

EXTERNAL (for general distribution)

AI Index: AFR 44/06/95
Distr: UA/SC

16 June 1995

Further information on UA 64/95 (AFR 44/01/95, 14 March 1995) and follow-up (AFR 44/03/95, 12 April) - Legal and health concern / Prisoners of conscience / Fear of death penalty

NIGERIA18 armed forces officers and five civilians on trial for treason, including:

Brigadier-General Lawan Gwadabe, 46, GOC 23rd Armoured Brigade
Colonel R.S.B. Bello-Fadile, Director of Legal Services, Defence Headquarters

Lieutenant-Colonel Happy Kefas Bulus, Nigerian Defence Academy, Kaduna
new names: Akinloye Akinyemi, a former Major in military intelligence
Alhaji Sanusi Mato, brother-in-law to Lawan Gwadabe

Uncharged: General (Retd) Olusegun Obasanjo, former head of state
Major-General (Retd) Shehu Musa Yar'Adua, former deputy head of state
Chief A.M. Adisa Akinloye, 78, former Chairman, National Party of Nigeria
Chief Titi Ajanaku (f), former chairperson, Abeokuta North Local Government Council

Shehu Sanni, Vice-Chairman, Campaign for Democracy
Colonel Emmanuel Ndubueze, General Staff, 3rd Armoured Division, Jos
Lieutenant-Colonel I. Shuaibu, Military School, Zaria
and others

Released: Bayo Onanuga, editor-in-chief, The News newspaper group

On 5 June 1995 the treason trial opened in Lagos of 23 people charged with involvement in an alleged coup plot. Amnesty International fears that they may be sentenced to death after secret and grossly unfair trials, and may be hastily executed without right of appeal to a higher or independent jurisdiction. In 1990 a total of 69 officers were executed after such trials, the death sentences not announced until after the executions had taken place.

The government has stated that the trial will end by 30 June, precluding any possibility of serious consideration of the evidence. The defendants were given only until 7 June to examine the charges against them.

Most of the defendants had been detained, incommunicado and without charge since early March, one since January. There have been allegations that the military boards of inquiry which interrogated them found no evidence of the existence of a coup plot. One of the accused, Colonel Bello-Fadile, was reportedly arrested for speaking at a seminar on military law reforms and for antagonizing the military authorities; his work involved reviewing and sometimes overruling court-martial convictions and criticizing government decrees. Akinola Akinyemi, arrested on 2 January, appears to have been detained in connection with the activities of his brother, Bolaji Akinyemi, who is a former Minister of Foreign Affairs and currently a leader of the pro-democracy campaign in exile.

However, as the trial is being held in secret (apart from on the first day when journalists and diplomats were allowed to attend), the press, legal observers and the public are unable to hear the evidence firsthand. The Special Military Tribunal is not independent of government control and cannot guarantee the right to a fair trial, a right to which Nigeria is committed by its own Constitution and international human rights treaties.

The court is headed by a member of the military government (the Provisional Ruling Council) sitting with six other armed forces officers appointed by the government. Established under the Treason and Other Offences (Special Military Tribunal) Decree, No. 1 of 1986, it can try any person, whether military or civilian, on charges of treason or any other offence committed in connection with a rebellion against the government. It may award any penalty prescribed under criminal or military law but is not bound to follow the procedures of civilian or military courts. Its verdicts and sentences have to be confirmed by the military government and there is no right of appeal to any higher and independent court.

It is widely believed that the coup plot was fabricated to justify the execution or detention of government critics, particularly those within the armed forces.

As a member of the consultative Constitutional Conference, Major-General Yar'Adua had played a leading role in its recommendation to the government to hand over to civilians by January 1996; since his detention the Conference has withdrawn this recommendation, reportedly under government pressure. On 13 June 1995 General Obasanjo, who had been under house arrest, was re-detained in military custody; he had previously been taken for interrogation on 30 May, apparently his first interrogation since his arrest on 13 March.

FURTHER RECOMMENDED ACTION: Please send telegrams/faxes/express/airmail letters:

- expressing concern that death sentences may be passed and carried out hastily after the trial by Special Military Tribunal of 23 military and civilian defendants charged with treason;
- expressing concern that the court is not independent of the government and cannot guarantee the right to a fair trial to which Nigeria is committed by its own Constitution and international human rights treaties; - urging that the trial be opened to public scrutiny, that defendants are allowed full rights of defence, including being allowed civilian lawyers of their own choice, appropriate time to prepare their defence and the right of judicial appeal to a higher and independent jurisdiction;
- urging that any death penalties passed by the court be commuted;
- calling for the immediate and unconditional release of all prisoners of conscience and any detainees who are not to be promptly charged and fairly tried according to international standards.

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

Lieutenant-General D. Oladipo Diya
 Vice-Chairman, Provisional Ruling
 Council and Chief of General Staff
 State House
 Abuja, Federal Capital Territory, Nigeria
Telegrams: Lieutenant-General Diya, Abuja, Nigeria
Salutation: Dear Lieutenant-General

Alhaji Aminu Saleh
Secretary to the Government of the Federation of Nigeria
State House
Abuja, Federal Capital Territory, Nigeria
Telegrams: Alhaji Saleh, Abuja, Nigeria
Salutation: Dear Secretary

COPIES OF YOUR APPEALS TO:

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

The Editor, *The News*, PMB 21531, Ikeja, Lagos, Nigeria
The Editor, *Tell*, PMB 21749, Ikeja, Lagos, Nigeria
The Editor, *Abuja Times*, Daily Times Publications, Abuja, Federal Capital
Territory, Nigeria
The Editor, *Vanguard*, PMB 1007, Apapa, Lagos, Nigeria
The Editor, *Nigerian Observer*, PMB 1334, Benin City, Edo State, Nigeria
The Editor, *Nigerian Tribune*, POB 78, Ibadan, Oyo State, Nigeria

and to diplomatic representatives of NIGERIA accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 30 July 1995.