crisis Group: <https://www.crisisgroup.org/africa/west-africa/nigeria/nigeria-how-solve-problem-biafra>. OP-ED / AFRICA 29 MAY 2017, 'Nigeria: How To Solve A Problem Like Biafra'.

⁴ <https://www.amnesty.org/en/latest/news/2016/11/peaceful-pro-biafra-activists-killed-in-chilling-crackdown/>

⁵ *The Guardian* Nigeria, op. cit., 22 December 2016, <https://guardian.ng/news/42-rights-organisations-seek-probe-into-alleged-repression-of-pro-biafra-activists/>



against IPOB members has been secured since 2015, due to discontinuance or dismissal of charges. None of the killings of IPOB members have been investigated.⁶

5. This Briefing Paper is one of a series of Papers describing the human rights violations. This Paper focuses on the very many instances of enforced disappearances of IPOB members and supporters.

Enforced disappearances

6. Enforced or involuntary disappearances are defined in Article 2 of the Convention Against Enforced Disappearances as ‘the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law’.⁷
7. The UN Working Group on Enforced and Involuntary Disappearances (WGEID) has stated that this means that the enforced disappearance can commence by an arrest or detention which is either lawful or unlawful:

That is to say, the protection of a victim from enforced disappearance must be effective upon the act of deprivation of liberty, whatever form such deprivation of liberty takes, and not be limited to cases of illegitimate deprivations of liberty.⁸

8. In September 2015, the *International Business Times* UK quoted IPOB member Ifeanyi Adibe:

[M]ass arrests, kidnappings, torture and killings of pro-Biafrans are ‘not a new thing’. Hundreds are known to have been abducted in the middle of the night from their homes and [they] undergo torture in various underground Nigerian torture chambers. Many more are unaccounted for. The number of those already killed cannot yet be established, but we know many are missing.⁹

⁶ ‘End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria . Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions’, 2 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.

⁷ See also Working Group on Enforced Disappearances, A/HRC/7/2, 10 January 2008, General Comment, para 1.

⁸ A/HRC/7/2, 10 January 2008, General Comment, para 7.

⁹ ‘Nigeria: Credible evidence that pro-Biafrans are targeted by police says Amnesty International’, *International Business Times*, 10 September 2015, <https://www.ibtimes.co.uk/nigeria-credible-evidence-that-pro-biafrans-are-targeted-by-police-says-amnesty-international-1519127>.



9. Indeed, as Article 5 of the Convention for the Protection of All Persons From Enforced Disappearances (CED) provides: 'The widespread or systematic practice of enforced disappearance constitutes a crime against humanity as defined in applicable international law and shall attract the consequences provided for under such applicable international law'. We would consider there is evidence to indicate crimes against humanity have been committed against Biafrans.
10. There are frequent and continuous instances of enforced disappearances of IPOB members and their supporters. The incidents have involved actions by members of the State authorities immediately preceding the disappearance of the individuals. Despite the best efforts of family members, friends, and colleagues of those who have been abducted, the Nigerian authorities have refused to acknowledge that such deprivations of freedom have taken place or to provide any information as to the fate or whereabouts of the missing individuals.
11. On **6 November 2015**, the Inspector General of the Nigerian Police force warned pro-Biafra supporters ahead of a march organised in Bayelsa state not 'to embark on an ill-advised protest'.¹⁰ The peaceful march proceeded and several participants in the march disappeared.
12. On **30 May 2016** the NSF raided a hospital to arrest injured patients, some of whom were never heard from again. Amnesty International reported:

A witness told Amnesty International that at Crown hospital in Ontisha [*sic*], soldiers arrested 19 men, including 14 wounded, and took them to state CID. They were not informed of the reason for their arrest and were returned to the hospital after several hours. Others did not return, as 46-year-old civil engineer Markus (not his real name) told Amnesty International about his missing brother: 'I was told by IPOB members that he was shot during the protest. He was taken to a hospital ... with another injured IPOB member. Soldiers came inside the hospital to take him away.' Markus still does not know what happened to his brother.¹¹

13. On **16 August 2016**, the Nigerian Security Forces shot and abducted 30-year-old Sunday Chucks Obasi from his home in Anambra State.¹² Amnesty International reported:

On 16 August 2016 at around 9 p.m., five armed men in plain clothes, believed to be DSS [Department of State Security] officers, arrested Sunday Chucks Obasi, the Nnewi-Ichi Coordinator of IPOB in Anambra

¹⁰ Amnesty International, 'Nigeria: Bullets were raining everywhere', 10 November 2016, p. 39, available at: <https://www.amnesty.org/download/Documents/AFR4452112016ENGLISH.PDF>.

