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# NIGERIA

## Time to End Contempt for Human Rights

### INTRODUCTION

The present military government in Nigeria has a record of open contempt for human rights. A year ago it executed Ken Saro-Wiwa and eight other supporters of the Movement for the Survival of the Ogoni People (MOSOP) after grossly unfair trials, prompting widespread international condemnation. As the first anniversary of their execution draws near, little has changed. The government continues to violate the human rights of its critics, including opposition politicians, journalists, human rights activists, and members of the Ogoni ethnic group. The authorities continue to resort to arbitrary detention of prisoners of conscience, ignoring court orders whenever it suits them; political prisoners continue to face the prospect of unfair trials by special tribunals which have the power to impose the death sentence; detainees continue to be denied access to lawyers, families and essential medical treatment; there continue to be allegations of extrajudicial executions by Nigerian law enforcement officials. On 4 June 1996, Alhaja Kudirat Abiola, senior wife of the man who won the aborted presidential election in June 1993, Chief Moshood Abiola, was murdered in Lagos in circumstances that led many to fear that her assassination may have been carried out by government agents acting with or without the knowledge of the central authorities. The government has failed to initiate an immediate, thorough and impartial investigation into the killing.

The outlook for human rights in Nigeria leaves many observers with a depressing sense of *déjà vu*. Are Nigerians destined forever to suffer governments which have little regard for the rule of law and which fail to introduce safeguards to ensure respect for their human rights? Is the international community prepared indefinitely to tolerate such a situation in a country which is crucial to the future stability of the wider West Africa region? Surely the time has come to break with the past by ending contempt for human rights in Nigeria.

The present military government, led by General Sani Abacha, seized power in November 1993 after his predecessor, General Ibrahim Babangida, had annulled the results of the presidential election which was intended to complete the transition to civilian rule under General Ibrahim Babangida. Chief Moshood Abiola, the winner of that election, has been detained by the military authorities since June 1994 on politically-motivated charges of treason and treasonable felony. The present military government has announced that it will hand over power to a civilian government by the end of October 1998. Domestic critics of the government claim that the latest transition to civilian rule is a sham, arguing that local government elections which took place during 1996 were neither free nor fair. They also point to recent military decrees which empower the government to harass and detain those who criticize the transition process.

Without the urgent establishment of respect for human rights in Nigeria, the transition to civilian rule should be viewed with deep scepticism by the international community. Partial and piece-meal measures of human rights reform and the release of a small number of prisoners of conscience after prolonged periods of arbitrary detention, such as those announced by the Nigerian authorities following the visit of a United Nations (UN) Mission to Nigeria in April 1996, are not enough. What is required is the immediate and unconditional release of all prisoners of conscience and the urgent implementation of a comprehensive and far-reaching program of human rights reform.

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For its part, the international community, including transnational companies with significant investments in Nigeria, has a continuing responsibility to do all it can to ensure that respect for human rights is established in Nigeria. To discharge that responsibility, governments should agree common and specific human rights measures which the Nigerian authorities should implement without delay. Transnational companies should affirm their support for the Universal Declaration of Human Rights and show through concrete actions in Nigeria that they accept that they have a responsibility under the declaration to uphold human rights.

This report begins with an audit of the human rights record of the present Nigerian government. It demonstrates the ways in which the government has failed to meet international human rights standards with regard to specific cases or categories of human rights violations covered by Amnesty International's mandate. Nigeria's human rights record since November 1993 is measured primarily in terms of its legal obligations under the International Covenant on Civil and Political Rights (ICCPR) and the African Charter on Human and Peoples' Rights (ACHPR), both of which Nigeria has ratified. Also cited is the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), which Nigeria signed in 1988 but has not yet ratified.

The report then sets out Amnesty International's *10-point program for human rights reform in Nigeria*. Amnesty International calls upon the present Nigerian government to adopt and implement this program in order to establish respect for human rights.

Finally, the report reviews the recent role of the international community with regard to human rights in Nigeria and the response of the Nigerian government. It then sets out the steps that governments and transnational companies with significant investments in Nigeria should urgently take to discharge their responsibility to do all they can to end contempt for human rights in Nigeria.

## **INTERNATIONAL HUMAN RIGHTS STANDARDS VIOLATED BY THE PRESENT NIGERIAN GOVERNMENT**

**Key: ICCPR = International Covenant on Civil and Political Rights  
ACHPR = African Charter on Human and Peoples' Rights**

### **1 Secret treason trials, 1995**

The detention and trial by a secret Special Military Tribunal in 1995 of people alleged to have been involved in a plot to overthrow the government led to 43 people being convicted of treason and related offences. Among them were human rights and pro-democracy activists such as former Head of State, retired General Olusegun Obasanjo and his former Deputy, retired Major-General Shehu Musa Yar'Adua. Sentenced to life imprisonment and death respectively, their sentences were later commuted to 15 and 25 years' imprisonment. Also imprisoned for long prison terms on charges of being an accessory to treason or concealment of treason were the renowned human rights defender Dr Beko Ransome-Kuti, Chairman of the Campaign for Democracy; Shehu Sani, Vice-Chairman of the Campaign for Democracy; and four journalists, Chris Anyanwu, Kunle Ajibade, George Mbah and Ben Charles Obi. Amnesty International believes that all are prisoners of conscience, imprisoned solely in order to end their criticism of the present military government.

Finally, there are the cases of Rebecca Onyabi Ikpe, sister-in-law of another alleged coup-plotter, Colonel RSB Bello-Fadile, and his lawyer, Navy Commander LMO Fabiyi. Bello-Fadile was convicted of treason and conspiracy and sentenced to death, later commuted to life imprisonment. Rebecca Onyabi Ikpe and Commander Fabiyi were charged with being accessories after the fact to treason for allegedly passing Colonel Bello-Fadile's defence submission to others. These were clearly politically-motivated charges aimed at preventing the public exposure of grave miscarriages of justice. Both Rebecca Ikpe and Commander Fabiyi were sentenced to life imprisonment, later commuted to 15 years. Another relative of a political prisoner who has suffered a similar fate is Sanusi Mato [for further details of these detentions and trials, see Amnesty International's October 1995 report, *Nigeria: A Travesty of Justice. Secret Treason Trials and Other Concerns*, AI Index: AFR 44/23/95].

