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NIGERIA

No significant change - human rights violations continue

1. Introduction

Despite promises to improve its human rights record following the international condemnation of the executions of the writer Ken Saro-Wiwa and his eight Ogoni companions, the Nigerian Government has failed to respond either by commitments or actions to the most serious criticisms by the international community. It has not taken the steps which would demonstrate a determination to change both its policy and practice in any fundamental or long-term way.

No commitment has been made to end continuing human rights violations such as the threat of execution or lengthy imprisonment which still hangs over several political prisoners. **Moshood Abiola** won the presidential elections in 1993 but the military annulled the results and he has been imprisoned without trial, charged with treason, since 1994. At least 20 Ogoni prisoners have been imprisoned without trial since mid-1994 on murder charges. Renowned human rights defenders such as **Dr Beko Ransome-Kuti** of the Campaign for Democracy, and political leaders such as former head of state **General Olusegun Obasanjo**, have been imprisoned since secret military trials in 1995. In March 1997 detained democracy activists and critics of the government, including **Dr Frederick Fasehun** of the Campaign for Democracy and former Finance Minister **Chief Olu Falae**, were charged with treason and accused by the government of responsibility for bombings since 1995 in which several people have been killed. Relatives of exiled Nigerian critics have been detained without charge or trial.

There are regular reports of the torture and ill-treatment of prisoners, and prison conditions so harsh as to amount to cruel, inhuman and degrading treatment. Killings and attacks on people with links to the political opposition or human rights groups are widely believed to have been the work of government agents, most notably the June 1996 assassination of **Alhaja Kudirat Abiola**, wife of Moshood Abiola. Reports have continued of arrests, beatings and killings by soldiers in Ogoniland. None of these reported human rights violations have been thoroughly, promptly and impartially investigated. While there has been a sharp fall in the number of executions, the hasty, public execution in July 1997 of a 17-year-old youth who had an appeal pending in the High Court illustrates how special courts continue to be used by the military authorities to impose the death penalty after unfair trials.

Nor has the military government of General Sani Abacha instituted fundamental reforms to prevent future human rights violations. It has promised a return to

democracy and civilian government by October 1998. However, its proposed transition to civil rule program seems likely to result in the continuation of military control of the government, and there is little chance of significant improvement in the human rights situation while non-violent opposition is repressed and excluded from the political process.

The government's failure to cooperate with intergovernmental organizations which have attempted to investigate the human rights situation in Nigeria has reinforced this pessimistic view. It has made only an interim and inadequate response to the recommendations made by the April 1996 mission to Nigeria sent by the **United Nations (UN) Secretary General**. It has failed to implement the extensive recommendations made in July 1996 by the **Human Rights Committee**. It has obstructed fact-finding visits to Nigeria by two human rights experts of the **UN Human Rights Commission** and by the **Commonwealth Ministerial Action Group**, and has given no response to their recommendations for reform. It allowed the Commonwealth Ministers only a two-day visit in November 1996 for government meetings; they were unable to meet prisoners of conscience or human rights groups. After months

of trying to agree dates for a visit, in February 1997 the Human Rights Commission experts refused to accept the government's restrictions preventing them from meeting key prisoners of conscience. The Human Rights Commission adopted a critical resolution during its March 1997 session, appointing a Special Rapporteur to keep the human rights situation in Nigeria under constant scrutiny. Nigeria's membership of the Commonwealth, suspended after the Ogoni executions were carried out in defiance of Commonwealth appeals on the eve of the last Commonwealth Heads of Government Meeting in November 1995, will be reconsidered at the next Heads of Government Meeting in October 1997.

Amnesty International is renewing its calls to key intergovernmental bodies such as the Commonwealth to maintain and increase efforts to improve the human rights situation in Nigeria and to work towards long-term structural reforms which will safeguard human rights in the future. Meetings of the Commonwealth Ministerial Action Group in 1996 spurred the Nigerian authorities to release some uncharged political detainees. But occasional releases, while welcome, are not enough. The Commonwealth should set clear standards to be met by its member states and establish how such standards should be measured -- the steps which the Nigerian government needs to take and within what time frame. It needs to establish a systematic gathering of information, including by continuing to press for fact-finding visits to Nigeria, so that it can assess progress towards agreed targets. It should urge Nigeria to cooperate fully with the UN Special Rapporteur on Nigeria as well as with the two UN human rights experts who have been obstructed in their investigations so far. The Commonwealth also needs to clarify the actions by the Nigerian Government it will accept as demonstrating meaningful progress.

2. Political background

The human rights violations of concern to Amnesty International have occurred in the context of a transition to civil rule program which has been manipulated to maintain the military's control of government while fundamental freedoms are still repressed and the rule of law flouted. The stagnant economy in this potentially wealthy oil-rich state has continued to suffer under major, countrywide fuel shortages, power and communication failures, a deteriorating infrastructure and pervasive corruption. The last two years have seen sporadic bomb attacks by unidentified perpetrators, directed mainly at military targets, in which several people have been killed. The relocation of two local government headquarters led to inter-communal unrest and scores of deaths in two states in 1997: from March to July in Delta State, where as many as 100 people were killed, oil-workers taken hostage, oil exports disrupted and a military task force sent in, and in Osun State in August and September where nearly 80 people were killed and hundreds displaced.

2.1 *The current transition to civil rule program*

A previous "transition to civil rule" program, started in 1987 by the military government of General Ibrahim Babangida, was aborted by the military in June 1993 when it became clear that **Chief Moshood Abiola**, from southwest Nigeria, had won the presidential elections with support from both north and south. The Provisional Ruling Council, the present military government of General Sani Abacha which seized power in a coup in November 1993, has since embarked on another transition to civil rule program which is due to end in further presidential elections in October 1998.

Under the transition timetable, local government elections on a non-party basis were held in March 1996. In September 1996 the government allowed five political parties to be registered in a process which effectively excluded the main pro-democracy opposition; parties were given just five weeks to fulfil onerous financial and organizational requirements which included having more than a million signed-up members throughout Nigeria's 30 states. In October 1996 six new states were created, bringing the total to 36 and causing postponement of further local government elections, this time contested by the five registered parties, to March 1997. There were reports of rigging and fraud; in several cases, the government-appointed National Electoral Commission disqualified candidates within days of the elections without explanation or on spurious security grounds and State Military Administrators swore in candidates who had lost the elections. In July 1997 the military government decreed the Commission powers to amend the transition timetable; elections for state assemblies and governors were subsequently postponed to 1998.

The credibility of the transition has been undermined by the continued suppression of dissent. From the start, the government decreed itself powers to impose five-year prison sentences on critics of the transition after trials by government-appointed special courts.¹ In practice, it has detained without charge or trial or brought false charges of treason against opponents who have criticized the transition or who have shown signs of trying to make the presidential contest a real one. Don Etiebet, a leader of one of the five registered parties who had presidential aspirations, was detained for several days before publicly declaring on 4 April 1997 his loyalty to the government and his resignation from his party. According to reports, his party won a majority in his home base of Akwa Ibom State, southeast Nigeria, in the March 1997 local government elections but the results were later altered in favour of two other parties.

2.2 Continued repression and contempt for the rule of law

Free expression, association and movement is inhibited by the routine harassment and imprisonment of human rights defenders, journalists and pro-democracy groups (see 3 below for individual cases of imprisonment).

¹The Transition to Civil Rule (Political Programme) Decree, No. 1 of 1996, of 12 February 1996, provides for the imprisonment for up to five years of any person convicted of conspiring or attempting to "do anything to forestall or prejudice the realization of the political programme" or to "misrepresent...the... implications...of the political programme". It provides for trial by a special tribunal appointed by the head of state, which would include an armed forces officer and allow appeal only to another government-appointed special tribunal. The Decree also allows the tribunal to impose a prison term on any other person, even if not charged before it, whom it is satisfied "acted in concert" or "knowingly took part... in the commission of the act constituting an offence".