¹¹ Ibid, p. 49.

¹² Amnesty International, 'Urgent Action: Pro-Biafran Activist Released', 27 April 2017, available at: <https://www.amnesty.org/download/Documents/AFR4461222017ENGLISH.pdf>.



State, at his home in Amuko Nnewi, Anambra State. Witnesses say he was shot in the legs and then taken away. His whereabouts remain unknown.¹³

14. Also reporting on the disappearance of Obasi, the United States Department of State noted that '[i]n response to inquiries by his family, police in Anambra stated Obasi was not in their custody' and that 'as of December his whereabouts remained unknown'. Obasi was finally released from custody nearly a year later. Amnesty International found that Obasi had been 'held incommunicado at the Department of State Services (DSS) in Anambra' since his disappearance and that he had been 'ill-treated, severely tortured and interrogated by security... about the Indigenous People of Biafra movement'.¹⁴
15. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has noted that on **7 September 2017** a bus on which Chinonso Paul Nnadozie was travelling was flagged down by soldiers at the Ubakala Army Checkpoint. After a search, he was found to be carrying a 'Biafran flag' in his bag. The soldiers arrested him, ordered the bus to leave, and he has not been seen since.¹⁵ Mr Nnadozie's case has been submitted to the Working Group on Involuntary and Enforced Disappearances.
16. On **14 September 2017**, the NSF caused the disappearance of at least four persons during an attack on Nnamdi Kanu's home in Umuahia.¹⁶ They surrounded his home which had been under siege since 12 September. Videos show what happened subsequently.¹⁷ At about 4 p.m. on 14 September an order was given to storm the

¹³ United States Department of State, '2016 Country Reports on Human Rights Practices – Nigeria', 3 March 2017, available at: <https://www.refworld.org/docid/58ec89ed6.html>.

¹⁴ Amnesty International, 'Urgent Action: Pro-Biafran Activist Released', 27 April 2017, available at: <https://www.amnesty.org/download/Documents/AFR4461222017ENGLISH.pdf>.

¹⁵ 'End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria. Agnes Callamard, United Nations Special Rapporteur for Extrajudicial, Summary or Arbitrary Executions', 2 September 2019, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.

¹⁶ Intersociety, 'How Nigerian Army Massacred 150 Pro Biafra Activists & Hurriedly Declared Them Terrorists Using Python Dance II As A Cover To Escape Accountability', 4 June 2018, available at: <http://www.intersociety-ng.org/component/k2/item/334-2018-06-04-10-54-33>.

¹⁷ See, <https://www.facebook.com/TheJourneytoBiafra/videos/126015104731133/> (Nnamdi Kanu addressing IPOB members in his compound); <https://www.facebook.com/okonkwo.i.somto/videos/10208918825081021/> (Nigerian Army heading to Nnamdi Kanu's house during Operation Python Dance II); <https://www.facebook.com/dailybiafra/videos/1550728564971045/> (Nigerian Army marching to Nnamdi Kanu's home); <https://www.facebook.com/okonkwo.i.somto/videos/10208924610385650/> (Nigerian Army parading in Nnamdi Kanu's compound during Operation Python Dance II); <https://www.facebook.com/okonkwo.i.somto/videos/10210853624809805/> (Nigerian Army shooting and heading to Nnamdi Kanu's compound); <https://www.facebook.com/dailybiafra/videos/1549514095092492/> (Nnamdi Kanu speaks on invasion to his house by Nigerian Army); <https://www.facebook.com/kings.eze.77/videos/10209975464497625/> (Nigerian Army torturing innocent unarmed Biafrans); <https://www.facebook.com/okonkwo.i.somto/videos/10208925570729658/> (IPOB victims narrowly escaped from the hands of Nigerian Army during Operation Python Dance II); <https://www.facebook.com/nkirukalucy.ugwu/videos/1033466956801670/> (Victim survived Operation Python Dance II in Umuahia); <https://www.facebook.com/nkirukalucy.ugwu/videos/971446043003762/> (Heavy shootings by the Nigerian Army going on in Nnamdi Kanu's home);



building. Gas canisters were thrown. Witnesses recorded hearing gun shots. The walls were scaled and the gates opened. The military stormed the building firing their weapons. There was no force or weapons used by those living or staying in the property. Only the military used force. Many were killed and injured. The lucky ones escaped. According to witnesses, Mr Celestine Chukwuka Iteshi and Pastor Levi Ike disappeared and have not been seen or heard of since.¹⁸ Efforts to reach them by phone and searches by their family have proved futile.