These detentions and trials violated the following international human rights standards, including treaty obligations:

- a) By failing promptly to inform the defendants of the substance of the charges against them, so that they knew exactly what actions they were alleged to have committed and in what way these acts were unlawful - **Articles 9(2) and 14(3)(a) of the ICCPR; Article 7 of the ACHPR**
  
- c) By the refusal to allow the defendants to be represented by lawyers of their own choice - **Article 14(3)(d) of the ICCPR; Article 7(c) of the ACHPR**

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- d) By trying the defendants before a court which was neither competent, independent or impartial - **Article 14(1) of the ICCPR; Articles 3 and 7 of the ACHPR**
- e) By denying defendants the right to be tried in ordinary courts or tribunals using established procedures - **Principle 5 of the UN Basic Principles on the Independence of the Judiciary**
- f) By failing to provide for proper and prompt medical examination - **Articles 7 and 10 (1) of the ICCPR; Article 5 of the ACHPR; Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Rule 91 of the UN Standard Minimum Rules for the Treatment of Prisoners**
- g) By failing to address serious allegations that prosecution statements were obtained under torture, duress and improper inducement - **Articles 7, 10(1) and 14(3)(g) of the ICCPR; Articles 12, 13 and 15 of the UN Convention against Torture; Articles 3, 4, 5 and 6 of the ACHPR**
- h) By refusing to allow for the courts to order the production of detainees before them, including by writ of *habeas corpus* - **Article 9(4) of the ICCPR; Articles 6 and 7(1) of the ACHPR**
- i) By not allowing defendants sufficient time or facilities to prepare their defence properly - **Article 14(3)(b) of the ICCPR; Article 7(c) of the ACHPR**
- j) By refusing defendants the right of appeal to a higher and independent judicial body - **Article 14(5) of the ICCPR; Article 7(1)(a) of the ACHPR**

In addition, several of those tried and convicted by Special Military Tribunal were not military personnel. The Human Rights Committee, which monitors compliance with the provisions of the ICCPR, has stated that “military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties” (**UN Doc. CCPR/C/79/Add. 3, paragraph 9, 9 August 1993 (Comment on report of Egypt)**).

## **2 Trials and executions of Ogoni activists, 1995**

The President of the Movement for the Survival of the Ogoni People (MOSOP), Ken Saro-Wiwa, and eight other MOSOP supporters, were executed on 10 November 1995 in defiance of the international community, following growing concern that their trials had been grossly unfair and politically-motivated. The nine executed were: Ken Saro-Wiwa; Barinem Kiobel; Saturday Doobee; Paul Levura; Nordu Eawo; Felix Nuate; Daniel Gbokoo; John Kpuinen; Baribor Bera [for further details of these trials, see Amnesty International’s September 1995 report, *Nigeria: The Ogoni Trials and Detentions*, AI Index: AFR 44/20/95].

In carrying out these gross miscarriages of justice, the present Nigerian government violated the following international human rights standards, including treaty obligations:

- a) By arbitrarily arresting and detaining them for up to eight months without charge - **Article 9(1) of the ICCPR; Article 6 of the ACHPR**

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- b) By failing to address serious allegations that prosecution statements were obtained under torture, duress and improper inducement - **Articles 7, 10(1) and 14(3)(g) of the ICCPR; Articles 12, 13 and 15 of the UN Convention against Torture; Articles 3,4,5 and 6 of the ACHPR**
- c) By refusing to allow for the courts to order the production of detainees before them, including by writ of *habeas corpus* - **Article 9(4) of the ICCPR; Articles 6 and 7(1) of the ACHPR**
- d) By trying the defendants before a court which was neither competent, independent nor impartial - **Article 14(1) of the ICCPR; Articles 3 and 7 of the ACHPR**
- e) By denying defendants the right to be tried in ordinary courts or tribunals using established procedures - **Principle 5 of the UN Basic Principles on the Independence of the Judiciary**
- f) By failing to provide for proper and prompt medical examination - **Articles 7 and 10 (1) of the ICCPR; Article 5 of the ACHPR; Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Rule 91 of the UN Standard Minimum Rules for the Treatment of Prisoners**
- g) By not allowing defendants sufficient time or facilities to prepare their defence properly in communication with counsel of their own choosing - **Article 14(3)(b) of the ICCPR; Article 7(1)(d) of the ACHPR**
- h) By conducting two trials simultaneously before the same tribunal on the basis of almost identical indictments and prosecution statements, thereby compromising the independence and impartiality of that tribunal - **Article 14 of the ICCPR**
- i) By refusing defendants the right of appeal to a higher and independent judicial body - **Article 14(5) of the ICCPR; Article 7(1)(a) of the ACHPR**
- j) By imposing the death penalty without establishing guilt based upon clear and convincing evidence leaving no room for an alternative explanation of the facts and pursuant to a final judgement rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial and which allows the right of appeal to a court of higher jurisdiction - **UN Economic and Social Council safeguards guaranteeing protection of the rights of those facing the death penalty**

### **319 Ogoni prisoners still held without trial**

At least 19 Ogoni prisoners are currently facing the prospect of being tried on identical charges before the same Civil Disturbances Special Tribunal which sentenced Ken Saro-Wiwa and eight others to death in 1995 after grossly unfair trials. Most of them have been in detention since mid-1994. Charges were formally lodged in September 1995. The 19 Ogoni prisoners are: Samuel Asigha, John Banatu, Ngbaa Baovi, Kagbara Basse, Paul Deekor, Michael Doghala,

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Godwin Gbodor, Friday Gburuma, Blessing Israel, Adam Kaa, Benjamin Kabari, Baribuma Kumanwee, Baritule Lebe, Taaghalo Monsi, Nyieda Nasikpo, Sampson Ntignee, Nwinbari Abere Papah, Babina Vizor and Pop-Gbara Zor-Zor.

In May 1996 the Nigerian government announced measures to reform Civil Disturbances Special Tribunals. These reforms fall well short of what is required to bring these tribunals into line with international fair trial standards. Moreover, whatever final form the judicial process involving the 19 Ogoni prisoners takes, the Nigerian authorities have already violated the following international human rights standards, including treaty obligations, in the detention and pre-trial phases:

a) By arbitrarily arresting and detaining them for a prolonged period - **Article 9(1) of the ICCPR; Article 6 of the ACHPR**

b) By failing to bring them to trial within a reasonable time - **Article 9(3) of the ICCPR; Article 7(1)(d) of the ACHPR**

c) By refusing to allow for the courts to order the production of detainees before them, including by writ of *habeas corpus* - **Article 9(4) of the ICCPR; Article 6 of the ACHPR**

d) By not allowing defendants sufficient time or facilities to prepare their defence properly in communication with counsel of their own choosing - **Article 14(3)(b) of the ICCPR; Article 7(1)(d) of the ACHPR**

e) By subjecting them to life-threatening prison conditions and failing to provide for proper and prompt medical examination - **Articles 7 and 10 of the ICCPR; Article 5 of the ACHPR; Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Rule 91 of the UN Standard Minimum Rules for the Treatment of Prisoners**

f) By failing to provide for a thorough and impartial investigation into the death in detention of Clement Tusima in August 1995, who was due to be tried along with the 19 surviving Ogoni prisoners - **Principle 34 of the UN body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment**

#### **4 Detentions of other prisoners of conscience, including human rights activists**

Many human rights activists have been detained without charge or trial by the present Nigerian government as prisoners of conscience. Most have been held in harsh prison conditions, often being denied access to essential medical treatment. Those detained without charge or trial include Olatunji Abayomi, head of Human Rights Africa, Chima Ubani, General Secretary of Democratic Alternative and Abdul Oroh, Executive Director of the Civil Liberties Organisation (CLO). The three men were arrested in 1995 at the time of the secret treason trials which led to 43 people being convicted.

