

NIGERIA

Releases of political prisoners - questions remain about past human rights violations

On 4 and 23 March 1999 the Nigerian military government announced the release of most of its remaining political prisoners. They included at least 39 prisoners of conscience and possible prisoners of conscience held in connection with alleged coup plots (see appendix for details of releases).

Following the death of former head of state General Sani Abacha on 8 June 1998, the new military government headed by General Abdulsalami Abubakar has gradually released more than 140 political prisoners. Under a new "transition to civil rule" process, elections have been held and a civilian government is due to take over power on 29 May 1999.

At least three political prisoners are believed to remain in prison, two of them held since 1990, and the government has not revoked the military decree which allows for the detention without charge or trial of prisoners of conscience. Other military decrees remain in force which have allowed the imprisonment of prisoners of conscience after unfair political trials. Questions remain about the involvement of government officials in past abuses, including the extrajudicial execution of critics, and the need for accountability and a check on impunity.

The prisoners released in March 1999 had been imprisoned following secret and grossly unfair trials by Special Military Tribunals. The Tribunals were created by military decree, the **Treason and Other Offences (Special Military Tribunal) Decree, No. 1 of 1986**, and appointed directly by the military head of state. Presided over by members of the military government, their judgements had to be confirmed or disallowed by the military government. They denied defendants most rights of defence necessary to conform with international standards for fair trial: defendants were detained incommunicado, in harsh conditions, without access to lawyers until the start of the trial; they were not allowed defence lawyers of their choice but only military lawyers; the trials were conducted almost entirely *in camera*; and there was no right of appeal to a higher or independent court.

Releases of prisoners from the 1998 treason trial

The government ordered the release on 4 March 1999 of eight armed forces officers and six civilians who had been arrested in December 1997 and convicted by a Special Military Tribunal in April 1998 of offences in connection with an alleged plot to overthrow the former government of General Sani Abacha. **Lieutenant-General Oladipo Diya**, deputy head of state to General Abacha, said that he had been deliberately set up and trapped by the authorities. A week before the arrests, he had been the target of a failed assassination attempt, ordered by the government

according to former security officials. Death sentences imposed on General Diya and five others were commuted following the death of General Abacha in June 1998.

Among those released was newspaper editor **Niran Malaolu**, who described his 15-month imprisonment as a “living nightmare”. He was held in solitary confinement throughout his imprisonment, unaware even of the change of head of state until his release, and reported being routinely beaten and kicked in custody. He denied any involvement in a coup plot and it appeared that his imprisonment may have been prompted solely by his contacts with a US embassy official. Also included on the list of those released, marked “posthumous”, was the name of **Lieutenant-Colonel Olu Akinyode**, who died in prison in unexplained circumstances in December 1998.

One prisoner remains in detention from this group. An official said **Lieutenant-Colonel Ibrahim Yakassai**, a medical doctor, was under investigation for giving press interviews from prison. He is reported to have alleged the complicity of former government officials in the unexplained death in custody in December 1997 of prisoner of conscience **retired Major-General Shehu Musa Yar'Adua**, deputy head of state from 1976 to 1979 and a leading political figure in northern Nigeria (see below). However, no charges have been brought against him and the legal status of his continued detention is unclear.

Releases of prisoners from the 1995 treason trials

The remaining 17 prisoners convicted by a Special Military Tribunal in 1995, all armed forces officers, were pardoned and released on 4 March 1999. One of the civilians convicted in 1995 but released earlier was **retired army General Olusegun Obasanjo**, who won the recent presidential election on 27 February 1999. A former head of state from 1976 to 1979, he was sentenced to 15 years' imprisonment in one of a series of treason trials in 1995 but was released with other civilians immediately after the death of General Abacha.

Prisoners released in March 1999 have corroborated reports by prisoners released earlier and by former government officials that the alleged coup plot was a government fabrication used to imprison influential government critics, journalists and other human rights defenders. There has not been any official explanation or investigation into the deaths of two other prisoners of conscience convicted in these trials, General Yar'Adua and **Staff Sergeant Patrick Usikekpo**, who also died in December 1997, reportedly in a prison typhoid epidemic.

Some of the former prisoners have described being tortured and ill-treated in custody. **Colonel Lawan Gwadabe** named police and armed forces officers who reportedly ordered and carried out the torture. He described being suspended by ropes and a pole, in an attempt to coerce a false confession, which resulted in him being paralysed for nearly two months. **Lieutenant-Colonel Martin Azuka Igwe** reported after his release that he continued to suffer partial paralysis as a result of torture and that his health had been damaged by serving three-and-a-half years in an overcrowded cell.