Journalists have suffered repeated detentions and threats for publishing reports critical of the military and the government, and several have gone into exile. The opposition press can only operate semi-clandestinely. Daily broadcasts into Nigeria since June 1996 by an opposition radio station, Radio Kudirat Nigeria, prompted the government to recommence external broadcasting services in May 1997 and threaten to block "subversive" broadcasts. In June 1997 journalists' organizations renewed a campaign against repeated government threats to enforce strict legal and financial constraints on journalists and newspapers and to introduce a special court to try journalists for publishing "false news".

Since 1994 trade unions have had their elected leaders forcibly replaced by government-appointed administrators and promised elections postponed. The right to withdraw labour has been threatened by the military authorities' recourse to coercion. On and around 18 June 1997, 19 labour leaders in Kaduna State, northern Nigeria, were arrested after civil servants went on strike over pay and conditions and more than 20,000 were dismissed. Those arrested were reportedly charged with unlawful assembly and causing disaffection.

Private as well as public meetings involving human rights or democracy groups have been forcibly broken up by the security police unless organized by government-backed bodies. On 1 March 1997 a seminar on human rights in Kaduna, northern Nigeria, organized by a local human rights group, the Network for Justice, was broken up by security police and the audience dispersed with teargas. In 1997 as in previous years, all rallies, demonstrations or public commemorations of the 12 June anniversary of the military's annulment of the 1993 presidential election results were prohibited by the police throughout the country. The police warned that the safety of anyone who violated the ban could not be guaranteed; scores of pro-democracy protestors had been shot dead by the security forces in 1993 and 1994. On 30 August 1997 security police sealed off a Nigeria Union of Journalists building in Lagos to stop the launch of a book about Moshood Abiola to mark his 60th birthday. On 11 September 1997 they prevented the holding of a seminar on human rights and the rule of law by the Movement for Social and Economic Justice at the University of Lagos campus. On 18 September 1997 armed police forced their way into the home of Chief Ayo Adebajo, a leading member of the National Democratic Coalition (NADECO), to stop at gunpoint a reception for the outgoing American Ambassador. Members and supporters of NADECO, a pro-democracy group founded in 1994 by former government officials and politicians, have been persistently detained and harassed by the authorities.

The authorities have restricted the freedom of government critics and human rights activists to travel abroad or to attend international meetings by seizing their passports or briefly detaining them. In April 1996 members of the Civil Liberties

Organisation were prevented from attending a meeting of the UN Human Rights Committee. In July 1997 Abraham Adesanya, 74-year-old lawyer, former Senator and Acting President of NADECO, was refused a passport to attend Commonwealth hearings on Nigeria. Eke Ubiji, Executive Secretary of Amnesty International's Nigerian Section, has not had his passport returned since it was seized in December 1996, and in September 1997 another staff member, David Omozuafoh, had his passport taken away on his return from an Amnesty International meeting. They had both been briefly detained in November 1996 after the launch of an Amnesty International campaign on Nigeria.

Court orders for the release of detainees, the return of seized passports or other rulings unfavourable to the government have routinely been ignored, in criminal as well as political cases. The military head of the National Drug Law Enforcement Agency in February 1997 refused to appear before the Federal High Court in Lagos to show why he should not be found in contempt of court after refusing to obey a December 1996 order to return vehicles and unseal the premises of drug suspects acquitted by a special tribunal. The government has continued to promulgate military decrees which specifically exclude the ordinary courts in cases in which government actions are likely to be challenged. The courts' jurisdiction has been removed, for example, in any matter covered by the 1973 Trade Union Act, which was amended by three military decrees in 1996 to provide for up to five years' imprisonment for trade union activities such as freely electing officials or affiliating to an international trade union body without the approval of, or outside conditions set by, the military government.

2.3 Government's response to the international community

Intergovernmental organizations such as the UN Commission on Human Rights and the Commonwealth have made recommendations to the Nigerian government, but the most important of these have not been implemented. They have been denied full and open access to Nigeria, to Ogoniland and to political prisoners to conduct investigations or to meet with non-governmental organizations and individuals.

The Nigerian Government has given no final response to the UN **Secretary-General** on the recommendations of a fact-finding mission sent to Nigeria in March/April 1996 to examine the Ogoni trials by a Civil Disturbances Special Tribunal and the transition program. Little progress has been made in implementing the mission's main recommendations on human rights, which were:

- either to revoke the Civil Disturbances (Special Tribunal) Decree² completely or to remove the military member of the tribunal, to have the tribunal appointed on

² The Civil Disturbances (Special Tribunal) Decree, No. 2 of 1987, gave the head of state the power to constitute a special tribunal, outside the normal judicial system, to try cases involving civil riots and disturbances.

the recommendation of the Chief Justice of Nigeria not by the head of the military government, to restore the jurisdiction of the ordinary courts to review the tribunal's decisions, to have the Court of Appeal not the military government review convictions and sentences, and to allow appeals against conviction and sentence to be made to the Supreme Court

- to suspend all trials pending under the Civil Disturbances (Special Tribunal) Decree until such reforms are carried out
- to establish a judicial panel to determine compensation to the dependents of the Ogoni nine

Its convictions and sentences must be confirmed or disallowed by the military government, and the Decree does not permit judicial appeal to a higher or independent jurisdiction. The establishment of such special courts is contrary to Principle 5 of the UN Basic Principles on the Independence of the Judiciary.

- to release all detainees held under the 1984 State Security Decree³ and prisoners convicted of political offences, and to restore the right of the ordinary courts to order the release of detainees
- to ensure that all government and security officials respect court orders and judgements
- to establish a judicial review of all military decrees to recommend the revocation of those which contravene the human rights provisions of the Constitution or undermine the rule of law
- to remove legal restrictions on freedom of expression and association for political, professional and trade union organizations

The government gave an interim response in May 1995 but the measures it has taken fall far short of the recommendations. The government:

- removed the military officer from the Civil Disturbances Special Tribunal, but retained the government's powers of direct appointment of the tribunal and confirmation of its convictions and sentences
- provided for a right of appeal but only to another government-appointed special tribunal not to an independent higher court
- revoked a decree denying the ordinary courts the right to order releases, thereby theoretically restoring *habeas corpus*, but left in force military decrees which remove courts' jurisdiction over any government action and continued to ignore court orders to release detainees
- appointed a National Human Rights Commission, but without the independence and powers to take effective action against human rights violations as required by UN standards
- established a review panel to examine security detentions but which is headed by the senior security officials who authorize detentions in the first instance, which conducts its reviews in secret and which confers no rights on detainees

The government has also failed to implement the extensive recommendations made in April and July 1996 by the **Human Rights Committee**, the body of 18 experts which monitors compliance with the International Covenant on Civil and Political Rights, an international human rights treaty which Nigeria has ratified and which is legally binding on the government. These recommendations include the following:

³The State Security (Detention of Persons) Decree, No. 2 of 1984, provides for the indefinite incommunicado detention without charge or trial of any person deemed to threaten the security or the economy of the state. There is no provision for independent or judicial review of detentions and the courts are specifically excluded from making any ruling in relation to any detention under the Decree.