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Also detained without charge or trial are two trade unionists. Frank Kokori, General Secretary of the National Union of Petroleum and Natural Gas Workers (NUPENG), was detained in 1994, and Milton Dabibi, General Secretary of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), in 1996, after being involved in 1994 in the two month oil workers' strikes against the imprisonment of Moshood Abiola and continued military rule.

Between December 1995 and May 1996, a large number of human rights activists were detained solely in connection with their legitimate activities in defence of human rights. They included: Chief Gani Fawehinmi, lawyer and leader of the National Conscience Party; Femi Aborisade, Director of Organization of the NCP; five leading members of the NCP in the north, namely Biodun Olamosu, Taiye Babalola, Biodun Odemeyi, Baba Ramota and Samibonu; Femi Falana, lawyer and President of the National Association of Democratic Lawyers; three student leaders of Obafemi Awolowo University, Ife, namely Anthony Fasayo, Demola Yaya and one other; and Nosa Igiebor, Editor-in-Chief of the independent *Tell* magazine. Also in June 1996, Nnimmo Bassey of Environmental Rights Action and the CLO was detained.

Other prisoners of conscience who have been detained are: Ayo Opadokun, Secretary General of the National Democratic Coalition (NADECO), who was arrested in October 1994 and has been detained without charge or trial since that date; and Chief Moshood Abiola, the winner of the aborted presidential election of June 1993, who was arrested in June 1994 after declaring himself president and calling upon the present military government to stand down. In the following month, he was charged with treason and treasonable felony, both of which Amnesty International believe to be politically-motivated charges. Treason is a capital offence; treasonable felony is punishable by life imprisonment. He has not yet been brought to trial. Frederick Eno, a personal aide to Moshood Abiola, was arrested in August 1994. Ayo Adebajo, Ganiyu Dawodu and Abraham Adesanya, three senior members of NADECO, were detained for political reasons in June 1996 following the murder of Alhaja Kudirat Abiola. In July 1996, the Nigerian authorities ignored an order by the Federal High Court, Lagos, for the immediate release of Ayo Adebajo, Ganiyu Dawodu and Abraham Adesanya and for payment of compensation for their unlawful detention.

Some of those named above - for example, Olatunji Abayomi, Abdul Oroh, Frederick Eno, Nosa Igiebor, Nnimmo Bassey - have been released during the course of 1996. Nevertheless, by detaining such prisoners of conscience, including many human rights activists, the Nigerian authorities violated the following international human rights standards, including legal obligations:

a) By arbitrarily arresting and detaining them for prolonged periods - **Article 9(1) of the ICCPR; Article 6 of the ACHPR**

b) By refusing to allow the courts to order the production of detainees before them, including by writ of *habeas corpus* - **Article 9(4) of the ICCPR; Articles 6 and 7(1) of the ACHPR**

c) By denying them access to their lawyers - **Article 14(3)(b) of the ICCPR; Article 7(c) of the ACHPR**

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d) By denying or restricting access to essential medical treatment for those who require it - **Articles 7 and 10(1) of the ICCPR; Article 5 of the ACHPR; Principle 24 of the UN Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment; Rule 91 of the UN Standard Minimum Rules for the Treatment of Prisoners**

## **5 Robbery and Firearms Tribunals**

The number of executions dramatically increased after the November 1993 coup and the resultant replacement of elected civilian State Governors in Nigeria's 30 states by military administrators. At least 200 criminal prisoners have been executed since that date, many of them in public, following trials on charges of armed robbery by Robbery and Firearms Tribunals. For example, in July 1995, 43 prisoners were executed by firing-squad before a crowd of a thousand spectators in Lagos.

The Robbery and Firearms Tribunals do not allow the right of appeal against conviction to a court of higher jurisdiction. In failing to do so, the Robbery and Firearms Tribunals violate **Article 14(5) of the ICCPR** and **Article 7(a) of the ACHPR**. They also contravene the **UN Economic and Social Council Safeguards guaranteeing protection of the rights of those facing the death penalty**.

## **6 Alleged extrajudicial executions by the Nigerian security forces**

There have been a number of reports of extrajudicial executions of unarmed civilians by members of the Nigerian security forces since the present government took power.

At least 50 Ogoni are reported to have been killed and many wounded by the security forces in late May and June 1994 when soldiers attacked towns and villages in Ogoniland. Troops apparently fired at random killing several, and also reportedly killed others deliberately. They are also reported to have assaulted and raped civilians and to have destroyed homes. For example, the twin villages of Uegwere and Bo-ue were reportedly attacked at night several times between 4 and 9 June 1994. Ten people, including a 10-year old boy, were reportedly killed. In January 1996, there were reports that at least two boys had been shot and killed during demonstrations in Ogoniland.

Dozens of unarmed people were also reportedly killed by police during pro-democracy demonstrations in 1993 and 1994.

In June 1996, Alhaja Kudirat Abiola, the senior wife of Chief Moshood Abiola was shot and killed in Lagos in circumstances which led some to allege that her killers were acting on behalf of the state. Kudirat Abiola had long waged a campaign for the release of her husband. Her death confirmed a growing trend of physical attacks on supporters of the political opposition in Nigeria. For example, Chief Alfred Rewane, a financial backer of NADECO, was shot dead by gunmen at his home in November 1995. Police investigations have produced no results so far.

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If alleged extrajudicial executions by Nigerian military and security officials were confirmed, the present Nigerian government would have violated **Article 6(1) of the ICCPR** and **Article 4 of the ACHPR**.

The Nigerian authorities have, in any event, violated the **UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions**. They have failed to initiate prompt and impartial investigations into allegations of extrajudicial executions. They have failed to publish reports arising from such investigations and they have not brought to justice the perpetrators. The only allegation of extrajudicial executions which is known to have been investigated by an independent judicial body is the Umuechem massacre in 1990 in Rivers State, in which 80 members of the Etche ethnic group were killed. The conclusions of a judicial commission of inquiry into these killings have never been made public, although its findings were leaked in 1992. No action is known to have been taken to bring to justice those officers of the Mobile Police Force named in the report as responsible for the killings.