Releases of prisoners from the 1990 treason trials

Following the releases on 4 March 1999, there were protests from local human rights groups at the continued imprisonment of 10 prisoners still detained in connection with a coup attempt in 1990, in which at least one person was killed. This was despite the pardon reportedly granted to two alleged organizers of the coup attempt who had escaped arrest: Great Ovedje Ogboru and Major Saliba D. Mukoro.

On 23 March 1999 the authorities announced the release of eight of the 10 former officers. Six had been sentenced to death, their sentences later commuted to life imprisonment: **Trooper Olajide Adelabu, Trooper Taiwo Fakolade, Warrant Officer II Jomo James, Trooper Christopher Miebi, Sergeant Gatie Ortoo and Lance Corporal Blacky Pullen**. Two had been acquitted but re-detained: **Warrant Officer I Samson Ako Elo and Warrant Officer II Augustine Ogbere**.

However, not released were two retired armed forces officers whose sentences of life imprisonment had been commuted to 10 years' imprisonment: **retired Trooper Innocent Ofem Anang and retired Lance Corporal Lucky Iviero**.

In July and September 1990, 69 armed forces officers were executed after trials by a Special Military Tribunal. The 10 officers named above had been tried and acquitted twice on charges of treason or concealment of treason. They were finally convicted in October 1991 after a third trial when a different member of the military government was made Chairman of the Special Military Tribunal. Seven were sentenced to death, later commuted to life imprisonment; two were sentenced to life imprisonment, later reduced to 10 years' imprisonment; and two were acquitted but remained in detention. In March 1992 the government reportedly pardoned them all, but they were not released. In July 1996 the government said three had been released and eight would be tried by court martial; none were subsequently released or tried. On 23 July 1997 the Federal High Court in Lagos ordered the release of seven of them, in response to a legal challenge to their continued detention, and awarded damages for their unlawful arrest and detention, but the orders were ignored. One of the seven sentenced to death, **retired Warrant Officer David Mukoro**, uncle of Major Saliba Mukoro, reportedly died of tuberculosis in Kirikiri Maximum Security Prison near Lagos on 20 June 1998. There was no official explanation for his death. In October 1998 another civilian relative of one of the alleged organizers of the coup attempt, **Turner Ochuko Oboru**, Great Ogboru's brother, was released. He had been sentenced to life imprisonment after being unfairly tried in 1990, but a 1993 amnesty and a 1994 High Court order for his release had previously been ignored.

The 1984 State Security Decree

The government has not revoked the State Security (Detention of Persons) Decree, No. 2 of 1984, which allows indefinite detention without charge or trial of those deemed to have threatened the security or the economy of the state. It has justified this on the grounds that the decree is not currently being used. On 20 March 1999 the Minister of Justice said that no-one had been newly arrested and detained under Decree 2 since General Abubakar came to power in June 1998 and that no-one was currently detained under the Decree.

His statement was in response to concern expressed in Nigeria that Decree 2 was still being used to prevent the release on bail of detained bank officials, some of them held without trial since 1996. The Minister of Justice said that the decree under which they were detained, the Failed Banks (Recovery of Debts) and Financial Malpractices in Banks Decree, No. 18 of 1994, would be amended to allow release on bail. It has allowed release to await trial only if the accused hands over the money they are charged with misappropriating.

The previous government's involvement in human rights violations

Victims of human rights violations and human rights defenders in Nigeria have raised questions about responsibility for the deaths in custody of political prisoners and for political killings suspected of being extrajudicial executions by government forces. Two journalists who disappeared in 1996 are also feared to have been extrajudicially executed.

Senior security officials arrested following the death of General Abacha are reported to have told an internal military inquiry in 1998, which was investigating embezzlement and other offences, about their involvement in human rights violations. These included the establishment of a hit squad to kill government opponents, the extrajudicial executions of leading opposition critics, in particular **Alfred Rewane** in October 1995 and **Kudirat Abiola** in June 1996, and the framing of defendants in the 1995 and 1998 treason trials. Released prisoners have told the local news media about the torture and ill-treatment of military and civilian defendants in the 1995 and 1998 treason trials. Evidence has also been published in the press of government responsibility for bomb attacks falsely attributed to the opposition, including the attempted assassination of former deputy head of state General Diya shortly before his arrest in December 1997.

However, no charges have been brought against any of the officials identified during the inquiry and the government has said that there will no independent investigations into past human rights violations. There have been calls from victims and human rights groups in Nigeria for those responsible for human rights violations under the previous government to be brought to justice. They have also appealed for the bodies of **Ken Saro-Wiwa** and the eight Ogoni executed with him after unfair political trials in November 1995 -- **Barinem Kiobel**, **Saturday Doobee**, **Paul Levura**, **Nordu Eawo**, **Felix Nuate**, **Daniel Gbokoo**, **John Kpuinen** and **Baribor Bera** -- to be returned to their families and for victims of human rights violations to receive

appropriate compensation. Released prisoners who have spent years in prison after unfair political trials have called for compensation and rehabilitation. Others are in need of medical treatment for ill-health caused by ill-treatment and harsh conditions.