- the abrogation of all decrees establishing special tribunals or revoking normal constitutional guarantees of fundamental rights or the jurisdiction of the normal courts
- a review of the legal system in Nigeria in order to bring it into line with the principles of the International Covenant on Civil and Political Rights
- consideration of use of the death penalty and, until its abolition, limitation of its use
- affording all guarantees of a fair trial, including the right of appeal to a higher court
- preventing arbitrary, extrajudicial and summary executions, torture and ill-treatment, and arbitrary detention, and the bringing to justice of those found responsible for such human rights violations
- the release of all detainees detained arbitrarily or without charge, a reduction in the period of pre-trial detention and an end to incommunicado detention
- an improvement in conditions of detention to bring them into line with international standards

Throughout 1996 the **UN Commission on Human Rights** attempted to send two of its human rights experts -- the Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers -- to Nigeria, but they were repeatedly obstructed by the Nigerian authorities. In February 1997 they declined an invitation to visit when access to key political prisoners continued to be denied. Nigeria's stated commitment to allow them full access had been one of the reasons why the Commission had decided not to appoint a Special Rapporteur on Nigeria in March 1996; it did so at its meeting in March 1997. In 1997 the Commission recommended that the government:

- observe human rights, respect the right to life, release all political prisoners, improve prison conditions and respect individuals' rights including minority rights
- abide by its freely undertaken obligations under the International Covenant on Civil and Political Rights and other international human rights treaties
- ensure that trials are fair, prompt and conform to international standards
- ensure the independence of the National Human Rights Commission
- implement fully its interim undertakings to the UN Secretary-General and respond in full to the recommendations of his 1996 mission to Nigeria
- cooperate fully with the Commission on Human Rights and its Special Rapporteurs
- take concrete steps to restore democratic government without delay

The **Commonwealth Ministerial Action Group** was appointed after the Ogoni executions to examine member states' adherence to the human rights and good governance commitments of the Commonwealth's 1991 Harare Declaration. Meetings of the Group in 1996 prompted the releases of some uncharged political detainees. However, the Nigerian authorities allowed the Group only a two-day visit to Nigeria in November 1996 for meetings with government officials and supporters, not the fact-finding mission it had requested, and it was unable to meet political prisoners. The ministers urged the Nigerian Government to implement fully its undertakings made to the UN Secretary General, including a commitment to "reconcile all the parties in the Ogoni area", and made four specific recommendations:

- the prompt restoration of accountable civilian government
- the immediate release of political prisoners, including Moshood Abiola
- the rapid resolution of the case of the Ogoni detainees facing the same charges as Ken Saro-Wiwa and his co-defendants
- a review of prison conditions

In April and July 1997 the Group received written and oral submissions from Nigerian pro-democracy and human rights groups in London.

The **African Commission on Human and People's Rights** sent a delegation to conduct a fact-finding visit to Nigeria in March 1997. It failed to meet non-governmental human rights and pro-democracy groups. It was allowed to meet Moshood Abiola and the Ogoni detainees awaiting trial on murder charges. As of September 1997 it had not made known any of its findings, including from visits to prisoners denied access to their families for years, or its recommendations to the Nigerian Government.

3. Political imprisonment

Hundreds of political prisoners have been imprisoned in Nigeria in the last year, most detained without charge or trial. They include human rights defenders, journalists, members of pro-democracy and Islamist opposition groups, trade unionists, politicians, soldiers and relatives of political prisoners. Many have been prisoners of conscience or possible prisoners of conscience.

While the government has announced some releases of prisoners in 1996, such announcements have not always proved reliable since some have remained in custody. The government has continued to detain critics under the **State Security (Detention of Persons) Decree, No. 2 of 1984**, which provides for the indefinite incommunicado detention of any person deemed to threaten the security or the economy of the state.

Other military decrees providing for arbitrary detention without charge or trial or unfair trial by special government-appointed tribunals remain in force. Some political prisoners remain imprisoned after unfair trials by special tribunals, while others, ostensibly awaiting trial, have been held for months or years after the government has made unsubstantiated and public accusations against them.

3.1 Imprisoned after unfair trials

3.1.1 1990 coup attempt prisoners

On 18 July 1996, 11 soldiers detained incommunicado in connection with a coup attempt in April 1990 were transferred briefly from Kirikiri Maximum Security Prison, Lagos, where they had been detained incommunicado since 1991, to the Directorate of Military Intelligence (DMI) detention centre in Apapa, Lagos. A few days later the military authorities announced that three had been released and eight were to be tried by court martial. However, none of the 11 was released or tried, and on 7 November 1996 they were all moved back to Kirikiri prison.

The 11 had been acquitted of involvement in the coup attempt after being tried twice in 1990 in secret and unfair trials by a Special Military Tribunal which resulted in the execution of 69 other armed forces officers. They were finally convicted on 17 October 1991 after a third trial when a different member of the military government was made Chairman of the Tribunal. They were reportedly pardoned by the then head of state but have yet to be released. They are:

| | |
|--|------------------------------|
| Trooper Olajide Adelabu |) |
| Trooper Taiwo Fakolade |) |
| Warrant Officer II Jomo James |) death sentence commuted |
| Trooper Christopher Miebi |) to life imprisonment |
| Warrant Officer II (retired) David Mukoro |) |
| Sergeant Gatie Ortoo |) |
| Lance Corporal Blacky Pullen |) |
| Trooper (retired) Innocent Ofem Anang |) life imprisonment commuted |
| Lance Corporal (retired) Lucky Iviero |) to 10 years' imprisonment |
| Warrant Officer I Samson Ako Elo |) acquitted but remained |
| Warrant Office II Augustine Ogbewe |) in detention |

On 23 July 1997 the Federal High Court in Lagos ordered the release of seven of them, in response to a legal challenge to their continued detention by a local human rights group, the Constitutional Rights Project, and awarded damages for their unlawful arrest and detention. The authorities ignored the orders.

3.1.2 1995 alleged coup plot prisoners⁴

Pro-democracy leaders and human rights defenders convicted of treason in secret and grossly unfair military trials in 1995 are still held, in harsh conditions which have threatened their health (see 4.2). They were tried by a Special Military Tribunal headed by a member of the military government in which they were denied all rights of defence or appeal to a higher or independent court.

Those sentenced to long prison terms included political leaders such as retired **General Olusegun Obasanjo**, aged 61, head of state from 1976 to 1979, and his former deputy and later a presidential candidate, retired **Major-General Shehu Musa Yar'Adua**, a critic of the government's transition program. Others were human rights campaigners **Dr Beko Ransome-Kuti** and **Shehu Sani**, Chairman and Deputy Chairman respectively of the Campaign for Democracy. Four editors and journalists imprisoned among this group are **Kunle Ajibade**, **Chris Anyanwu**, **George Mbah** and **Ben Charles Obi**. They are held hundreds of kilometres from their families, whose visits are restricted and closely monitored.

Human rights lawyer Chief Gani Fawehinmi has been attempting since August 1995 to obtain a ruling in the Federal High Court on the constitutionality of the Special Military Tribunal and its jurisdiction to try Dr Ransome-Kuti. The case has been repeatedly adjourned, with government lawyers filing objections and failing to appear in court to argue them.

3.2 Detention without trial

After the international outcry over two grossly unfair political trials in 1995, the government has reverted to detaining critics indefinitely without trial. It has attempted to justify their continued detention by making public pronouncements of their guilt and charging them with serious offences such as treason or murder on the basis of inadequate or no evidence. It has obstructed their attempts to be released on bail or promptly brought to trial by ignoring court orders, holding the prisoners incommunicado and denying them access to legal counsel, failing to appear in court and other delaying tactics.

3.2.1 Moshood Abiola

The winner of the 1993 presidential elections, **Moshood K.O. Abiola**, aged 60, remains imprisoned, denied all visits by relatives or lawyers, and still untried. The military annulled the results of the election in June 1993 after it became clear that he had won and

⁴For further information about these prisoners, see *Nigeria: A travesty of justice - secret treason trials and other concerns*, October 1995 (AI Index: AFR 44/23/95), and *Nigeria: Human rights defenders under attack*, November 1996 (AI Index: AFR 44/16/96)

arrested him on treason charges in June 1994 when he sought to claim his electoral mandate. The military government which seized power in November 1993 has shown no sign of wanting a treason trial in open court in which the question of whether it was more treasonable to claim an electoral mandate than to seize power in a coup would naturally arise.

By denying him visits from his family or lawyers, even after the killing of his wife, the government has prevented him from pursuing an application for bail which has been deadlocked in the courts. It has failed to appoint new judges to the Supreme Court to rule on his bail application after several withdrew from his case on the grounds of interest; they were suing his newspaper for libel.

3.2.2 Ogoni detainees⁵

The authorities have blocked at every turn legal applications to have a group of Ogoni prisoners brought to trial or released more than three years after most of them were arrested. The prisoners are still detained in harsh conditions, awaiting trial on identical murder charges to those used to execute the Ogoni nine in November 1995. The nine were **Ken Saro-Wiwa**, the writer and President of the Movement for the Survival of the Ogoni People (MOSOP), **Barinem Kiobel**, **Saturday Doobee**, **Paul Levura**, **Nordu Eawo**, **Felix Nuate**, **Daniel Gbokoo**, **John Kpuinen** and **Baribor Bera**. They had been convicted after unfair and politically-motivated trials by a Civil Disturbances Special Tribunal after four rival Ogoni leaders were killed by a mob in May 1994.

