

EXTERNAL

AI Index: AFR 44/27/97

UA 387/97 Death in custody / Prisoner of conscience /
Medical concern / Fear of ill-treatment

9 December 1997

NIGERIA Alhaji Shehu Musa Yar'Adua, 54, former Chief of Staff and Vice-Chairman
of the ruling Supreme Military Council 1976-79

One of Nigeria's most prominent prisoners of conscience, retired Major-General Shehu Musa Yar'Adua, has died in custody. His death, on 8 December 1997, has heightened concern for the health and safety of fellow political prisoners who continue to be held in harsh and life-threatening conditions.

Traditional rulers in Shehu Musa Yar'Adua's town of origin, Katsina in northern Nigeria, announced on 9 December that he had died after a short illness. He was imprisoned in Enugu, southeast Nigeria, and was reportedly taken more than 500 kilometres to a government hospital in Ibadan, southwest Nigeria, where he died.

Shehu Musa Yar'Adua was one of more than 40 people, including former head of state retired General Olusegun Obasanjo, and human rights activists and journalists, who were convicted of treason in 1995 after grossly unfair trials. They were secretly tried by a Special Military Tribunal headed by a member of the military government. They were denied practically all rights of defence, and state witnesses were reportedly coerced under torture to testify against Generals Obasanjo and Yar'Adua, whose political influence the government feared. The defendants were accused of plotting to overthrow the government although no convincing evidence of such a plot has ever been produced. Shehu Musa Yar'Adua was one of 14 defendants who were sentenced to death by the Tribunal in July 1995. His sentence was later commuted to 25 years' imprisonment.

Several prisoners from this group have suffered serious ill-health as a result of medical neglect and malnutrition in prisons far from their homes, allowed only brief and occasional visits from relatives under close surveillance. Medical facilities are non-existent at most prisons and very poor at many hospitals in Nigeria. Enugu prison is more than 650 kilometres from Shehu Musa Yar'Adua's home in Kaduna, northern Nigeria. Earlier in 1997, his family reported that his conditions of detention were harsh and that he had been made to do menial work in the prison in an attempt to break his spirit.

BACKGROUND INFORMATION

Shehu Musa Yar'Adua was perceived as a serious political threat to the current military government's "transition to civil rule" which seems likely, however, to result in continued military control of the government. He was deputy head of state in the only military government in Nigeria to have handed over power to a civilian government. He was a presidential candidate in the 1987-1993 "transition to civil rule", before he was banned from involvement in the transition -- with all other former officials and politicians -- by the then military government. After the military aborted that "transition to civil rule" by annulling the results of the June 1993 presidential election, he was briefly detained in February 1994 as one of the first political prisoners under the current military government which seized power in November 1993.

As an elected member of a part-elected Constitutional Conference in 1994/5, he led a group of Conference delegates who pushed through a motion that the military should hand over power to a civilian government within a year; following his arrest for treason in March 1995, the Conference withdrew the motion under

pressure from the military. The recommendations of the Conference and the draft Constitution which is due to come into force in October 1998, under the current "transition to civil rule", have not been made public.

RECOMMENDED ACTION: Please send telegrams/express/airmail letters in English or your own language:

- calling for a prompt, thorough and impartial inquiry into the death in custody of prisoner of conscience Alhaji Shehu Musa Yar'Adua, with full representation for his family, with a view to establishing the exact cause of death;
- urging that all political prisoners, including those convicted in the 1995 treason trials, be held in conditions which conform to international standards for the treatment of prisoners, that they be given appropriate medical care and immediate access to doctors of their own choice, as well as full access to their lawyers, in accordance with international human rights standards.

APPEALS TO:

General Sani Abacha
 Chairman, Provisional Ruling Council
 State House, Abuja, Federal Capital Territory, Nigeria
Telegrams: General Abacha, Abuja, Nigeria
Salutation: Dear General

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

Dr Bukar Usman
 Director General, Special Services Office
 State House, Abuja, Federal Capital Territory, Nigeria
Telegrams: Dr Usman, State House, Abuja, Nigeria
Salutation: Dear Dr Usman

COPIES TO:

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

Mr Justice P.K. Nwokedi, Chairman
 National Human Rights Commission
 National Assembly Complex, Maitama
 PMB 444, Garki
 Abuja, Federal Capital Territory, Nigeria

The Editor, *The Democrat*, POB 4457, Kaduna South, Kaduna State, Nigeria
 The Editor, *Daily Sketch*, PMB 5067, Ibadan, Oyo State, Nigeria
 The Editor, *Nigerian Tribune*, PO Box 78, Ibadan, Oyo State, Nigeria
 The Editor, *Daily Times*, PMB 21340, Ikeja, Lagos, Nigeria
 The Editor, *New Nigerian*, PO Box 254, Kaduna, 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 January 1998.