## **A 10-POINT PROGRAM FOR HUMAN RIGHTS REFORM IN NIGERIA**

The present Nigerian government urgently needs to take steps to establish respect for human rights in the country. This section sets out a *10-point program for human rights reform in Nigeria*. Each of the 10 points in this program relates to a specific thematic concern of Amnesty International's regarding the lack of respect for human rights in Nigeria. These concerns are: the imprisonment of prisoners of conscience; unfair trial; torture and ill-treatment; the death penalty; and suspected extrajudicial executions.

***Amnesty International calls upon the present Nigerian government to implement the following 10-Point program for human rights reform. It should:***

**1 Commit itself to establishing respect for human rights in Nigeria and to cooperating with the international community in this endeavour**

The present government should issue a public declaration that it will in future fully respect Nigeria's international legal obligations with regard to human rights. Furthermore, it should declare that it will respect rights defined in the Constitution and relevant national legislation, where these conform to international standards. It should set out in this declaration the specific steps which it intends to take to implement this commitment. As a demonstration of its commitment to cooperating with the international community on human rights, it should cease to obstruct efforts by intergovernmental and non-governmental organizations to monitor the human rights situation in Nigeria and to investigate alleged human rights violations. Intergovernmental bodies whose representatives should be given unhindered access include the UN, the African Commission on Human and Peoples' Rights and the Commonwealth Ministerial Action Group.

**2 Release immediately all prisoners of conscience - people imprisoned for their political or religious beliefs, sex or ethnic origin - who have neither used nor advocated violence, including those detained without charge or trial and those convicted and imprisoned after unfair political trials**

Prisoners of conscience who should be immediately and unconditionally released include:

Chief Moshood Abiola - politician  
Femi Aborisade - human rights activist  
Ayo Adebajo - politician  
Abraham Adesanya - politician  
Kunle Ajibade - journalist  
Chris Anyanwu -journalist

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Milton Dabibi - trade union leader  
Ganiyu Dawodu - politician  
Femi Falana - lawyer and human rights activist  
Chief Gani Fawehinmi - lawyer and human rights activist  
Rebecca Ikpe - relative of political prisoner  
Frank Kokori - trade union leader  
Dr Beko Ransome-Kuti - lawyer and human rights activist  
Sanusi Mato - relative of political prisoner  
George Mbah - journalist  
General Olusegun Obasanjo - politician  
Ben-Charles Obi - journalist  
Ayo Opadokun - politician  
Shehu Sani- human rights activist  
Chima Ubani - human rights activist  
Major-General Shehu Musa Yar'Adua - politician

[For further information on these individual cases, see Amnesty International's November 1996 report, *Nigeria: Human rights defenders under attack* (AI Index: AFR 44/16/96)]

**3End arbitrary detention. Revoke all military decrees which allow for the indefinite or incommunicado detention without trial of political prisoners, including the State Security (Detention of Persons) Decree, No. 2 of 1984**

In May 1996, the present military government announced that the State Security (Detention of Persons) Decree, No. 2 of 1984 was to be amended to allow the cases of detainees held under the decree to be reviewed every three months. However, the composition of the review body - the Chief of General Staff, the Inspector General of Police and the Attorney General - does not suggest that such reviews will be independent and impartial. The previous military government, led by General Ibrahim Babangida, announced a similar reform during the last aborted transition to civilian rule. It had little practical effect and was soon withdrawn after the coming to power of General Abacha in November 1993. Amnesty International believes that nothing short of revocation of Decree No. 2 of 1984 will suffice as a declaration of intent that arbitrary detention will no longer be tolerated.

A further reform announced by the present Nigerian government in May 1996 was the repeal of an amendment to Decree No. 2 of 1984. Decree No. 14 of 1994, which ousted the jurisdiction of the courts to issue writs of *habeas corpus* regarding persons detained under Decree No. 2 of 1984, has now been repealed. However, Decree No. 2 of 1984 still contains a clause ousting the jurisdiction of the courts and preventing them from ordering a detainee's release. Therefore, the repeal of Decree No. 14 of 1994 does not guarantee that the Nigerian authorities will in future respect writs of *habeas corpus*. Court orders for the release of detainees have continued to be issued by the courts since the present government took power in November 1993, but have regularly been ignored. Indeed, a number of court orders issued since May 1996 have reportedly been ignored by the authorities. In addition, other decrees remain in force which diminish the jurisdiction of the normal court system. For example, Decree No. 12 of 1994

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effectively places the government above the law by prohibiting legal challenges to any of its military decrees or to any action which violates the human rights provisions of the Constitution.

Accordingly, Amnesty International believes that the present Nigerian government should revoke without delay all military decrees which allow for the indefinite or incommunicado detention without trial of political prisoners.

**4Guarantee the fair and prompt trial of all political prisoners with full rights of defence, including the right of appeal to a higher and independent judicial body. Release all political prisoners detained indefinitely without charge or held in prolonged pre-trial detention unless they are to be brought to trial promptly and fairly.**

The present Nigerian government has shown a flagrant disregard for its international legal obligations with regard to ensuring fair trials. The trials of the alleged coup-plotters and of Ken Saro-Wiwa and 14 other supporters of MOSOP during 1995 violated virtually every fair trial principle contained within the ICCPR and the ACHPR.

The African Commission on Human and Peoples' Rights, which monitors compliance with the ACHPR, has been highly critical in the past of the procedures of special tribunals established by military decree in Nigeria. In respect of Zamani Lekwot and six others (complaint 87/93), the Commission ruled that the Civil Disturbances Special Tribunal which tried them violated the ACHPR because they had been denied the right of appeal to a higher court after being convicted and sentenced to death. It recommended their release. All those convicted were released in 1995. Further, the Commission ruled in respect of Wahab Akamu, G Adegba and others (complaint 60/91) that the absence of a right of appeal under the Robbery and Firearms Tribunal also violated the ACHPR.

In May 1996 the present military government announced that in future Civil Disturbances Special Tribunals would no longer include members of the armed forces. It also announced that in future there would be judicial review at appellate level of verdicts and sentences handed out by Civil Disturbances Special Tribunals. The announcement that military personnel would henceforth not sit on such tribunals appeared to meet one criticism made of the trials of Ken Saro-Wiwa and others in 1995. But the military government remains in control of the appointment process. The announcement of the right of judicial appeal appeared to meet another criticism. However, the announcement also stated that the Provisional Ruling Council would retain the role of "confirming authority" after judicial appeal. The process remains as vulnerable as ever to political interference. These measures are insufficient to secure judicial independence and impartiality.