17. On **5 April 2018**, the NSF caused the disappearance of 40 IPOB members during an attack on a funeral procession in Anambra State.¹⁹ As described in a press release issued by IPOB:

After the burial, as our people were returning from the village of the deceased around 5:30 p.m. and on reaching St Mary's Catholic Church, where they were supposed to disperse to their various homes, they were accosted by a team of Nigeria security agents and without any provocation they began shooting at our people.

<https://www.facebook.com/umu.chineke.92/videos/115012222586952/> (Evil genocide and ethnic cleansing of unarmed Biafran youths by Nigerian Army);
<https://www.facebook.com/BiafraNewsApp/videos/1544485895613036/> (IPOB members died during Operation Python Dance II in Umuahia); <https://www.facebook.com/favour.michael.391/videos/908195799329308/> (Damages caused by the Nigerian Army after invading Nnamdi Kanu's home);
<https://www.youtube.com/watch?v=3ZA2qygZgPA> (Nigerian Army denies Police report on Army IPOB clash);
<https://www.facebook.com/radiobiafra/videos/870155653165754/> (Nigerian Minister of defence exposed on the issue of Nnamdi Kanu's invasion); <https://www.youtube.com/watch?v=VyALomkCMZc> (IPOB, Nigerian Army disagree over violence at Nnamdi Kanu's residence);
<https://www.facebook.com/favour.michael.391/videos/908195799329308/> (Damages caused by the Nigerian Army after invading Nnamdi Kanu's home); <https://www.facebook.com/dw.africa/videos/1509525715795314/> (Nnamdi Kanu's property damaged by Nigerian Army);
<https://www.facebook.com/IPOBAT/videos/1795406297181734/> (Dead bodies of IPOB members gruesomely killed by Nigerian army in collaboration of Ohanaeze and south-east governors discovered);
<https://www.facebook.com/BiafraNewsApp/videos/1564377403623885/> (CCTV footage exposes the Nigerian Army moving in to Nnamdi Kanu's compound); and <https://photos.app.goo.gl/9EXsjUmRzw9Q43ta7> (CCTV footage exposes the Nigerian Army moving in to Nnamdi Kanu's compound).

¹⁸ Further detail on the situation is provided by the Intersociety (International Society for Civil Liberties and the Rule of Law: Intersociety, 'How Nigerian Army Massacred 150 Pro Biafra Activists & Hurriedly Declared Them Terrorists Using Python Dance II As A Cover To Escape Accountability', 4 June 2018, available at: <http://www.intersociety-ng.org/component/k2/item/334-2018-06-04-10-54-33>, Intersociety is a registered non-governmental and non-profit human rights, democracy, rule of law and public security and safety advocacy group in Nigeria. Based in Onitsha, the organisation was established in 2008. It thematically campaigns for respect, promotion and advancement of democracy and good governance, civil liberties and rule of law and public security and safety. It has also earned a name in research, investigation, documentation and publications. Intersociety is led by professionals and grassroots activists including criminologists, security studies experts, lawyers, journalists and peace and conflict resolution practitioners, etc. Intersociety's website may be accessed at: www.intersociety-ng.org.

¹⁹ *This Day*, '40 IPOB Members Missing after Police, Army Attack in Anambra, Group Alleges', 7 April 2019, available at: <https://www.thisdaylive.com/index.php/2018/04/07/40-ipob-members-missing-after-police-army-attack-in-anambra-group-alleges/>.



In the ensuing chaos some people fell down and the buses they were traveling in climbed over some of them. Many were injured resulting from gunshots from the army and police. Many more were taken away by the army and police to unknown destinations. Some people had their cars seized, others with motorcycles had it taken away from them too.²⁰

18. Enforced disappearances cause ‘anguish and sorrow’ to the family of the disappeared person²¹ and this in itself amounts to torture and other cruel, inhuman or degrading treatment.²² As the WGEID has noted, by restricting the truth of the whereabouts of the disappeared person, this continues the torture on the relatives.²³ The acts of the Nigerian authorities therefore violate not only the rights of the disappeared but also those of members of their families.

