

EXTERNAL

AI Index: AFR 44/39/95

12 December 1995

Further information on UA 219/95 (AFR 44/19/95, 15 September 1995) and follow-up (AFR 44/36/95, 24 November) - Death in detention / Health concern / Legal concern / Fear of execution after unfair trial

NIGERIAAt least 16 supporters of the Movement for the Survival of the Ogoni People (MOSOP) detained since mid-1994:

Elijah BAADOM, John BANATU, Kagbara BASSEH, Israel BLESSING, Friday GBURUMA, Paul DEEKOR, Godwin GBODOO, Adam KAAAN, Bariture LEBEE, Nyieda NASIKPO, Sampson NTIGNEE, Nwinbari Abere PAPA, Pogbara ZORZOR, Samuel ASIGHA, Barbina VISOR, Benjamin KABARI;

And three others detained in October 1995:

Taagalo MONSI, Baribuma KUMANWE, Ngbaa BAOVI

Amnesty International now understands that at least 19 Ogoni activists have been charged with murder in connection with the May 1994 killings of four Ogoni leaders. Due to be tried before a Special Civil Disturbances Tribunal outside the normal judicial process, Amnesty International fears that the 19 could be unfairly tried, sentenced to death and executed without right of appeal to a higher court. On 10 November, Ken Saro-Wiwa and eight other Ogoni activists were executed shortly after trial before a Special Civil Disturbances Tribunal in connection with the May 1994 killings.

Following an appeal by the lawyers of the 19 detainees, the Federal High Court in Lagos is reported to have ordered the Nigerian Government to suspend proceedings until 12 February 1996, so that it can rule on the constitutionality of the special tribunal. The Nigerian authorities have often ignored such court rulings in the past.

Sixteen of those charged were arrested in mid-1994 during a wave of arrests of MOSOP supporters following the murder of four Ogoni leaders in May 1994. They were detained incommunicado and without charge until June 1995, when they were brought before a Magistrate's Court in Port Harcourt on a "holding charge". In June 1995 they were transferred from detention in police cells in Port Harcourt to Port Harcourt prison. A charge sheet dated 20 September 1995 charging them on four counts of murder was signed by the Federal Attorney-General and Minister of Justice, Hon Chief MA Agbamuche.

A further three men, Taagalo Monsi, Baribuma Kumanwe and Ngbaa Baovi, were reportedly arrested on 24 October 1995 and taken to Port Harcourt prison. They too were charged with four counts of murder in the charge sheet of 20 September, despite the fact that they had not yet apparently been arrested. A fourth man reportedly arrested on 24 October has not been charged and is believed to have been released.

The Ogoni detainees have been held in harsh and insanitary conditions in military custody and denied all proper medical treatment. This situation appears to have contributed to the death of a co-detainee, Clement Tusima, on or around 14 August 1995, apparently after months of medical neglect. Conditions in Nigeria's prisons are also very poor, with high rates of malnutrition, disease and death from insanitary conditions, inadequate food and practically no medical care. (See original Urgent Action of 15 September for further information).

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

- urging the release of at least 19 Ogoni activists (use the names given above) unless they are to be tried promptly and fairly with full rights of defence and without imposition of the death penalty;
- seeking clarification of the legal status of the prisoners;
- seeking assurances that the prisoners are being safeguarded from ill-treatment, health-threatening prison conditions and are being granted full access to lawyers, medical care and family visits;
- asking whether an inquiry has been held into the death in detention of Clement Tusima and requesting that the results of any inquiry be made public.

APPEALS TO:

General Sani Abacha
 Chairman, Provisional Ruling Council
 State House
 Abuja, Federal Capital Territory, Nigeria
Telegrams: General Abacha, Ajuba, Nigeria
Faxes: +234 9 523 2138
Telexes: (0905) 91529 or 91530 EXTNAL NG
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

COPIES 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, *Vanguard*, PMB 1007, Apapa, Lagos, Nigeria
 The Editor, *The Guardian*, PMB 1217, Oshodi, Lagos, Nigeria
 The Editor, *Nigerian Tide*, PMB 5072, Port Harcourt, Rivers 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 January 1996.