A host of further concerns which Amnesty International and others have raised concerning the operation of the Civil Disturbances Special Tribunal which tried Ken Saro-Wiwa and others were not addressed. From now on, will defendants be promptly informed of the charges against them in future? Will defendants have the right to lawyers of their own choice? Will defendants be safeguarded against torture and ill-treatment? Will defendants get prompt access to lawyers,

families and doctors? Will defendants be brought to trial within a reasonable time? There remain no guarantees that any of these rights will be respected in future.

The government has so far shown little willingness to acknowledge the validity of international criticisms voiced of the conduct of these trials. It should immediately commit itself to the principle of fair and prompt trials with full rights of defence, including the right of appeal to a higher and independent judicial body, for all political prisoners. Furthermore, unless political prisoners currently being detained indefinitely without charge or held in prolonged pre-trial detention are to be brought to trial promptly and fairly, the government should release them without delay. This includes the 19 Ogoni prisoners still being held in pre-trial detention on identical charges to those which led to the conviction and execution of Ken Saro-Wiwa and eight other MOSOP supporters in 1995.

**5 Order a review by a higher and independent judicial body of all convictions and sentences by special tribunals which have tried political prisoners or which have imposed the death penalty, with a view to releasing or retrying prisoners if their trials did not conform to international fair trial standards and reforming such special tribunals to bring them into line with those standards - or abolishing them if this is impossible**

International legal opinion is united in the view that the trials of the alleged coup-plotters and of Ken Saro-Wiwa and 14 other supporters of MOSOP during 1995 were grossly unfair and politically-motivated. It follows that the resulting convictions and sentences were serious miscarriages of justice. All Nigerians who may have been wrongly and unfairly convicted on politically-motivated charges have the right to demand a review of their convictions and sentences by a higher and independent judicial body. Given the apparent lack of procedural safeguards protecting human rights in most of the special tribunals currently in existence, this review should extend across the entire special tribunal system in order to ensure that in future justice really is done.

While it is too late to save the lives of those who have been executed on the basis of politically-motivated charges after grossly unfair trials, the requirements of justice demand that the truth be known. For political prisoners currently serving prison sentences, including many of the alleged coup-plotters imprisoned in 1995, a review of convictions and sentences by a higher and independent judicial body will at last offer the prospect of genuine justice.

Special tribunals outside the normal judicial system have been the main vehicle through which the present Nigerian government has sought and secured politically-motivated convictions after grossly unfair trials. When the government commits itself to the principle of fair and prompt trials with full rights of defence, it should immediately take steps to reform all those special tribunals which have tried in the past, or may try in the future, political prisoners. These include: Civil Disturbances Special Tribunals, which have passed death sentences after unfair and politically-motivated trials in 1993 and 1995; and Special Military Tribunals, which have passed death sentences after secret and unfair trials in 1976, 1986, 1990 and 1995.

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In addition, the government should immediately take steps to reform those special tribunals which try criminal prisoners and which have the power to impose the death penalty, but which do not allow right of appeal against conviction to a higher and independent judicial body. In particular, there should be urgent reform of the Robbery and Firearms Tribunals. Currently, the death penalty is mandatory for all those convicted of armed robbery by Robbery and Firearms Tribunals.

**6End torture and ill-treatment, including medical neglect of prisoners and life-threatening prison conditions. Introduce adequate safeguards to prevent them in future, including full and immediate access for all prisoners to lawyers, families and medical services**

There are a range of steps which the present Nigerian government should take without delay to end torture and ill-treatment and to introduce adequate safeguards to prevent them in future.

The government should publish clear orders prohibiting all forms of torture and ill-treatment by soldiers and security officials and state that it will be punished. It should also ensure that all members of the military and security forces have the established right and duty to disobey any orders that may be given which would lead to acts of torture or ill-treatment.

The government should ensure that all political detainees are allowed full and immediate access to their families, lawyers, doctors and to necessary medical care and that they are held in conditions which conform to the UN Standard Minimum Rules for the Treatment of Prisoners.

The government should take urgent steps to improve and extend training for all law enforcement officials on international standards and practices for the prevention of torture and ill-treatment.

The government should ratify the Convention against Torture.

**7Take action to prevent extrajudicial executions**

The Nigerian government should ensure that there is strict control, including a clear chain of command, over all military and police units and security or other officials responsible for the apprehension, arrest, detention, custody and imprisonment of prisoners.

Clear orders should be given prohibiting extrajudicial executions. Strict control should be exercised over all military, police and security personnel engaged in operations, who should be required by law to adhere to the provisions of the **UN Basic Principles on the Use of Force and Firearms by Law Enforcement Officials**.

Written regulations governing procedures for the use of firearms should be issued to every soldier and security official. In every incident where a firearm is discharged, a report should be made promptly to the competent authorities. Where this leads to loss of life, an independent investigation should be carried out immediately.

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The government should take urgent steps to improve and extend training for all law enforcement officials on international standards and practices on the use of force and firearms.

**8 Order prompt and impartial investigations in accordance with international standards into all reported human rights violations, bring to justice all those responsible for such violations and compensate the victims**

The present military government should commit itself to ending the culture of impunity which has long reigned in Nigeria. An essential precondition is acceptance of the principle of prompt and impartial investigations into all reported human rights violations, whether in the past, the present or the future. It should commit itself to ensuring that investigations take place on the following basis:

\*Those appointed to conduct investigations should be persons chosen for their recognized impartiality, competence and independence;

\*Those conducting investigations should be empowered to obtain all the information necessary to the inquiry and to summon witnesses and officials allegedly involved in human rights violations to give evidence;

\*Action should be taken against any member of the military, police or security forces who refuses to cooperate with investigations;

\*Steps should be taken to safeguard complainants, witnesses and investigators against violence, threats of violence or any other form of intimidation;

\*The investigative body should issue reports as soon as possible and these should be immediately made public. Reports should give details of the scope of the investigations, should describe in detail what took place in the alleged incident, the evidence on which the findings are based and the procedures used to evaluate evidence. In addition, they should make recommendations on effective, practical measures to bring to justice those responsible and to prevent human rights violations. Those in authority should indicate the steps they intend to take in response;

\*The authorities should be given a limited time within which they must respond to each report, indicating what action is being taken to remedy abuses and prevent their recurrence, and should make such responses public.

The Nigerian government should also take the following immediate action:

\*It should publish the report of the investigation into the 1990 Umuechem massacre in Rivers State, which has never been made public.

\*It should establish independent and impartial investigations into the circumstances of Clement Tusima's death in detention in August 1995 in Port Harcourt prison; and into all other allegations

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of torture or ill-treatment of prisoners presently or previously in custody. All reports should be made public.

