

EXTERNAL

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EXTRA 131/96

Fear of ill-treatment / possible
prisoner of conscience

15 August 1996

NIGERIA Bayo Onanuga, senior editor with *The News* newspaper group

Fears that Bayo Onanuga, a senior editor with *The News* newspaper group, may be ill-treated in custody have been heightened by reports that Babafemi Ojudu, also a senior editor at the group who was released on 13 August 1996, has required hospital treatment as a result of ill-treatment. Bayo Onanuga is believed to be held by the State Security Service (SSS), the security police, at their Lagos headquarters in Shangisha.

No official reason has been given for the arrest of the two men at their offices on 12 August but it may have been in connection with articles critical of the government published by the press group. *The News* magazine has published articles recently about the powerful position of the head of state's wife and the Minister of Petroleum Resources.

Bayo Onanuga has not been charged with any offence but may be detained under the State Security (Detention of Persons) Decree, No 2 of 1984. This provides for the indefinite incommunicado detention without charge or trial of any person deemed to have threatened the security or the economy of the state. Although the government announced on 12 June 1996 that it had restored *habeas corpus* by revoking a 1994 amendment to Decree 2 which had specifically prohibited the courts from ordering detainees to be produced before them, in practice the government has continued to ignore such orders. Even unamended, Decree 2 still contains a clause prohibiting any legal proceedings against the government for action taken under the Decree or any court action to challenge any detention, whether by writ of *habeas corpus* or any other legal action to uphold the fundamental rights guaranteed by the Constitution.

BACKGROUND INFORMATION

Bayo Onanuga has been detained as a prisoner of conscience on several previous occasions. In March 1993 he and four journalists on *The News* magazine were detained for a week before being released on bail by the Court of Appeal because their detention was illegal. He was detained twice in September 1994 and reportedly charged for alleging that officials had destroyed defence evidence in the libel case by 10 Supreme Court judges against a newspaper belonging to the imprisoned winner of the 1993 presidential elections, Moshood Abiola.

Neither of these cases is known to have proceeded. In March 1995 he was detained without charge or trial for two weeks after *The News* press group published information about a serious outbreak of meningitis shortly before the International Federation of Football Association (FIFA) transferred the world youth championships from Nigeria on health grounds. Most recently, he and four colleagues were arrested on 19 June 1996, reportedly for questioning about an article in connection with the assassination of Kudirat Abiola, wife of Moshood Abiola.

Babafemi Ojudu has also previously been detained as a prisoner of conscience.

He was detained without charge or trial for 10 days in July 1995, and later said that he had been beaten, deprived of medical care and regular food, and held in airless cell.

Political prisoners in Nigeria have been subjected to torture or ill-treatment, including severe beatings and serious medical neglect. They have frequently

been held in harsh conditions in police cells and prisons amounting to cruel, inhuman and degrading treatment. Detainees have reportedly been deprived of food and water for several days following arrest, and there is a high death rate in prisons from malnutrition and medical neglect.

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

- expressing concern at the arrest on 12 July 1996 of newspaper editors Babafemi Ojudu and Bayo Onanuga, and the continued detention without charge of Bayo Onanuga;
- asking to be informed of the reasons for these arrests and the continued detention of Bayo Onanuga and expressing concern that they may have been arrested for the non-violent expression of their political views;
- expressing concern at reports that Babafemi Ojudu required hospital treatment as a result of ill-treatment in detention;
- appealing for Bayo Onanuga to be held in conditions which conform to international standards for prison conditions and safeguarded from ill-treatment;
- urging that Bayo Onanuga be allowed full and immediate access to his lawyer, family and appropriate medical care;
- calling for his immediate release unless he is to be charged promptly with a recognizably criminal offence and fairly tried according to international standards for fair trial.

APPEALS TO:

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

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

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

COPIES TO:

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

The Editor, *The News*, PMB 21531, Ijeka, Lagos, Nigeria
 The Editor, *National Concord*, PO Box 4483, Ikeja, Lagos, Nigeria
 The Editor, *The Punch*, PMB 21204, Ikeja, Lagos, Nigeria
 The Editor, *Newswatch*, PMB 21499, Ikeja, Lagos, 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 20 September 1996.