One of the 20, **Adam Kaa**, was arrested on 12 March 1994, before the murders. The 14 listed below were arrested between May and August 1994:

| | | |
|-------------------------|---------------------------|-----------------------------|
| Samuel B. Asigha | Friday Gburuma | Sampson Ntignee |
| John Banatu | Blessing Israel | Nwinbari Abere Papah |
| Kagbara Basseeh | Benjamin Kabari | Chief Babina Vizor |
| Paul Deekor | Baritule Bano Lebe | Pop-gbara Zor-zor |
| Godwin B. Gbodor | Nyieda N. Nasikpo | |

Not until 19 May 1995 were charges brought against them in the Chief Magistrate's Court in Port Harcourt, southeast Nigeria. One of their group, Clement Tusima, died in August 1995 from malnutrition and medical neglect shortly after they were transferred to Port Harcourt prison, and another two, Innocent Tonwee and Monday Oke, were subsequently released, reportedly after their employers provided alibis. Four more

⁵For further information about the Ogoni cases, see *Nigeria: Military government clampdown on opposition*, November 1994 (AI Index: AFR 44/13/94) and *Nigeria: The Ogoni trials and detentions*, September 1995 (AI Index: AFR 44/20/95)

detainees were arrested in August 1995 and charged before the Chief Magistrate's Court on 27 October 1995 -- **Ngbaa Baovi, Michael Kagbaranem Doghala, Baribuma Kumanwee** and **Taaghalobari Kovabel Monsi** -- bringing the total still detained to 19.

In late 1995 murder charges were brought before the Civil Disturbances Special Tribunal against almost the same group of 19, excluding Michael Kagbaranem Doghala and including another detainee, Elijah Leekie Baadom. In response to a legal application by the defence, on 12 December 1995 the Federal High Court in Lagos issued an injunction restraining the authorities from trying them before the Civil Disturbances Special Tribunal until the High Court had determined whether the Tribunal contravened the fair trial provisions of the Nigerian Constitution; no ruling has yet been given on that application. A further prisoner, **Nkale Beete**, was arrested in December 1996 and has been arraigned for murder on the same charge, bringing to 20 the total number of detainees charged before the Magistrate's Court.

Many of the detainees have alleged that they were severely beaten and tortured in the days following their arrest to coerce them to make incriminating statements. Armed forces and Mobile Police officers in the Internal Security Task Force, the joint military/paramilitary force sent into Ogoniland in 1994 to suppress MOSOP's campaign for environmental and human rights, were reported to have beaten detainees at the Task Force offices in Kpor or at Bori military camp in Port Harcourt. The detainees were later transferred to police headquarters in Port Harcourt, where many were reportedly strung up for long periods by their hands or feet and beaten. One detainee said he was beaten, hung from a hook in the ceiling and sprayed in the eyes with teargas. Another said he was beaten about the head, particularly on the ears and his joints dislocated with a wooden stick.

There has been no independent investigation into these allegations of torture just as there was no independent investigation into the torture allegations made to the Civil Disturbances Special Tribunal in the 1995 Ogoni trials by Baribor Bera, Paul Levura and Nordu Eawo, defendants who were later executed.

All the Ogoni detainees are suffering ill-health, some from serious and crippling complaints, as a result of their insanitary prison conditions and lack of food or medical treatment. They have been detained practically incommunicado, denied access to their families and, for the first two years, their lawyers. In July 1996 eight of them were allowed a closely monitored meeting with their defence lawyers. In August 1996 a photographer with the *Vanguard* newspaper was assaulted by police and his camera seized when he attempted to photograph the haggard state of some of the detainees when they were brought before the Magistrate's Court; two of their defence lawyers, **Robert Azibaola** and **Uche Okwukwu**, were arrested, detained overnight and charged the next day with obstructing the police. In December 1996 the High Court in Port Harcourt

dismissed an application for a judicial review of the prisoners' continued detention without trial on the grounds that it presented only hearsay evidence of their ill-health, harsh conditions and medical neglect. On 13 March 1997 a delegation from the OAU African Commission on Human and Peoples' Rights visited the prisoners but as of September 1997 had not made known its findings or recommendations to the government. On 22 July 1997 the new National Human Rights Commission visited the detainees in prison but reportedly told them it could not take up their case. Some further meetings with their defence lawyers have been allowed in 1997.

Attempts to have the detainees released on bail or brought to trial before the ordinary courts have been stalled by the prisoners' lack of access to their lawyers and lengthy delays in the courts. In July 1997 the Federal High Court in Port Harcourt ruled that it did have jurisdiction to grant bail; in its decision, it said that the government could not take the case before the ordinary state-level courts and at the same time seek to deny jurisdiction to those courts on the grounds that the case was a federal one and came under the jurisdiction of a federal Civil Disturbances Special Tribunal which had been disbanded. The authorities have appealed against the ruling to the Court of Appeal. In August 1997 the detainees went on hunger strike for 10 days in protest at the continuing obstructions to their release or trial. There was no response from the authorities.

3.2.3 Muslim Brotherhood arrests

Leading members of the Muslim Brotherhood, an Islamist opposition group in northern Nigeria, were detained incommunicado and without charge or trial for 10 months before being charged with inciting public disaffection and sedition on 31 July 1997. They declined the assistance of legal counsel and did not seek release on bail. Due to start in August 1997, their trial was adjourned to October.

The four charged included **Ibrahim Yakub Al-Zakzaky**, an Islamic scholar and preacher who is reported to have been imprisoned before in connection with religious and political activities, and **Hamid Danlami**, publisher of *Al-mizan*, the Brotherhood's newspaper. They and 20 others were arrested on 12 September 1996 by armed police who reportedly fired teargas into Ibrahim Al-Zakzaky's home in Zaria, Kaduna State, and ransacked Hamid Danlami's house. Ibrahim Al-Zakzaky has since been detained incommunicado in Port Harcourt prison in southeast Nigeria, more than 900 kilometres away from Zaria, and his family were reportedly driven from their home by the security forces. Two others, **Abubakar Danladi** and **Mohammed Shittu**, were also charged.

Several people were killed in clashes between police and protestors over the arrests: between six and fourteen people, including a child and two police officers, on 13 September 1996 in Zaria; at least seven, including two security officers, in Kaduna on 18 September; and at least four on 7 February 1997 in Kano. There were allegations of

excessive use of force by the security forces as well as reports of violence by the protestors.

At least 200 protestors were arrested between September and November 1996, and scores more in February 1997, including women and children who were released shortly afterwards. At least 150 detainees were held without charge or trial for several months, denied all access to families or lawyers. About 70 were reportedly convicted of offences ranging from illegal assembly to arson and murder, and sentenced to between six months and eight years' imprisonment. The charges related to religious clashes in northern Nigeria in 1996: more than a dozen people, including a police officer, had been killed in unrest involving Islamist groups in June 1996 in Kaduna and Kontagora and in August 1996 in Katsina and Kano, and between Muslim and Christian communities in September 1996 in Kafanchan. Some of those convicted were reportedly sentenced to up to eight years' imprisonment for possession of speeches and photographs of Ibrahim Al-Zakzaky.

Northern Nigeria has a history of religious and ethnic unrest between Islamist groups which do not recognize the secular authorities and the Muslim establishment, and also between Muslim and Christian communities. In 1980 hundreds died in riots in Kano involving followers of the Islamist leader Muhammad Marwa, known as Maitatsine, and their subsequent suppression by the army. In 1987, after clashes between Muslim and Christian communities in Kafanchan resulted in at least 19 deaths, the military government created special courts, Civil Disturbances Special Tribunals, which sentenced more than 50 Muslim prisoners to prison terms. In 1992 and 1993 death sentences were passed for the first time by Civil Disturbances Special Tribunals on 17 prisoners deemed responsible for scores of deaths in Kaduna State in May 1992 during conflict between Christian Kataf and Muslim Hausa communities; after protests at the unfair political trials, the sentences were commuted and the prisoners released in 1995. In May 1995 at least 17 people died in conflict between Muslim Hausa and Christian Igbo communities in Kano; five people were subsequently charged before a Civil Disturbances Special Tribunal in December 1995.