\*It should establish independent and impartial investigations into all allegations of extrajudicial executions by the Nigerian security forces, including in Ogoni, since 1993. All reports should be made public.

\*It should establish an independent and impartial inquiry into the murder in June 1996 of Kudirat Abiola, senior wife of the detained politician, Chief Moshood Abiola. Its report should be made public.

Accepting and implementing the principle of prompt and impartial investigations of reported human rights violations is not sufficient on its own to end impunity. This can be achieved only by bringing perpetrators to justice and compensating victims. The present Nigerian government should commit itself to both. Fair compensation should be provided by the government to the victims of all human rights violations or, in the case of those killed or “disappeared”, to their immediate relatives, without prejudice to any other criminal or civil proceedings.

#### **9Halt all executions and abolish the death penalty**

Amnesty International is opposed to the death penalty in principle on the grounds that it is the ultimate form of cruel and inhuman punishment. In Nigeria, this is compounded by the fact that nearly all those executed since the return to military rule in 1983 have been convicted after unfair trials in which they were denied right of judicial appeal to a higher court. Furthermore, mass public executions have turned the act of judicial execution into a macabre and degrading public spectacle. No measure by the present Nigerian government would do more to demonstrate its commitment henceforth to respect and protect human rights than halting all executions and abolishing the death penalty. In doing so, Nigeria would join the trend both in Africa and worldwide towards abolition.

The following immediate measures should be taken by the government: institute an immediate moratorium on executions; ratify the Second Optional Protocol to the ICCPR Aiming at the Abolition of the Death Penalty; amend the Constitution so that the death penalty is no longer mandatory for any offence; and set up an independent judicial commission of inquiry into the application of the death penalty in Nigeria.

#### **10Revoke the Federal Military Government (Supremacy and Enforcement of Powers) Decree, No. 12 of 1994, which effectively places the government above the law by prohibiting legal challenges to any of its military decrees or to any action which violates the human rights provisions of the Constitution**

This military decree is the ultimate expression of the present Nigerian government's contempt for the rule of law. It gives it complete immunity from judicial scrutiny of its actions, including alleged human rights violations. While this decree remains in effect, any claim by the government that it respects human rights is meaningless. It should be revoked with immediate

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effect.

## **RECOMMENDATIONS FOR ACTION BY THE INTERNATIONAL COMMUNITY**

Nigeria was propelled to the top of the international agenda during 1995. The secret treason trials and executions of Ken Saro-Wiwa and eight other MOSOP supporters brought widespread international condemnation. The international community's role during 1995 is summarized in Amnesty International's March 1996 report, *Nigeria: A Summary of Human Rights Concerns* (AI Index: AFR 44/03/96).

This section of the report begins with a survey of the respective roles between January-August 1996 of the UN, the Organization of African Unity (OAU), the African Commission on Human and Peoples' Rights and the Commonwealth. It suggests that the political will to take concerted action to persuade the Nigerian government to improve its human rights record is in danger of fading. During that period, agreement failed to emerge across the international community on common and specific measures which the present Nigerian government should implement without delay in order to establish respect for human rights in that country. The absence of a coordinated approach increases the risk that piece-meal human rights reforms may be given more credibility than they deserve.

But the international community is not just made up of governments. Transnational companies also have a significant role to play. Amnesty International believes that transnational companies have a responsibility to do all they can to uphold human rights, as laid down in the Universal Declaration of Human Rights (UDHR). This applies to transnational companies everywhere, including Nigeria. Accordingly, this section also surveys the role in recent years of transnational companies with regard to human rights in Nigeria. It suggests that there is much more that they could do to uphold human rights in that country.

This section of the report concludes by setting out the steps which governments and transnational companies with significant investments in Nigeria should urgently take to discharge their responsibility to do all they can to end contempt for human rights in Nigeria.

### The UN

In April 1996, following the 56th session of the Human Rights Committee, the body which monitors compliance with the ICCPR, the Committee noted that there were "fundamental inconsistencies between the obligations undertaken by Nigeria under the Covenant. . . and the implementation of those rights". It cited, in particular, practices such as indefinite or incommunicado detention and the suppression of *habeas corpus*. It added that the establishment by military decree of special tribunals which exclude free choice of a lawyer and deny the right of appeal led to "the arbitrary deprivation of life of Ken Saro-Wiwa and the other co-accused" in violation of the ICCPR. It also criticized the apparent lack of any serious investigations into allegations of torture, ill-treatment or conditions of detention, which it said raised serious issues under the ICCPR. Finally, the Committee made a number of urgent recommendations. In particular, it recommended that all decrees establishing special tribunals

or ousting normal constitutional guarantees of fundamental rights or the jurisdiction of the normal courts be abrogated. It called for any trials before such special tribunals to be suspended immediately. It also recommended that urgent steps be taken to ensure that people facing trials are afforded all the guarantees of a fair trial as provided by the ICCPR, including the right to have their conviction and sentence reviewed by a higher court [UN document CCPR/C/79/Add. 64].

In July 1996, following the 57th session of the Human Rights Committee, the Committee noted the reform measures announced by the Nigerian government in May, welcoming the removal of military personnel from Civil Disturbances Special Tribunals and the repeal of Decree No. 14 of 1994, which precluded courts from issuing writs of *habeas corpus*. However, it reiterated many of its previous concerns and urgent recommendations and added some new recommendations. For example, it repeated its call for the abrogation of all decrees revoking or limiting guarantees of fundamental rights and freedoms. It called “for the release of all persons who have been detained arbitrarily or without charges”, a reduction in the period of pre-trial detention and an end to incommunicado detention. It also called for an urgent improvement in detention conditions so that they met international standards. Further, the Committee called upon the Nigerian government to consider abolishing the death penalty. Finally, it called for a review of the overall legal framework for the protection of human rights in Nigeria to bring it fully into line with the principles of the ICCPR, including in relation to the rights to freedom of expression and to form and join trades unions. The Nigerian government expressed its willingness to undertake such a review (UN Document CCPR/C/79/Add. 65).

In April 1996, the UN Commission on Human Rights passed a resolution on Nigeria which expressed its continuing concern at the human rights situation in Nigeria and asked the UN Special Rapporteurs on extrajudicial executions and on the independence of judges and lawyers to visit Nigeria and submit a joint report at its next meeting in 1997. However, efforts by some countries to include the appointment of a Special Rapporteur on Nigeria in the final resolution were unsuccessful.

