

EXTERNAL

AI Index: AFR 44/04/97

4 February 1997

Further information on UA 299/96 (AFR 44/37/96, 20 December 1996) - Fear of ill-treatment/possible prisoners of conscience

**NIGERIAAyodele Anselm Akele
Dr Frederick Fasheun**

Ayodele Anselm Akele was released without charge on 26 December 1996, after being detained twice in December and held without charge or trial for a few days on both occasions. According to reports, some 17 armed security police officers came to his home to arrest him on 16 December 1996 and he was struck on the head with gun butts before being taken to the Lagos State headquarters of the State Security Service, the security police, in Shangisha, Lagos.

Dr Frederick Fasheun remains in detention, incommunicado and without charge or trial. On 21 January 1997 the Federal High Court in Lagos, in response to a legal application made on behalf of Dr Fasheun, ordered his immediate release on the grounds that his arrest and detention were illegal and an abuse of power. The authorities ignored the order and on 30 January filed a motion at the Federal High Court appealing against it on the grounds that Dr Fasheun was said to be suspected of involvement in recent bomb attacks in Lagos and was detained under security laws which allow him to be held indefinitely. No evidence of his having used or advocated violence was presented to the court.

The date for hearing the state's appeal was not given.

The State Security (Detention of Persons) Decree, No. 2 of 1984, allows the indefinite, incommunicado detention without charge or trial of any person deemed to have threatened the security of the state. There is no legal recourse against such detention; this military decree specifically excludes the jurisdiction of the courts. Following criticism by a UN Secretary-General's mission in 1996, the government promised that security detentions would be subject to review. However, the review is not conducted by an independent, judicial body.

The review panel set up in October 1996 is headed by security officials and conducts its reviews in secret, providing no safeguards for detainees against torture or arbitrary detention.

Government accusations against pro-democracy groups have been strongly denied, but it is feared that the bomb attacks will be used as a pretext to target critics of the government. Police have said that 22 people have been detained in connection with the bomb attacks but have not identified them. In recent weeks, leading pro-democracy activists Chief Olabiyi Durojaiye and Olu Falae have been detained incommunicado and without charge or trial, as well as relatives and employees of retired Lieutenant-General Alani Akinrinade, an exiled leader of a pro-democracy group. For further information see UA 289/96 (AFR 44/36/96, 12 December 1996), UA 11/97 (AFR 44/02/97, 14 January 1997) and UA 35/97 (AFR 44/03/97, 31 January 1997).

FURTHER RECOMMENDED ACTION: Please continue appeals in English or in your own language as follows:

- welcoming the unconditional release of Ayodele Anselm Akele on 26 December 1996 but expressing concern at reports that he was assaulted at the time of his initial arrest by armed officers on 16 December and that he was detained on two occasions without charge or trial, apparently solely on account of his non-violent political activities;

- reiterating concern that Dr Frederick Fasheun may be a prisoner of conscience and again appealing for his immediate release if he is not to be charged immediately with a recognizable criminal offence and brought to trial promptly and fairly;
- continuing to urge that while in detention Dr Fasheun be given immediate access to his family and to lawyers and doctors of his choice.

APPEALS TO:

General Sani Abacha
 Chairman, Provisional Ruling Council
 State House, Abuja, Federal Capital Territory, Nigeria
Faxes: + 234 9 523 2138
Telegrams: General Abacha, Abuja, Nigeria
Salutation: Dear General

Dr Auwalu Hamisu Yadudu
 Special adviser to the Head of State on judicial matters
 State House, Abuja, Federal Capital Territory, Nigeria
Telegrams: Dr Yadudu, State House, Abuja, Nigeria
Salutation: Dear Dr Yadudu

Alhaji Ibrahim Coomasie
 Inspector General of Police
 Nigeria Police Force Headquarters
 Garki, Abuja, Nigeria
Telegrams: Inspector General Police, Abuja, Nigeria
Salutation: Dear Inspector General

COPIES TO:

Chief Tom Ikimi
 Minister of Foreign Affairs
 Ministry of Foreign Affairs, Maputo Street
 PMB 130, Abuja, Federal Capital Territory, Nigeria

The Editor, *Sunday Punch*, PMB 21204, Ikeja, Lagos, Nigeria
 The Editor, *Daily Times*, PMB 21340, Ikeja, Lagos, Nigeria
 The Editor, *Nigerian Tribune*, PO Box 78, Ibadan, Oyo State, Nigeria
 The Editor, *Tempo*, PMB 21531, Ikeja, Lagos, Nigeria

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 March 1997.