3.2.4 1997 treason case

In March 1997 the Nigerian authorities charged exiled writer and Nobel laureate **Wole Soyinka** and 15 others with treason, a capital offence, in connection with a series of bombings throughout the country in which as many as 20 people have been killed.

Leading pro-democracy and human rights activists are among the 12 imprisoned in Nigeria. **Dr Frederick Fasehun**, aged 62, a medical doctor and presidential aspirant in the previous, aborted “transition to civil rule”, was arrested on 18 December 1996 and has since been held incommunicado. He has been Acting Chairman of the Campaign for Democracy (CD) since the imprisonment of Dr Beko Ransome-Kuti (see 3.1.2 above), and has previously been imprisoned as a prisoner of conscience. In December 1995 he was detained overnight and charged with sedition and unlawful assembly after campaigning for the release of prisoners of conscience; the charges were not pursued. He was also briefly arrested in an attempt to stop him meeting the UN Secretary-General’s mission in April 1996. **Chief Olu Falae**, aged 59, was arrested on 9 January 1997. He held senior posts in the previous military government of General Ibrahim Babangida, both as Secretary to the Government of the Federation and later as Minister of Finance, leaving government in 1990 to compete for nomination as a presidential candidate. He was briefly detained as a prisoner of conscience in June 1995 after a meeting at the home of the NADECO chairman. The authorities have said that he was involved in the bombings because the name “Falaye”, next to the amount of 40 Naira (about 50 US cents), was found in the diary of one of three victims of a fatal car bomb attack on the security chief of Lagos international airport in November 1996; the authorities subsequently accused two of the victims of being NADECO agents.

The four exiles who were also charged with treason, in their absence, include one of Nigeria’s best-known writers, **Wole Soyinka**, winner of the 1986 Nobel prize for literature and a prominent critic of continued military rule. He left Nigeria in 1994 and has played a key role in founding pro-democracy groups in exile. The other three exiles charged include leading members of the National Democratic Coalition (NADECO), **Chief Anthony Enahoro**, a former government minister, and retired **General Alani Akinrinade**, a former Chief of Defence Staff and government minister and the most senior military supporter of NADECO. They were both detained as prisoners of conscience in 1994 -- Chief Enahoro being held for four months without charge or trial -- and left Nigeria after receiving threats. **Dr Amos Arogundade Akingba**, a long-time associate of General Akinrinade, was apparently charged because he knew one of the victims of the November 1996 car-bomb at Lagos airport.

Relatives and employees of General Akinrinade and Dr Akingba were arrested in January and February 1997 and detained uncharged for several weeks (see 3.3.3 below). Among those subsequently charged with treason was **Dr Adegbenga Adebuseyi**, aged in his mid-40s, a former manager of a quarry owned by General Akinrinade. He is reported to have been hung up by his feet and his head kicked following his arrest. His father and wife were detained uncharged for several weeks in early 1997. Some of the other accused, **Moses Akere Akinnola, Bayo Johnson, Oluyinka Festus Adeboye, Femi Adeyemiwo, Layi Odumade** and **Olugbenga Odumade**, were reportedly arrested because they too knew one of the victims of the November 1996 car-bomb.

Three of the accused, **Mohammed Sukere Lafiagi, Musa Okoiyafo Yasin** and **Moshood Yahaya**, had previously been arrested on suspicion of involvement in a bomb which killed five people in Ilorin, Kwara State, in May 1995. In September 1996 they were ordered released by a Magistrate's Court in Ilorin after the case was withdrawn for lack of evidence. The authorities ignored a subsequent order of the Federal High Court in Ilorin to produce the three men in court and justify their continued detention.

On 21 January and 10 March 1997 the Federal High Court ordered the release on bail of Dr Fasehun on the grounds that no evidence had been produced to justify his continued detention, orders which were ignored by the government. On 12 March 1997 charges of treason were brought against the 16 in the Chief Magistrate's Court in Ikeja, Lagos. They were alleged to have conspired to wage war against the military government and to have caused explosions in various parts of Nigeria between May 1995 and February 1997. In May and June 1997 the Ikeja Magistrate's Court dismissed applications for the case to be struck out or transferred to the High Court on the grounds that it did not have jurisdiction to do so. In April, May, June and September 1997 the Federal High Court adjourned hearings on the detainees' application for bail either because the prosecution failed to appear in court or because the court's electricity supply had failed.

The treason charges appear to have been brought to justify the detention of pro-democracy leaders and to discredit the pro-democracy movement in exile. Senior members of the government have repeatedly and publicly accused NADECO of responsibility for the bombings. They have also accused the governments of Canada, the United Kingdom and the United States of America of involvement in the bombings or obstructing Nigerian security police from carrying out investigations in their countries. However, some of the accused were not questioned about the bombings during their weeks in detention before the treason charges were brought against them -- Dr Fasehun was reportedly asked only about his human rights activities -- and have been denied access to their lawyers.

They are held at the headquarters of the federal police, the Federal Intelligence and Investigation Bureau (FIIB), in Ikoyi, Lagos. In his bail application, Dr Frederick Fasehun reported conditions unfit for human habitation. He was subsequently transferred for a period to even worse conditions in an overcrowded and filthy cell in a local Lagos police station, before being transferred back to the FIIB. In early September 1997 it was reported that he had failing sight in one eye and had been denied appropriate medical treatment.

3.3 Detention without charge or trial

3.3.1 Trade unionists

Two oil workers' leaders are still detained for their involvement in a two-month strike by oil workers in 1994 which, among other demands, called for the release of Moshood Abiola and other pro-democracy leaders. **Frank Ovie Kokori**, aged 52, Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG), has been detained incommunicado since August 1994. **Milton G. Dabibi**, Secretary General of the Senior Staff Consultative Association of Nigeria (SESCAN), was arrested in January 1996. Milton Dabibi was previously General Secretary of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), whose members had gone on strike in 1994.

The government has said that they were imprisoned for security reasons, because the strike was politically-motivated and threatened lives, but no charges have been brought against them. They have been denied visits by lawyers or union colleagues, and in May 1997 Frank Kokori's home was reportedly looted and his wife and son threatened by unidentified assailants after his wife made a public appeal for his release. Prison doctors have recommended that Frank Kokori have medical treatment for a spinal injury, but the authorities have reportedly not allowed it.

3.3.2 Journalists

Journalists are regularly detained and harassed for publishing reports critical of the government or senior military officers. Dozens have been imprisoned in recent years, mostly for a few days but sometimes for months. Four journalists are serving 15-year prison sentences and suffering serious ill-health in harsh conditions (see 3.1.2 and 4.2). In June 1997 journalists' organizations renewed a campaign against repeated government threats to enforce military decrees imposing strict legal and financial constraints on journalists and newspapers and to introduce a court to try journalists for publishing "false news".

Journalists detained for long periods without charge or trial include **Okina Deesor**, a producer for state-owned radio in Rivers State, who has been detained without

charge or trial since July 1996, reportedly for broadcasting the Ogoni “national anthem”.

Moshood Fayemiwo, publisher of *Razor* news magazine, was reportedly abducted by Nigerian security agents from the neighbouring Republic of Benin on 14 February 1997 and since detained in an underground cell at the Directorate of Military Intelligence (DMI) detention facility in Apapa, Lagos. **Mohammed Adamu**, correspondent for the *African Concord* news magazine in the capital, Abuja, has reportedly been detained since his arrest on 27 July 1997 by security officers from the Presidency after the magazine published an article critical of Major Mohammed Hamza Al-Mustapha, Chief Security Officer to the Head of State.