Colleagues and families of two journalists who disappeared in 1996 have also called for an independent inquiry amid fears that they were arrested and extrajudicially executed by government agents. When he went missing some time after January 1996, **Bagauda Kaltho** was Kaduna correspondent for *The News* press group; he was later reported to be in detention in the capital, Abuja. The security police said in August 1998 that he died when prematurely exploding a bomb in Kaduna in January 1996, an accusation strongly denied by his associates. **Chinedu Offoaro**, an economic journalist with the *Guardian* newspaper when he was last seen by his family in May 1996, is feared to have been arrested and killed after being mistaken for a similarly-named journalist who had criticized the authorities.

Recommendations

Amnesty International considers that the cases of remaining political prisoners should be reviewed and any prisoners of conscience among them released. The government should revoke the State Security Decree and other military decrees which allow the imprisonment of prisoners of conscience, which overturn the rule of law and which stop the courts from safeguarding human rights victims. **Victims of human rights violations under the previous military government and human rights defenders in Nigeria have called for thorough investigations into past abuses.** The government should cooperate with appropriate officials of the United Nations Commission on Human Rights, in particular the Special Rapporteur on extrajudicial, summary or arbitrary executions, in the investigation of past human rights violations in order to establish accountability and end impunity.

KEYWORDS: POLITICAL PRISONERS1 / RELEASE1 / MILITARY AS VICTIMS / MILITARY TRIBUNALS / TREASON / EXTRAJUDICIAL EXECUTION

APPENDIX: details of the March 1999 releases/pardons**1. April 1998 treason trial****Granted clemency and released: 14 armed forces officers/civilians who had been convicted and imprisoned:**

Lieutenant-General Donaldson Oladipo Diya
Major-General A. Tajudeen Olanrewaju
Major-General Abdulkarim Adisa
Major Olusegun Fadipe
Adebola Adebajo
Mrs Shola Shoide
Colonel Edwin I. Jando
Isaiah Adebowale
Niran Malaolu
Major Bilyaminu M. Mohammed
Colonel Yakubu Bako
Ojeniyi Ademola
Muktar Maidabino
Lance Corporal Galadima Tanko

2. 1995 treason trials**Pardoned and released: 17 armed forces officers who had been convicted and imprisoned:**

Lieutenant-Colonel G.A. Ajayi
Lieutenant-Colonel (retired) M.A. Ajayi
Major (retired) Akinloye Akinyemi
Colonel Raphael Sixtus Babatunde Bello-Fadile
Lieutenant-Colonel Happy Kefas Bulus
Colonel Roland N. Emokpae
Colonel Lawan Gwadabe
Lieutenant-Colonel M.A. Igwe
Colonel Emmanuel I. Ndubueze
Major E.U. Obalisa
Colonel O. Oloruntoba
Navy Lieutenant A. Olowokere
Lieutenant-Colonel Samuel E. Oyewole
Lieutenant-Colonel R.D. Obiki
Navy Commander L.M.O. Fabiyi
2nd Lieutenant Richard Emouvhe

Navy Captain M.A. Ibrahim

Pardoned: nine people who had already served their prison sentences and been released:

Quinette Lewis-Allagoa (f)
Lieutenant-Colonel S.B. Mepaiyeda
Lieutenant-Colonel V.O. Bamgbose
Major I.O. Edeh
Lieutenant-Colonel C.P. Izuorgu
Lieutenant-Colonel O.E. Nyong
Corporal Godspower Ogbinovia
Captain A.A. Ogunsuyi
Lance Corporal Joseph Onwe

Pardoned: three people who had been declared wanted by the authorities:

Lieutenant-Colonel M.S. Dasuki
Lieutenant-Colonel (retd) Gabriel AA Nyiam
Benson Ikpe

3. 1990 coup attempt

Granted clemency and released: 8 armed forces officers who had been imprisoned:

Trooper Olajide Adelabu
Trooper Taiwo Fakolade
Warrant Officer II Jomo James
Trooper Christopher Miebi
Sergeant Gatie Ortoo
Lance Corporal Blacky Pullen
Warrant Officer I Samson Ako Elo
Warrant Officer II Augustine Ogbere

Pardoned: two people who had been declared wanted by the authorities:

Great Ovedje Ogboru
Major Saliba D. Mukoro