Also in April 1996, a UN mission went to Nigeria on the instructions of the UN Secretary-General, Boutros Boutros Ghali. It was mandated to investigate the trials of Ken Saro-Wiwa and eight other MOSOP supporters by Civil Disturbances Special Tribunal during 1995 and the government’s transition program. The mission promptly reported to the UN Secretary-General and made a series of recommendations on human rights. They included:

i) The repeal of the Civil Disturbances (Special Tribunal) Decree so that offences covered by it are in future tried by the ordinary criminal courts, **or** amendments to the decree to bring it into line with international fair trial standards. The amendments recommended were: removal of the provision allowing serving military personnel to be members of such tribunals; addition of a provision stipulating that members of such tribunals should be appointed on the recommendation of the Chief Justice of the Supreme Court; addition of a provision allowing the right of judicial appeal and the replacement of the Provisional Ruling Council by the Nigerian Court of Appeal as the body confirming verdicts and sentences; removal of the provision which excludes the jurisdiction of the courts to review decisions of such a tribunal; restoration of the power of superior courts to issue writs of *habeas corpus*; and the provision of compensation to

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the families of Ken Saro-Wiwa and the eight other MOSOP supporters who were executed. Finally, the mission called for all pending or contemplated trials by Civil Disturbances Special Tribunals to be suspended until these amendments were carried out.

ii) The Nigerian government should establish a review committee, headed by a senior judge, to examine the decrees promulgated by the military government to date and to recommend the repeal of those decrees or provisions which violate the human rights provisions of the Constitution or undermine the rule of law.

iii) The Nigerian government should ensure that all its officials respect the decisions, orders and judgments of the courts.

iv) All those detained under Decree No. 2 of 1984 and similar decrees should be released and an amnesty granted to all persons convicted of political offences.

v) The rights to freedom of association and expression should be fully respected.

In May 1996, the Nigerian government gave its interim response to the recommendations of the UN mission. It announced two amendments to the Civil Disturbances (Special Tribunal) Decree: members of the armed forces would no longer be allowed to sit on such tribunals and the right of judicial appeal would be provided. However, the military government retains sole control over the appointment process and the body authorized to confirm verdicts and sentences after judicial appeal remains the Provisional Ruling Council. A trial by a Civil Disturbances Special Tribunal reformed along these lines would remain vulnerable to political interference and would not meet international fair trial standards.

In addition, the Nigerian government stated that Decree No. 14 of 1994, which suspended *habeas corpus*, would be repealed. It was repealed in June 1996. But Decree No. 14 was only an amendment of Decree No. 2 of 1984, which still contains a clause ousting the jurisdiction of the courts. Further, Decree No. 14 of 1984 is just one of many military decrees which diminish the role of the normal judicial system. For example, Decree No. 12 of 1994 effectively places the government above the law by prohibiting legal challenges to any of its military decrees or to any action which violates the human rights provisions of the Constitution.

The Nigerian government also announced that it would amend Decree No. 2 of 1984 to allow for a review every three months of the cases of persons detained under that decree by a body comprising the Chief of General Staff, the Inspector General of Police and the Federal Attorney General. The composition of this body raises questions about its impartiality and independence. In addition, it announced a review of all those currently detained without trial under the decree. By the end of June 1996, a number of those detained under Decree No. 2 of 1984 had been released.

The May 1996 announcements fell far short of the recommendations contained within the report of the UN Mission. The Nigerian government has said that other aspects of the report are under serious consideration, but it has issued no further statements in response since then. The UN Secretary General stated that he was encouraged by the interim response of the Nigerian government and would monitor the implementation of the reforms which it had announced. In

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August 1996, the UN Secretary General sent Lansana Kouyate, Under Secretary General for Political Affairs, to Lagos to assess the reform measures undertaken by the Nigerian government.

### The OAU

The OAU has adopted a very low profile on Nigeria. It released no substantive statements on the human rights situation in Nigeria between January and August 1996, leaving the UN to take the lead.

### The African Commission on Human and Peoples' Rights

In February 1996 the African Commission on Human and Peoples' Rights asked a delegation composed of the Chairman, Vice-Chairman and the Special Rapporteur on summary and arbitrary executions to undertake a mission to Nigeria. By the end of August 1996, efforts to reach agreement with the Nigerian government over arrangements for the visit of the mission had still not met with success.

### The Commonwealth

Following the executions of Ken Saro-Wiwa and eight others in November 1995, the Commonwealth suspended Nigeria from the organization for two years. The Commonwealth also established a Ministerial Action Group (comprising the foreign ministers of the UK, Canada, South Africa, Zimbabwe, Malaysia, Ghana, Jamaica and New Zealand) to lead Commonwealth policy on Nigeria. In December 1995 the Ministerial Action Group decided that the Commonwealth should send a mission to Nigeria consisting of senior government figures from Zimbabwe, Malaysia, Ghana, Jamaica and New Zealand. However, Nigeria refused to issue an invitation to the Commonwealth mission. In April 1996 the Ministerial Action Group recommended that the Commonwealth implement further measures to register its continuing disapproval of the human rights situation in Nigeria. The Nigerian government met with members of the Ministerial Action Group in London in June 1996, during which meeting a number of human rights activists were released in Nigeria. The Ministerial Action Group recommended postponing the implementation of further measures by Commonwealth countries. However, Canada decided to implement them unilaterally. In August 1996, the Nigerian government invited representatives of the Ministerial Action Group to visit Nigeria on 29-30 August 1996. However, following the imposition of restrictions upon the visit by the Nigerian government which the Ministerial Action Group felt were unacceptable, it was unclear whether the visit would proceed.

### Transnational companies

The most important transnational company with economic interests in Nigeria is Shell, the oil giant. It is the largest foreign oil company in Nigeria, accounting for approximately half of the country's oil production. Other foreign oil companies in Nigeria include Agip, Elf, Chevron, Mobil, Total, Texaco, BP, Exxon and Statoil. There are also a host of transnational companies in the manufacturing, construction, retailing and banking sectors with important economic interests

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in Nigeria.

In recent years large-scale community protests have been reported against the oil operations of Shell in the River Niger delta. Other foreign oil companies such as Elf, Agip and Chevron have also faced community protests. The main causes of these protests have been concern about the environmental impact of the oil operations of these companies and concern that local communities do not receive a fair share of the wealth generated by oil in the River Niger delta.

Shell has been the main focus of international scrutiny. A massacre of some 80 members of the Etche ethnic group took place at Umuechem in November 1990 after Shell had called in the Mobile Police Force, a paramilitary force, to protect its installations and personnel. In October 1993, a Shell staff member was accompanied by Nigerian military personnel to Korokoro flowstation, where there had been a disturbance. One Ogoni youth was subsequently alleged to have been killed by soldiers.

