

Falana: Kaduna filed new charge against El-Zakzaky, wife to frustrate their release from custody

Written by freezak

Monday, 02 August 2021 07:45 -

Femi Falana, a senior advocate of Nigeria (SAN), says the new charge filed by the Kaduna state government against Ibraheem El-Zakzaky, leader of the Islamic Movement in Nigeria (IMN), and his wife, was hurriedly done to prevent the couple's release from custody.

El-Zakzaky and his wife, Zeenat, were arraigned on an eight-count charge bordering on culpable homicide, unlawful assembly, and disruption of public peace.

The defendants had pleaded not guilty to the charges preferred against them.

They had been in custody since 2015 when members of the IMN, better known as Shi'ites, clashed with soldiers in Zaria, Kaduna.

But while upholding a no-case submission by the defendants on July 28, 2021, Gideon Kurada, the judge handling the matter, ordered the release of the couple.

Days after the court ordered the release of the couple, Dari Bayero, Kaduna director of public prosecution, said the fresh counts filed by the state border on terrorism and treasonable felony against the state and the federal government.

Speaking on the development in a statement on Sunday, Femi Falana, leader of the defence team, said contrary to reports that the charge was filed after the court ordered the couple's release, it had been "hurriedly filed in the federal high court holden at Kaduna on Tuesday, 26th July, in a desperate bid by the Kaduna State government to frustrate the release of the defendants from further incarceration".

"In other words, the new charge was maliciously filed when the Kaduna State Government anticipated that the ruling fixed for July 28 in respect our no case submission would succeed," he said.

Falana: Kaduna filed new charge against El-Zakzaky, wife to frustrate their release from custody

Written by freezak

Monday, 02 August 2021 07:45 -

He said as soon as the new charge was filed, “the bailiff of the federal high court was commanded to rush to the Kaduna correctional centre to serve same on the defendants”.

“But the defendants refused to accept service of the charge and directed the Bailiff to serve it on them through their Counsel. But for reasons best known to the Kaduna State Government, the charge was not served on the defence counsel,” Falana said.

“In apparent disregard of the epochal judgment of the Honourable Justice Gideon Kurada, the Kaduna State Government seeks to subject the defendants to trial under the Terrorism Prevention Act enacted in 2011 for offences that were committed as far back as 2008.

“But since the Kaduna State Government is not sure that the defendants would be convicted for terrorism, the Director of Public Prosecution, Mr. Bayero, has announced that an appeal would be filed at the Court of Appeal against the Ruling of the Honourable Justice Gideon Kadura.”

Falana, however, said the new charge or filing of the appeal would have no effect on release of the defendants.

“Since the new charge has failed to achieve its oppressive objective of frustrating the release of the couple from further incarceration, we call on the Kaduna State Government to discontinue it without any delay,” he added.