



NIGERIAN BAR ASSOCIATION

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UPDATE ON THE RELEASE OF PIUS I. AWOKE, ESQ

23 June 2024

Distinguished Colleagues,

1. In the statement I issued on 21 June 2024, I reported the conclusion of the process which culminated in the release of our colleague Mr. Pius I. Awoke. I also indicated that he was released alongside one Onyia Emmanuel Chinonso, a Computer Science student at the Ebonyi State University, who incidentally is Awoke's first cousin. I now confirm that on Saturday, 22 June 2024, we received both Messrs Awoke and Chinonso from the Department of State Services (DSS).
2. It is instructive to note that, while our efforts were directed at our colleague Mr. Awoke, the DSS decided on its own to release Mr. Chinonso, who from its record is a student and apparently the youngest of those arrested with him, and who have been in detention awaiting trial on a charge of terrorism related offences. From the ruling in the application filed in **FHC/ABJ/CS/735/2022 – Barr. Pius I. Awoke & 9 Ors. v. Federal Government of Nigeria & Anor.**, the Federal High Court affirmed that a *prima facie* case against Awoke and the others was established, in that the allegations made against them were not denied, and consequently dismissed the application for the enforcement of their fundamental right. The Court ordered that Awoke and others be arraigned within 30 days from the date of the Judgment. In the judgement referred above, which was delivered on 14 June 2023, the Federal High Court made the following findings:

“Consequently, it is the finding of this court that the Applicants were arrested and subsequently detained upon reasonable suspicion of having been involved in the terrorist activities of IPOB, the Eastern Security Network and the failed attempt to disrupt the trial of the IPOB leader, Nnamdi Kanu before this Court. It is the further finding of this Court that the Applicants were not tortured or dehumanised and that the 2nd Respondent applied for the order of the Court to further detain the Applicants even though the investigation was not concluded.”

3. The Court went further to hold that:

“The 2nd Respondent has established before this Court that the Applicants belong to the proscribed (IPOB) and the Eastern Security Network operating in the South Eastern States of Nigeria which was not denied by the Applicants. That being the case, I am of the firm opinion that the arrest and detention of the Applicants are necessary before being arraigned before a court of competent jurisdiction in order to prevent them from committing a criminal offence. It is a notorious fact that terrorism is a heinous crime.”

4. While condemning the failure to arraign Awoke with the other Applicants, as ordered by the Court, and the long period of their detention, it is important to state that information available to us reveal that, given the nature of terrorism offences and the general character of defendants being held for trial on such offences (not necessarily our colleague), there was the

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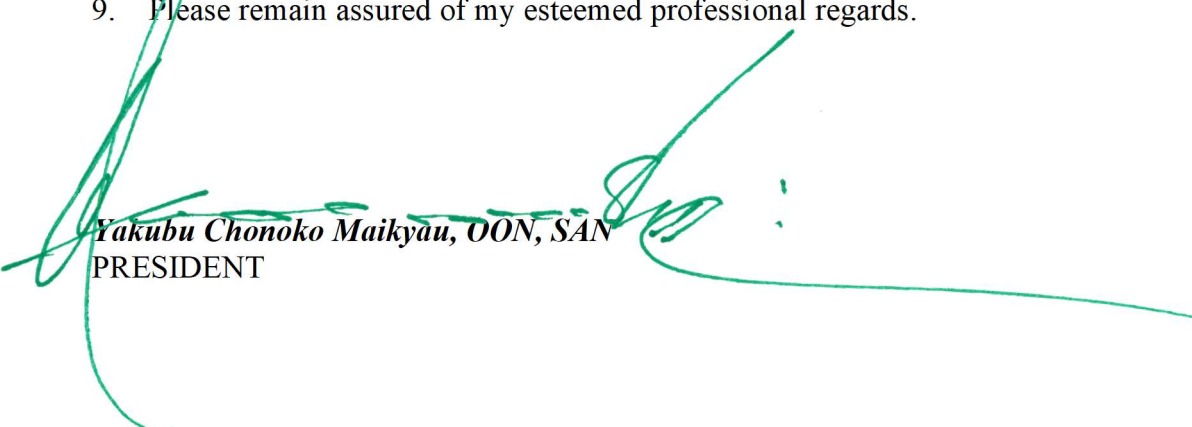
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need for proper structures/facilities for the conduct of proceedings to ensure, amongst other things, the protection of Judges, Lawyers and other law enforcement officers involved, such as prosecutors, investigators and witnesses. Putting these structures and facilities in place, which is not the direct responsibility of the DSS, took a while. The inter-agency participation in the fight against terrorism is equally a contributory factor which militates against speedy disposition of terrorism related cases.

5. These, in all, speak to the serious gaps in the whole gamut of the administration of both Criminal and Civil Justice in Nigeria. These gaps must be addressed by government (Executive, Legislature and the Judiciary) as a matter of urgency, if not emergency, in the interest of the public, without any form of discrimination. Necessary constitutional amendments and other statutory interventions should be considered in the ongoing Constitution amendment exercise.
6. That said, I would like to appreciate the DSS through its Director of Legal Services, who collaborated very closely with us in making the release of our colleague possible. As stated earlier, we sought for Awoke and got Chinonso in addition. I must commend the NBA Security Agencies Relations Committee (NBA-SARC) led by Chukwuka Ikwazom, SAN, who worked with us on this matter; always briefing me on the efforts by SARC of which the DSS Director Legal, is a member. The interventions of other colleagues on several platforms are also hereby acknowledged. All these generated the traction that led to the release of Mr Awoke and Chinonso. I am particularly grateful to the Chairman, NBA Minna Branch – Mohammed Waziri Abdu, who spent weeks working with me to process the release of our colleague. I thank you all!
7. It is important to also put on record that, contrary to the claim circulated on social media, that a letter was addressed to my office since May 2023, I saw that letter for the first time on social media when it was shared a few weeks ago. That letter was never delivered to my office; the Secretariat searched and confirmed this. That claim is therefore false. Notwithstanding, I am pleased with the result we have collectively achieved.
8. On 22 June 2024, I handed over Awoke and Chinonso to Mrs. Uzoma Aneto, former Vice Chairperson of Abakaliki Branch of the NBA, and Kelechi Anwu, Esq, another member of the Branch. Arrangements have been made for them to travel home to reunite with their families. We give God the glory!
9. Please remain assured of my esteemed professional regards.



Yakubu Chonoko Maikyau, OON, SAN
PRESIDENT