George Onah, defence correspondent of the *Vanguard* newspaper, was detained without charge or trial for a year from May 1996 after writing an article about the reorganization of senior armed forces officers. **Godwin Agbroko**, editor of *The Week* news magazine, was detained from December 1996 to May 1997 because he refused to reveal his sources for an article about a power struggle between senior army officers. While held at the DMI detention centre in Apapa, he was not fed for the first four days and his legs were chained throughout the two months before his release. Both he and George Onah had their passports seized and after their release were ordered to report regularly to the security services, making normal working life impossible. **Ladi Olorunyomi**, journalist and wife of exiled journalist Dapo Olorunyomi, was detained incommunicado and without charge or trial from March to June 1997. No reason was given for her detention which appeared to have been solely because of her husband’s political activities in exile.

Among those briefly detained was **Dr Olatunji Dare**, a journalism professor based in the United States of America and a former Chairman of the editorial board of the *Guardian* newspaper, who was arrested on 4 June 1997 at the airport on a visit from the US, detained overnight and his passport seized for a few weeks. **Stanley Yakubu**, a journalist with the *Punch* newspaper, was arrested in Yola, northeastern Nigeria, on 19 June 1997 and detained without charge for four days, accused of publishing false and seditious information in an article critical of the State Military Administrator’s wife. In early September 1997 **Akpandem James** and **Chris Ikwunze**, the Rivers State correspondents of *The Punch* and *Vanguard* newspapers respectively, were arrested by the Rivers State Internal Security Task Force. They were detained uncharged for several days in Okomoko, south of Port Harcourt, apparently because their newspapers had reported a press statement by the Movement for the Survival of the Ogoni People (MOSOP). Chris Ikwunze said he had been horsewhipped by soldiers while in detention for smuggling out a note about his arrest.

On 10 September 1997, following press reports that the head of state was seriously ill, armed soldiers and riot police forced their way into the home of Nosa

Igiebor, editor of *Tell* magazine, and took his wife **Arit Ngiebor** briefly into custody. On 15 September news agents and street vendors in Abuja were arrested and their copies of *The News* magazine seized. In the search for the magazines' editors and correspondents in northern Nigeria, on 17 September 1997 *The News* offices in Lagos were sealed by the security police and a member of its administrative staff, **Babatunji Wusu**, arrested.

3.3.3 Pro-democracy and human rights activists

Pro-democracy and human rights activists remain at risk of being detained without charge or trial solely for their non-violent expression of their views. Previously detained without charge or trial for a year until June 1996, **Dr Olatunji Abayomi**, lawyer and Chair of Human Rights Africa, a Nigerian rights group, was arrested again on 27 August 1997 and detained without charge for three days. His group had planned to give an award to a judge from the neighbouring Republic of Benin who had announced the results of Benin's 1996 presidential elections although they were unfavourable to the then President and despite threats against her.

Chief Olabiyi Durojaiye has been detained incommunicado since December 1996 without any reason being given. A 64-year-old lawyer and economist, he is a former director of the Central Bank of Nigeria, a former presidential candidate in the last, aborted "transition to civil rule", and was a founding member of the National Democratic Coalition (NADECO). He is reportedly at the Directorate of Military Intelligence headquarters in Apapa, Lagos, where his family has been denied all access to him and refused permission to bring him food, medicine or even a change from the clothing he had on when he was arrested in the middle of the night. He is held in solitary confinement, and is reported to have become haggard and disoriented as a result of the harsh conditions. The government has appealed against a Federal High Court ruling in May 1997 that he should be released and paid compensation for unlawful detention.

Polycarp Nwite, a former Senator and prisoner of conscience for several months in 1994 because of his pro-democracy activities, was arrested on 6 August 1997 and reportedly remains in detention without charge or trial. No reason has been given for his continued detention.

In February 1997 relatives of exiled pro-democracy activists and their associates, some of whom were subsequently charged with treason (see 3.2.4 above), were arrested and detained incommunicado for up to four months at the Directorate of Military Intelligence headquarters in Apapa, Lagos. No reason was given for their arrests and they were eventually released uncharged. Two of them, **Femi** and **Bankole Akinrinade**, brothers of one of the accused in exile, General Akinrinade, were held at the

Federal Intelligence and Investigation Bureau (FIIB) headquarters in Ikoyi, Lagos, until their release in May 1997.

Relatives and employees of Dr Akingba, another of the accused in exile, were harassed and detained, including his mother-in-law, 68-year-old **Muriel Nelson-Williams**. First arrested briefly on 9 January 1997, when scores of security police came to search Dr Akingba's house in Lagos, on 14 January 1997 she and four relatives and employees were arrested and detained overnight when about 100 armed soldiers came to search the house again. On 15 February 1997 she was again arrested with two other relatives and detained without charge or trial at the Directorate of Military Intelligence (DMI) detention centre in Apapa, Lagos, until her release on 3 March. Also detained there, for five months from February 1997, were **Sabina Solayide Iliyomade**, a 54-year-old teacher, and her daughter, **Folake Folasade Iliyomade**, aged 31, apparently held because her husband, living in the US, once served under General Akinrinade. Folake Folasade Iliyomade lost her unborn child in detention after being refused medical attention for two days.

4. Torture and ill-treatment

4.1 Torture

Torture or ill-treatment of prisoners by soldiers and police at the time of arrest and in order to induce them to make incriminating statements is routine, including in criminal cases. A woman detained for several days at the DMI detention centre in Apapa, Lagos, in early 1997 was reportedly beaten with strips of car-tyre to coerce her into revealing the whereabouts of her boyfriend.

Political detainees have also been subjected to beatings by soldiers at the time of arrest. Two journalists are reported to have been beaten by soldiers at the State Military Administrator's offices at Government House in Owerri, Imo State, in recent weeks. On 1 July 1997 soldiers are reported to have arrested and flogged **Chief Oni Egbunine**, publisher of *The Horn* newspaper, until he was unconscious, after his newspaper alleged corruption among state officials. On 3 September 1997 **Oby Eke-Aghbai**, Chair of the Imo State Council of the Nigeria Union of Journalists (NUJ), was reportedly told she was not welcome and whipped with a belt by security guards at the gate.

Allegations have continued to be made of the torture or ill-treatment of detainees suspected of being supporters of the Movement for the Survival of the Ogoni People (MOSOP). Scores of MOSOP supporters are reported to have been arrested and briefly detained in the last two years by officers of the Internal Security Task Force, and some

held in military custody in Kpor in Ogoniland and at Afam, 30 kilometres east of Port Harcourt. Many are alleged to have been beaten. On 3 October 1996 **Joseph Kpakoi** was reported to have been arrested because of his political activities and to have died after torture at police headquarters in Port Harcourt. **Chief S.K. Tigidam** was one of about 30 men reportedly arrested and flogged in Zaakpon for commemorating Ogoni Day on 4 January 1997, and was said to have died in June 1997 as a result of the ill-treatment he had suffered. One of those arrested said he was given 64 strokes of the cane. On 28 January 1997 soldiers reportedly arrested **Saturday Naadah** and fractured his skull with the butt of a gun. **Samuel Asiga** was reportedly tortured and shot dead by soldiers on 12 February 1997 after attempting to visit Ogoni detainees held at a military camp at Afam, about 30 kilometres east of Port Harcourt. His body was said to have been left by soldiers at the mortuary of Port Harcourt Teaching Hospital.

There has been no independent investigation into allegations that some of the armed forces officers convicted in the secret treason trials in 1995 were tortured in attempts to coerce them to implicate themselves and others in a fabricated coup plot. Since their conviction, some of the military prisoners have not been allowed any visitors, including members of their families. **Colonel Lawan A. Gwadabe**, former Principal Staff Officer to the head of state, and **Lieutenant-Colonel M.A. Igwe**, serving sentences of life and 25 years' imprisonment respectively, reportedly suffered partial paralysis after being tortured.

