

Remedies Upon Arrest / Detention During An Assembly (Protest).

A presentation at the radio program of NULAI Justice Fellowship focusing on Protecting Civic Spaces and the Right to Freedom of Assembly.

Held at the live radio program on the Federal Radio Corporation of Nigeria (FRCN)

On the 15 September 2021

Organized by the Justice Education Nigeria, Action4Justice and the NULAI Nigeria.

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The 37th
SabiLaw
Lecture
Series

REMEDIES UPON ARREST/DETENTION DURING ASSEMBLY

By **ONYEKACHI UMAH, ESQ. LL.M. ACI Arb (UK)**

Lawyer | Arbitrator | Notary Public | Legal Awareness Expert
#SabiLaw #DailyLawTips #SabiLawLectureSeries
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15 SEP. 2021
2:30pm

 @live radio
program on the
Federal Radio
Corporation
of Nigeria (FRCN)

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available on our website
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on rights and laws to your group/organization.

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JUSTICE EDUCATION NIGERIA

A discussion on

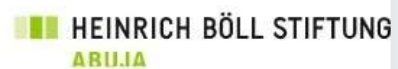
THE RIGHT TO FREEDOM OF ASSEMBLY: ARREST AND DETENTION DURING PROTESTS.



Guest

Mr. Onyekachi Umah
Lawyer, Notary public and Legal Awareness
Expert.

TUNE IN TO KAPITAL FM, 92.9 MHZ
DATE: WED. 15TH SEPTEMBER 2021
TIME: 2:30 PM.





Profile of Onyekachi Umah

- Onyekachi Umah is a Legal Practitioner, Arbitrator, Notary Public and Legal Awareness Expert, with over a decade experience in human rights, criminal law and civil law in Africa. He has published over 820 legal articles in diverse areas of law, delivered over 35 public lectures, anchored over 67 law radio/tv shows and supports several organizations across Africa.
- He holds a Master of Laws; a Master of Business Administration and he is a doctoral degree candidate. He also hold a certificate in Law of Contract from Harvard University. He is an alumnus of the United Nations Institute for Training and Research, Geneva, Switzerland; the United States Institute of Peace, Washington, D.C., USA and the Tekedia Institute, Boston, USA.
- Mr. Umah is the managing partner of a leading law firm; Bezaleel Chambers International and the Executive Director of Sabi Law Foundation (a not-for-profit and non-governmental legal awareness organisation) with the project website; www.LearnNigerianLaws.com.

1. Presentation Plan & Outcome



1. Justification of presentation
2. Establishment of baselines
3. Highlights on the right to hold peaceful assembly
4. Insights on the remedies for persons arrested or detained during peaceful assembly
5. Measurable Expected Outcomes: Participants will understand and explain the rights of persons in Nigeria to peacefully assembly and the remedies where there is an arrest/detention during an assembly. Participants will give examples and explain rights and remedies of persons arrested or detained during an assembly.

2. Justification



1. Nigeria has human rights, however, like any other country, human rights are often violated.
2. There is low literacy level in Nigeria and as such, there is a lower legal literacy rate.
3. The rights of protesters during protest and after protest are unpopular
4. Many arresting officers are not literate and may not respect human rights of their victims
5. Many protesters have been arrested and detained in Nigeria, recently.
6. Nigerians need to understand their rights and remedies, in order to demand justice and rule of law.
7. This event will increase legal awareness on the rights and remedies of protesters in Nigeria.

3. Assumptions



It may be assumed that participants understand the following terms/concepts;