Failure to investigate and to prosecute

19. The obligation to investigate violations of human rights exists under customary international law, and it has been argued, with respect to enforced disappearance and extrajudicial executions, that it has reached the status of jus cogens.²⁴
20. Amnesty International documented numerous violations in its report in 2016 and called then on the government to investigate them.²⁵ In addition, a number of CSOs signed a joint statement on 21 December 2016 reiterating this request for the Nigerian government to conduct an independent and impartial investigation into allegations identified in Amnesty International’s report.²⁶
21. Indeed, the government has acknowledged that its military has been accused, in the context of its operations against IPOB and others, of ‘extrajudicial killings, torture, arbitrary arrest and detention’ but ‘has assured the international community that all

²⁰ *Ibid.*

²¹ Preamble, Declaration on the Protection of All Persons from Enforced Disappearances, A/RES/47/133, 12 February 1993.

²² *Ibid.*, Article 1(2).

²³ General Comment on the right to the truth in relation to enforced Disappearance, *Report of the Working Group on Enforced or Involuntary Disappearances, 2010*. Document A/HRC/16/48.

²⁴ E.g. Resolution Nos. 63/182, ‘Extrajudicial, summary and arbitrary executions’, 18 December 2008; *Case of Massacre of the Dos Erres v. Guatemala*, Judgment of 24 November 2009, Series C No. 148, para. 140; *Case of Gelman v. Uruguay*, Judgment of 24 February 2011, Series C No. 221, para. 75.

²⁵ Amnesty International, ‘Nigeria: Bullets were raining everywhere’, 10 November 2016, available at: <https://www.amnesty.org/download/Documents/AFR4452112016ENGLISH.PDF>.

²⁶ *The Guardian* Nigeria, op. cit., 22 December 2016, <https://guardian.ng/news/42-rights-organisations-seek-probe-into-alleged-repression-of-pro-biafra-activists/>; ‘Over Three-Dozen Rights Organisations Seek Immediate Probe Into Alleged Killing of Pro-Biafra Activists’, *Igbo Focus*, 22 December 2016, [http://www.igbofocus.co.uk/Over-Three-Dozen-Rights-Organisations-Seek-Immediate-Probe-Into-.html](http://www.igbofocus.co.uk/Over-Three-Dozen-Rights-Organisations-Seek-Immediate-Probe-Into-Immediate-Probe-Into-.html).



allegations of torture, extrajudicial killings and war crimes made against the Nigerian Military will be investigated'.²⁷

22. There is no indication of any investigation having credibly taken place in relation to any of the incidents and crimes listed above. The European Union has stated that 'a weak and corrupt criminal justice system' fosters a climate of impunity for 'human rights violations perpetrated by [Nigerian] security forces',²⁸ adding that the situation requires 'independent investigations and judicial prosecutions' in order to end this 'culture of impunity for security forces'.²⁹ As Human Rights Watch noted in 2019, 'no effort has been made to ensure accountability or reform' for murders against this civilian population.³⁰
23. States have a general obligation under the ICCPR to investigate allegations of violations 'promptly, thoroughly and effectively through independent and impartial bodies'.³¹ In addition, Article 12 of the CED provides that:

1. Each State Party shall ensure that any individual who alleges that a person has been subjected to enforced disappearance has the right to report the facts to the competent authorities, which shall examine the allegation promptly and impartially and, where necessary, undertake without delay a thorough and impartial investigation. Appropriate steps shall be taken, where necessary, to ensure that the complainant, witnesses, relatives of the disappeared person and their defence counsel, as well as persons participating in the investigation, are protected against all ill-treatment or intimidation as a consequence of the complaint or any evidence given.

2. Where there are reasonable grounds for believing that a person has been subjected to enforced disappearance, the authorities referred to in paragraph 1 of this article shall undertake an investigation, even if there has been no formal complaint.

²⁷ Periodic country report for 2015-2016 on the implementation of the African Charter on Human and Peoples' Rights in Nigeria Available at <https://www.achpr.org/states/statereport?id=115>

²⁸ European External Action Service (EEAS), 'Country Updates on Human Rights and Democracy (2017)', pp. 123-124, available at:

https://eeas.europa.eu/sites/eeas/files/compiled_country_updates_annual_report_on_human_rights_and_democracy_2017_clean_0.pdf.