The failure to conduct prompt and impartial investigations of allegations of torture and ill-treatment violate Nigeria's obligations under the International Covenant on Civil and Political Rights and are contrary to the obligations of the authorities under the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.⁶ The Human Rights Committee has expressed deep concern with respect to "cases of torture [and] ill-treatment...by members of the army and security forces and by the failure of the Government to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and provide compensation to the victims or their families". Six months later, the UN Special Rapporteur on torture drew attention to the Human Rights Committee's conclusions and supported its recommendations.

4.2 Harsh prison conditions and medical neglect

The following descriptions of detention and prison conditions are by political prisoners.

⁶Nigeria has signed but not yet ratified the Convention Against Torture which provides for allegations of torture to be "promptly and impartially examined". As a signatory, Nigeria is bound not to take any steps which would defeat the object and purpose of the treaty pending ratification.

“My first four months of incarceration were spent in a one metre-square cell, damp, no access to a bath, no change of clothes, no toiletries, no reading material, poor lighting and infested with mosquitoes and cockroaches.”

Another prisoner reported an unvarying diet of dry cassava grain and beans, and that prisoners’ lives were at risk under the following conditions:

“No medical care nor first aid, starvation, lack of drinking water, talk less of bathing water, no recreational facilities, no single vehicle for casualty evacuation.

Once anybody is caged in this place, he or she can only survive the odds through charity or constant maintenance by members of his/her family and friends. While the food prepared for inmates cannot be given to a village dog in normal life, in the morning, following a rainfall at night, all one sees is a collection of inmates scrambling for drainage water which they drink and bath with.”

Another prisoner said:

“The general condition of the cells where we are detained are poor, reminiscent of a piggery. The roofs are seriously worn off to an extent that it makes no difference between sleeping outside and being locked in the cells, especially on rainy days... The cells are infested with creeping insects such as centipedes, millipedes, ticks, lice, rats, etc... [M]ore than 120 persons sleeping on the bare floor are normally packed in a cell of about 20x28 feet [about 7x9 metres]... [T]here is a very high level of competition for food and space. The poor ventilation of the cells...makes life terrible in the afternoon. Both the buckets for urine and faeces are kept in our midst and are only disposed of at the discretion of the warder... We are grossly underfed. This situation gives rise to our lean and pale appearances marked by a very high susceptibility to various sicknesses.”

And another:

“The living conditions here are terribly inhuman and unimaginable, being over-congested and virtually a home or concentration camp of living/moving human corpses and skeletons to say the least, with the majority of inmates awaiting trials.”

Conditions for most prisoners in Nigeria are so injurious to health as to amount to cruel, inhuman and degrading treatment. Medical care is practically non-existent; only prisoners with money can sometimes obtain drugs. Political prisoners may wait months for permission from the government to be taken to a hospital. Some political prisoners are allowed limited, closely supervised visits by relatives, in some cases for 15 minutes once a month. Most are held hundreds of kilometres from their homes, so that families struggling without the support of the breadwinner are able to visit only rarely. Others are denied all family visits and are not even allowed to receive food or clothes. Political prisoners are not allowed visits from lawyers or their own doctors, books apart from the Qu'ran and Bible, radios or newspapers, writing materials or any communication with the outside world. In July 1997 it was reported that 60 prison officers had been arrested by the Directorate of Military Intelligence (DMI) on suspicion of allowing family members to visit political detainees, in particular some of the military prisoners convicted of treason in 1995.

Many prisoners suffer serious ill-health and there is a high rate of deaths. One of the four journalists unfairly convicted of treason in 1995, **Chris Anyanwu**, in Kaduna Prison in northern Nigeria, has reportedly suffered hypertension, malaria, typhoid fever and serious eye problems requiring surgery as a result of the harsh conditions. In June 1997 the Minister of Justice, hearing prisoners' complaints at Kaduna Prison in his capacity as head of the National Council for the Prerogative of Mercy, reportedly refused to meet her because she was a political prisoner. Another of the journalists, **Ben Charles Obi** has suffered from malaria, scabies and constant diarrhoea due to the unhygienic conditions at Agodi Prison in Ibadan, southwest Nigeria. The family of another prisoner convicted in the 1995 treason trials, **Colonel R.S.B. Bello-Fadile**, has not been allowed to send him his medication for a heart problem and reported in July 1997 that he had been transferred to hospital but that they had not been allowed to see him.

Veteran human rights campaigner **Chief Gani Fawehinmi**, who has been repeatedly imprisoned for his human rights work, suffered lasting damage to his health after being detained without charge or trial in Bauchi Prison, northern Nigeria, from January to November 1996. He required emergency transfers to hospital on five occasions because he had contracted pneumonia in his cold and damp prison cell. The 58-year-old lawyer who led the defence team in the Ogoni trials was denied any outside contact throughout his detention, including with his family and lawyers.

Alhaji Ibrahim Dasuki, the 74-year-old former Sultan of Sokoto, was reported to have required urgent hospital treatment after he became ill with typhoid fever in detention. In April 1996 the government deposed him as Sultan, traditionally the leader of Nigeria's Muslim community, and banished him to Zing, Taraba State, in northeastern Nigeria, where he has since been held under house-arrest. He was acquitted of charges brought under the 1994 Failed Banks Decree⁷ and appears to have been detained solely because of his criticisms of the present military government. He has reportedly been allowed only one, closely supervised, family visit since his detention.

5. Possible extrajudicial executions

There has been an increase since 1994 of killings, attacks and death threats against Nigerians associated with the pro-democracy and human rights movements. Some of

⁷1994 Failed Banks (Recovery of Debts) and Other Financial Malpractices in Banks Decree, under which dozens of bank directors and managers have been detained without trial, some for long periods, or brought before a government-appointed special tribunal.

these have suggested the involvement of government agents, whether acting with or without the knowledge of the central authorities, and there is a widespread belief in Nigeria that the killings may have been extrajudicial executions of critics targeted by the authorities because of their political views. There has still been no independent investigation into alleged extrajudicial executions in Ogoniland since 1993.

The most notable killing of a prominent government critic was that of **Alhaja Kudirat Abiola**, the outspoken wife of Moshood Abiola who had refused to stop campaigning on behalf of her imprisoned husband despite harassment, threats and surveillance since 1994. On 4 June 1996 she was shot dead in her car in Lagos. The unidentified gunmen, in another vehicle, were able to escape without arrest despite the many police and military roadblocks in Lagos. Although violent armed robberies are common, there was no attempt at robbery. Kudirat Abiola had been denied visits to her husband since 1994. In May 1997 she had been briefly detained by security police and charged, first with conspiracy and making false statements, later with publishing seditious material. In a press interview in May she had expressed her determination not to be silenced about her husband's case.

Despite widespread accusations of government involvement in her killing, the authorities did not attempt to allay suspicion by setting up an independent investigation. Those arrested in connection with the killing were members of the Abiola family and leading members of NADECO, who were detained as prisoners of conscience for up to four months, incommunicado and without charge or trial. They included **Abraham Adesanya**, then Vice-President of NADECO, who himself escaped injury in January 1997 when unidentified gunmen fired at his car from another vehicle.

Two former ministers of the present military government were also feared to have been targeted because they had been, or had been perceived to be, critical of the government. In February 1996 **Alex Ibru**, former Minister of Internal Affairs and publisher of the *Guardian* newspaper, was shot and seriously wounded. A previously unknown group claimed it had shot him to protect the interests of the government. In December 1996 **Toyin Onagoruwa**, the son of a former Attorney-General and Minister of Justice, was shot dead by unidentified attackers in his home. His father, Dr

Olu Onagoruwa, had been dismissed by the military government in September 1994 after he criticized repressive military decrees.

There have been no successful prosecutions by police in connection with such cases. Following the killing in October 1995 of **Chief Alfred Rewane**, a leading NADECO supporter, a number of people were arrested. The case was not pursued because the suspects were released on bail and subsequently disappeared according to the police, although the defence lawyers said that they had not been informed of the releases. Death threats and attacks on the homes of NADECO and other pro-democracy leaders and human rights activists have continued, particularly at times when senior government officials have made accusations against them or after they have publicly criticized the government. In 1997 human rights lawyers **Chief Gani Fawehinmi** and **Femi Falana** both reported threats; in 1994 Chief Gani Fawehinmi's Chambers were attacked and two security guards seriously injured by unidentified gunmen.