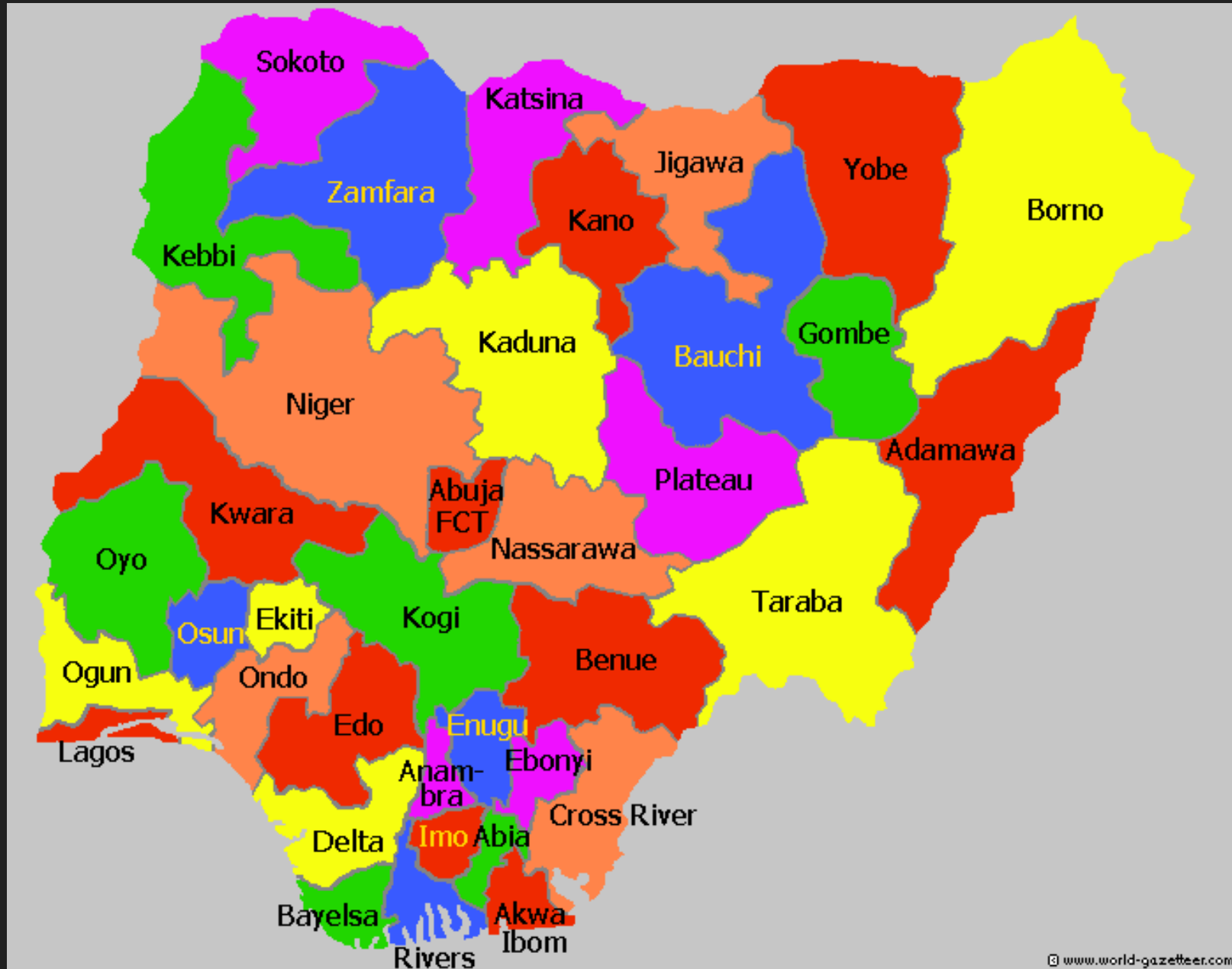
1. Rights
2. Protest
3. Human Rights
4. Human Beings
5. Peaceful Protest
6. The Constitution of Nigeria

4. Facts



1. “Several protesters in Nigeria's city of Lagos were arrested on Saturday after they tried to hold a peaceful rally against the reopening of the Lekki tollgate, where security forces shot at protesters in October, which became the epicentre of the #EndSARS movement.” **African News.com**
2. “For eight months, Nicholas Mbah, an up-and-coming artiste, was illegally detained in Kirikiri Prison, Lagos, for participating #EndSARS protests in October 2020.” **Premium Times**
3. “Arrests come weeks after Africa’s most populous country was rocked by the biggest anti-government protests in decades.” **Aljazera News**

Map of Nigeria. Protest, Arrest, Detention Can be Anywhere Here!



5. Insights on the Right to Peaceful Assembly.

Right to protest and not to protest is open to all persons in Nigeria!

1. Peaceful Assembly & Association
2. Persons Entitled to the Right
3. Protest Consent/Permit & the Public Order Act
4. Unlawful Violation or Lawful Restriction
5. Unpeaceful Assembly (Riot)



6. Arrest & Detention Protocols (1/3)



Suspects have human rights, too!

1. Right to have an arresting officer introduce and identify himself and his team
2. Right to be arrested with only a vehicle with number plate or legal marks
3. Right not to be touched, restrained and handcuffed during arrest, where there is submission of the suspect.
4. Right to be informed of all rights of an arrested/detained person
5. Right to remain silent and not to make any oral or written statement
6. Right to be informed of reasons for arrest and detention in writing and in language of the arrested person with 24 hours.

Arrest & Detention Protocols (2/3)



7. Right to be taken to a police station or any lawful detention center
8. Right to basic needs of life and humane treatment
9. Right to a lawyer of choice and even free legal services
10. Right to have family members contacted for free by the arresting officer/agency
11. Right to list of all items received from the arrested/detained person
12. Right not to be tortured or given cruel treatments
13. Right to freely make complaint and have access to oversight/monitoring systems

Arrest & Detention Protocols (3/3)

14. Right to bail for free even when investigation is not completed
15. Right to be released for free by arresting agency
16. Right to be taken to a court (for arraignment) within 48 hours
17. Right to challenge arrest and detention
18. Right to have access to family members, relatives and loved ones.
19. Right to compensation and public apology from arresting officer/agency for unlawful arrest, detention and treatments therein.



7. Justice for Arrest/Detention During Any Assembly

Wherever there is a RIGHT, there is a REMEDY!

1. Cause of Action
2. Court Options and Remedies
3. Out-of-Court Options and Remedies



8. Recommendations



1. Get to Sabi Law (understand law)
2. Understand your location and its sensitivity
3. Seek protection ahead of protest (and not consent)
4. Have a back-up team outside the protest
5. Alert your lawyers ahead of protest
6. Avoid unfamiliar faces and possessions during protest
7. Search and ensure there are no weapons
8. Speak up early and get media live coverage
9. Gather and keep all evidences

9. Conclusion



“Democracy and rule of law cannot thrive where there are no peaceful protests, after all, not all human beings are morons, all the times. Governments and institutions must respect all human rights (including the right to protest) for the society to organically grow. Also, the society must 'Sabi Law' (understand law) and demand for legal remedies and justice.”

Wednesday, 15 September 2021.

Chez Moi, Abuja.

Thanks to all participants and the organizers of this event for this great opportunity.

Feel free to connect with me to continue this discussion!

Thanks to my awesome team for their support in this work:



IT/140956

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...Know Your Rights

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