Shell has stated publicly that it was shocked by what happened at Umuechem and since 1994 has had a policy of refusing all offers of police or military protection in the Niger delta. Shell's perceived failure to speak out publicly to protect the human rights of Ken Saro-Wiwa and eight other MOSOP leaders during their grossly unfair trials and subsequent execution in November 1995, led to intense international criticism of the company. Shell countered these criticisms, saying that it had done all it could through its preferred method of quiet diplomacy. On 30 January 1996, Shell issued a statement in which it said that it recognized and supported the Universal Declaration of Human Rights (UDHR). It continued to argue during 1996 that quiet diplomacy was the best way for it to make known its concerns to the Nigerian government about the prospective trial by Civil Disturbances Special Tribunal of a further 19 Ogoni prisoners. On 15 May 1996, Shell issued a statement in which it called for fair trial and humane treatment for the 19 Ogoni prisoners.

International concern about the relationship between Shell and the Nigerian police and military was revived during 1996 following a statement by Shell that it had in the past paid for imported firearms for the Nigerian police in order to guard its property and protect the homes of its executives. At first Shell stated that the only such purchase had been for 107 handguns in 1981. However, it emerged that further negotiations had taken place between 1993 and 1995 between Shell, the Nigerian police and a Nigerian arms dealer for the supply of a range of heavier weaponry for the 5,000 Nigerian police guarding its property across Nigeria. Shell said that criminals in Nigeria were increasingly using sub-machine guns and that many other companies in Nigeria also purchase arms for Nigerian police assigned to guard their property. A Shell security adviser had included within the negotiations the possible purchase of riot control equipment, but Shell stated that this had been unauthorized and the person involved was dismissed. Shell also stated that no new weaponry was ever purchased but that it wished to keep open the option of doing so.

In its approaches in recent years to Shell and other transnational companies with significant investments in Nigeria, Amnesty International has appealed to them to acknowledge their responsibility to do all they can to uphold human rights under the UDHR. Only Shell has done so to date. Amnesty International has also appealed to them not to call upon the Nigerian

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military, security or police forces for protection where their presence may contribute to human rights abuses and to use every opportunity to press the Nigerian authorities to observe international human rights standards. Further, transnational companies have also been asked to encourage the Nigerian government to improve and extend human rights training for law enforcement officials and to support those in Nigeria working to defend human rights.

***Amnesty International calls upon the international community, including transnational companies with significant investments in Nigeria to:***

**\*Seek to ensure that human rights issues are addressed by the Nigerian government as a matter of priority**

All governments are asked to use their influence to persuade the present Nigerian government to end its contempt for human rights. Transnational companies with significant investments in Nigeria, in particular those in the oil sector, should also seek to influence the Nigerian government to this end. In particular, the international community should press the Nigerian government to cooperate fully with international efforts to monitor the human rights situation in Nigeria.

Intergovernmental bodies should take the following steps over the next year:

i)UN member states should support the work of the Special Rapporteurs on extrajudicial executions and on the independence of judges and lawyers, whose reports on Nigeria are due to be considered by the Commission on Human Rights in March-April 1997;

ii)At the meeting of the UN Commission on Human Rights, UN member states should ensure that the recommendations of the Special Rapporteurs are adopted and lead to prompt action by the international community to bring about their implementation by the Nigerian government;

iii)UN member states should encourage the Nigerian government to ratify without delay all international human rights treaties which it has not yet ratified, including the Convention against Torture. At the same time, the Nigerian government should be encouraged to recognize the competence of the UN Committee against Torture;

iv)OAU member states should commit themselves to ensuring that the organization places Nigeria on its agenda at the forthcoming meetings of the Council of Ministers and Heads of State in February 1997 and June 1997 respectively, and that the OAU plays a more active role in persuading the present Nigerian government to respect human rights;

v)The African Commission on Human and Peoples' Rights should take more effective action than it has yet done to ensure that Nigeria observes its binding legal obligations under the ACHPR;

vi)Member states of the Commonwealth should ensure that it takes full account of Nigeria's

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human rights record when it meets at heads of state and government level in late-1997. At this meeting, the Commonwealth should consider Nigeria's human rights record on the basis of a report by the Commonwealth Ministerial Action Group containing specific recommendations for action on human rights by the Nigerian authorities. This report should be made public.

**\*Agree common and specific measures which the Nigerian government must implement to establish respect for human rights**

The specific steps set out above, if carried out, would demonstrate that governments are serious about seeking to safeguard human rights in Nigeria. However, something else is needed if international pressure is to produce significant results. International cooperation to protect and promote human rights in Nigeria should be based on a coordinated approach across the full range of intergovernmental organizations, founded on common and specific human rights measures which the Nigerian government should implement to establish respect for human rights.

Amnesty International believes that its *10-point program for human rights reform in Nigeria* could be a basis for concerted action on Nigeria by the international community. Accordingly, Amnesty International asks individual governments and key intergovernmental organizations to endorse its *10-point program for human rights reform* and to incorporate it into their policies on Nigeria.

**\*Ensure that military, security and police transfers of equipment, technology, training and personnel do not contribute to human rights violations in Nigeria**

Amnesty International calls upon individual governments and key intergovernmental organizations to take all possible steps to ensure that military, security and police transfers of equipment, technology, training and personnel which can reasonably be assumed to contribute to human rights violations do not take place. The transfer of security equipment for use in Nigerian prisons should also be prohibited unless it can be demonstrated that such equipment will not be used to commit human rights violations. Governments should publish full details of any export licences for weapons and "non-lethal" equipment to Nigeria which have been granted over the past five years in response to applications from companies or any other party. Governments should also take steps to investigate what financial and logistical support exists in their countries for military, security and police transfers to Nigeria, for example, by investigating overseas bank accounts of the Nigerian military and police authorities.

Amnesty International calls upon transnational companies involved in Nigeria to take all necessary steps to ensure that any weaponry or other security equipment imported for use by the Nigerian police in guarding their property and personnel is not used to violate human rights. "Rules of engagement" should be developed to ensure that the Nigerian police and military do not violate international human rights standards with regard to the use of force and firearms in the protection of their property and personnel. These "rules of engagement" should be made public.

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Transnational companies should consider promoting practical training measures to address the particular problem of the poor human rights record of Nigerian law enforcement officials. They should encourage the Nigerian government to improve and extend training programs, based on international standards, for these officials. Transnational companies should at the very least ensure that those who guard their property and personnel have undertaken training programs which are in line with international standards.

**\*Support those working to defend human rights in Nigeria**

Amnesty International calls upon the international community to work for the release of all human rights activists who are currently being detained without charge or trial or who have been convicted on politically-motivated charges after grossly unfair trials. Governments, key intergovernmental organizations and transnational companies with significant investments in Nigeria should also do all they can to give moral and material assistance to Nigerian human rights non-governmental organizations, including support for human rights monitoring, education and training initiatives.