The authorities have still not brought to justice those responsible for killings by the security forces over several years in Rivers State, southeast Nigeria, including Mobile Police officers named by a judicial commission of inquiry as responsible for the massacre of as many as 80 people in Umuechem in November 1990. Nor have they established independent investigations into allegations that the military instigated inter-ethnic attacks on Ogoni communities in Ogoniland and Port Harcourt in 1993 and 1994; that soldiers shot dead or wounded Ogoni protestors at Biara in April 1993, Nonwa in May 1993 and Korokoro in October 1993; or that

the Internal Security Task Force was responsible for as many as 50 extrajudicial executions in villages in Ogoniland in mid-1994.⁸ The Internal Security Task Force is also reported to have beaten and shot at demonstrators during public commemorations for the Ogoni nine on Ogoni Day, 4 January 1996, and in the days following to have arrested and beaten dozens of others. Those shot dead included **Paul Ngange** and 12-year-old **Kpannen Nicodemus** in Kegbara-Dere, and **Lucky Nwabari Gbarabe**, a 12-year-old

⁸See *Nigeria: Military government clampdown on opposition*, November 1994 (AI Index: AFR 44/13/94)

from Uegwere Bo-ue, who was reported to have been shot in the head at Bori by soldiers who threw his body in a river.

There have been no thorough, prompt and impartial investigations into any of these killings, as required by the UN Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions. Indeed, the Human Rights Committee has expressed its deep concern at “the high number of extra-judicial and summary executions...by members of the army and security forces and by the failure of the government to investigate fully these cases, to prosecute alleged offences, to punish those found guilty and provide compensation to the victims or their families. The resulting state of impunity encourages further violations of Covenant rights.”

6. Death penalty

The number of executions fell dramatically in the year after the executions of the Ogoni nine -- from at least 95 in 1995 to at least 14 in 1996 and 27 up to early September 1997.

However, in July the authorities executed a minor in clear contravention of international law while he had an appeal pending before the High Court.

The court which tried the case was a Robbery and Firearms Tribunal, a special court directly appointed by the military authorities, which cannot guarantee independence from government control and which allow no rights of appeal to a higher or independent court. More than 1,200 prisoners have been executed since 1983, when the military overthrew the last elected civilian government in Nigeria, most of them sentenced to death by Robbery and Firearms Tribunals and executed in public by firing squad.

6.1 Execution of a minor

Chidiebere Onuoha was aged 17 when he was shot dead in front of a crowd of thousands on 31 July 1997. The imposition of the death penalty on a minor violates Article 6(5) of the International Covenant on Civil and Political rights, which provides that “[s]entence of death shall not be imposed for crimes committed by persons below 18 years of age”. Five others executed with him were **Vincent Obidiozor Duru, Macdonald Chukwudi Ebere, Collins Ndulaka, Amanze Onuoha** and **Nnaemeka Sydney Onyechege**. They and another minor, 16-year-old **Patrick Obinna Okoroafor**, had been sentenced to death on 30 May 1997 by a Robbery and Firearms Tribunal in Owerri, Imo State, in southeast Nigeria. On 18 July the Military Administrator of Imo State confirmed the sentences on six of the defendants and commuted Patrick Obinna Okoroafor’s sentence to life imprisonment.

These executions also contravened the standards set by the International Covenant on Civil and Political Rights for fair trial, including the right to a fair hearing by a competent, independent and impartial tribunal, and the right of appeal to a higher tribunal.

The seven defendants were reportedly convicted in connection with an armed robbery committed in May 1995. Denied any right of judicial appeal to a higher or independent court, Patrick Obinna Okoroafor and Chidiebere Onuoha, aged 14 and 15 years respectively at the time of the offence, petitioned the State Military Administrator for clemency on the grounds of age. With the support of local human rights organizations, they sought an urgent injunction from the Federal High Court in Port Harcourt to prevent the executions on the same grounds and also on the grounds that the Tribunal had been improperly constituted. Tribunal chairmen are usually serving or retired High Court judges, but on this occasion the tribunal chairman appointed to try the case was a judge from a Customary Court of Appeal, a lower court which does not have jurisdiction to try capital cases. The defendants accused him of inciting public passions in his judgement. The Federal High Court refused an interim injunction and adjourned the case to 6 October 1997 on the grounds that it was a matter of interpreting the constitution and "nothing to do with death".

The case evoked particular pressure locally for executions because one of the defendants was the son of a man who has been detained on suspicion of involvement in ritual murders -- murder committed in the context of traditional religious beliefs. The discovery of the body of a child in September 1996 led to riots in Owerri and attacks on suspects' property. One of the suspects, Innocent Ekeanyanwu, died in police custody on 22 September 1996 in unexplained circumstances. Another, Matthew Anyanwu, died in Owerri prison in August 1997 and other suspects were reported to be ill. Chidiebere Onuoha, a student at the time of his arrest in August 1995, suffered several serious illnesses in prison, including typhoid fever and hepatitis.

In a much-publicized case under the previous military government, the High Court ordered a stay of execution on 12 youths sentenced to death in 1988 who included one aged 14 at the time of the offence and whose convictions by a Robbery and Firearms Tribunal were seriously flawed, with irregularities and bias in the police investigation and the trial. Their death sentences were commuted in 1992 and they were subsequently released.

6.2 Hundreds on death row

As many as 800 prisoners are reported to be awaiting execution in Nigeria's prisons, some of whom have been there for many years. On 10 July 1997 six men aged between 32 and 40 were publicly executed by firing squad in Umuahia, Abia State, the first

executions in the state since its creation in 1991. They had reportedly been on death row since 1979. It was not clear whether they might have included at least two men known to have been sentenced to death by hanging for murder in 1979.

The Nigerian human rights group, the Civil Liberties Organisation, has been seeking a court ruling in a test case to challenge the practice of keeping prisoners in cruel, inhuman and degrading conditions for years on death row. Nigerian prisons are overcrowded by tens of thousands of prisoners, largely because the prosecution, police, courts and prisons have been under-funded and undermined by corruption. Prisoners often have to bribe officials to have action taken on their case -- police officers to obtain the stationery and transport to bring their cases before the prosecuting authorities, or judicial officials to ensure that their cases are not neglected or endlessly adjourned when they do reach court. In 1996 the prison population was about 55,000, of whom 60 per cent -- about 37,000 -- were awaiting trial on remand. Many prisoners spend years awaiting trial in life-threatening prison conditions, often on the basis of inadequate evidence against them. There is a high rate of deaths from malnutrition and disease.

7. Amnesty International's recommendations⁹

In November 1996 Amnesty International published a 10-point program of human rights reforms which it recommended as necessary to end human rights violations in Nigeria. Not one of these recommendations has been implemented. Amnesty International continues to appeal to the Nigerian Government to:

- 1 Commit itself to establishing respect for human rights in Nigeria and to cooperating with the international community in this endeavour -- in particular by implementing the recommendations of the the UN Secretary-General, the Human Rights Committee, the UN Commission on Human 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.
- 3 End arbitrary detention. Revoke all military decrees which allow for the indefinite or incommunicado detention without charge or trial of political

⁹See *Nigeria: Time to end contempt for human rights*, November 1996 (AI Index: AFR 44/14/96) for further information about Amnesty International's proposed 10-point program for human rights reform.

prisoners, including the State Security (Detention of Persons) Decree, No. 2 of 1984.

- 4 Guarantee 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.
- 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.
- 6 End 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.
- 7 Take action to prevent extrajudicial executions.
- 8 Order independent 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 victims.
- 9 Halt all executions and abolish the death penalty.
- 10 Revoke 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.

In view of the failure of the Nigerian Government to respond effectively to international concerns about human rights violations, Amnesty International is urging the international community, including key intergovernmental organizations such as the Commonwealth, to continue pressing the Nigerian Government to address the need not only to stop individual human rights violations but also to set up structural safeguards against future human rights violations in the long-term.