²⁹ *Ibid.*

³⁰ Human Rights Watch, 'Video Exposes Beatings by Nigerian Security Forces', 4 April 2019, available at: <https://www.hrw.org/news/2019/04/04/video-exposes-beatings-nigerian-security-forces#>.

³¹ General Comment No. 31: The Nature of the General Legal Obligation Imposed on States Parties to the Covenant, para. 15.



24. As a disappearance is considered to be a continuous crime,³² so the duty to investigate continues until the whereabouts of the victim are known.³³
25. Such an investigation should, according to the WGEID, include the relatives of the victims, and a blanket refusal to communicate with the relatives will be considered a violation of the right to the truth.³⁴
26. The information provided to the relatives and interested persons should include ‘the concrete steps taken to clarify the fate and the whereabouts of the person. Such information must include the steps taken on the basis of the evidence provided by the relatives or other witnesses’.³⁵
27. Article 13(6) of the CED establishes that the right to know the truth of the location of a relative is an absolute right and cannot be derogated from nor restricted.³⁶
28. Where investigations have been carried out, they have not been independent or impartial. For example, despite the extensive violations recorded by Amnesty International in 2016,³⁷ on 15 June 2017, a Nigerian military ‘Special Panel’ cleared the Nigerian army of any wrongdoing in the 30 May 2016 attacks, claiming no person was killed.³⁸ Numerous international and national organisations protested the decision and called for an independent investigation into the incidents that unfolded.³⁹ In August 2017, the Governor of Anambra State acknowledged that the massacre had indeed occurred.⁴⁰ On 2 September 2019, UN Special Rapporteur Agnes Callamard affirmed that ‘[n]one of the killings of IPOB members have been investigated’.⁴¹

³² See General Comment on enforced disappearance as a continuous crime, Report of the Working Group on Enforced or Involuntary Disappearances, A/HRC/16/48, 26 January 2011.

³³ Inter-American Court of Human Rights, *Velásquez Rodríguez* case, 29 July 1998.

³⁴ General Comment on the right to the truth in relation to enforced Disappearance, *Report of the Working Group on Enforced or Involuntary Disappearances, 2010*. Document A/HRC/16/48.

³⁵ General Comment on the right to the truth in relation to enforced Disappearance, *Report of the Working Group on Enforced or Involuntary Disappearances, 2010*. Document A/HRC/16/48.

³⁶ General Comment on the right to the truth in relation to enforced Disappearance, *Report of the Working Group on Enforced or Involuntary Disappearances, 2010*. Document A/HRC/16/48.

³⁷ Amnesty International, ‘Nigeria: Bullets were raining everywhere’, 10 November 2016, pp. 41, available at: <https://www.amnesty.org/download/Documents/AFR4452112016ENGLISH.PDF>.

³⁸ *Premium Times*, Nigerian Army’s own panel clears it of wrongdoings in treatment of IPOB, Boko Haram members, 15 June 2017, available at: <https://www.premiumtimesng.com/news/headlines/234167-nigerian-armys-panel-clears-wrongdoings-treatment-ipob-boko-haram-members.html>.

³⁹ European Asylum Support Office, ‘Nigeria: Targeting of Individuals’, November 2018, pp. 54-55, available at: https://coi.easo.europa.eu/administration/easo/PLib/2018_EASO_COI_Nigeria_TargetingIndividuals.pdf.

⁴⁰ *Ibid.*, p. 55.

⁴¹ OHCHR, ‘End of visit statement of the Special Rapporteur on extrajudicial, summary or arbitrary executions on her visit to Nigeria’, 2 September 2019, available at: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=24934&LangID=E>.



Conclusion

29. In line with the obligations under Article 24 CED, we urge the Committee on Enforced Disappearances to call on the Nigerian State to:
- a. Provide the relatives of those who have been disappeared, the truth regarding the circumstances of the disappearance, the progress and results of investigations and the fate of the person;
 - b. Search for, locate and release disappeared persons and, in the event of death, to locate, respect and return their remains;
 - c. Ensure that the legal system provides for the right of the victims of enforced disappearance to obtain reparation and prompt, fair and adequate compensation.

