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OPEN LETTER  
to the Ministers attending the meeting of the  
Commonwealth Ministerial Action Group on the Harare Declaration  
8-9 October 1998

Dear Ministers,

On the occasion of the forthcoming meeting of members of the Commonwealth Ministerial Action Group on the Harare Declaration, Amnesty International would like to draw your attention to recent developments in Nigeria and its current concerns with regards to the human rights situation in that country.

Following the sudden death on 8 June 1998 of head of state General Sani Abacha, at least 100 political prisoners have been released under the new military government headed by General Abdulsalami Abubakar (see Appendix for details of releases). Charges against some political prisoners and exiles have been withdrawn, and death sentences imposed for political offences have been commuted.

Amnesty International has welcomed these positive developments and has called on the Nigerian authorities to continue the release of prisoners of conscience. The fact is, prisoners of conscience remain in prison and the government has not clarified what will happen in their cases or whether it intends to revoke the military decrees which have overturned the rule of law in Nigeria since 1983. Amnesty International has also urged that an independent judicial review be carried out 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.

The new government should demonstrate swiftly its intention to provide greater protection for human rights by revoking the military decrees which have effectively overturned the rule of law in Nigeria. They have resulted in the removal of all legal safeguards against arbitrary imprisonment, against torture or ill-treatment, and against unfair trials by special courts resulting in the imprisonment and execution of prisoners of conscience.

Amnesty International has also called for an independent and impartial investigation in accordance with international standards into all reported human rights violations, with a view to bringing to justice those responsible. Such violations should include the recent deaths in detention of prisoners of conscience, including that in July 1998 of **Moshood Abiola**, the reported winner of the 1993 presidential elections annulled by the military. An independent judicial inquiry should also look into the deaths in custody of two other prisoners of conscience in

December 1997, retired **Major-General Shehu Musa Yar'Adua**, 54-year-old former deputy head of state, and **Staff Sergeant Patrick Usikekpo**. It should also include investigation into reported extrajudicial executions by the security forces and allegations of excessive use of force in the control of demonstrations.

Most of the repressive legal and administrative structure built up by military rulers since the last civilian government was overthrown in 1983 remains in place, in particular military decrees allowing the imprisonment of prisoners of conscience and the suppression of the rule of law:

- the **State Security (Detention of Persons) Decree, No. 2 of 1984**, which provides for the indefinite incommunicado detention without charge or trial of any person deemed to threaten the security or the economy of the state,
- 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.

Fundamental human rights provisions of the Constitution are still suspended. Special courts established by military decree and which have been used to imprison prisoners of conscience after unfair and politically-motivated trials have not been abolished or brought into line with international standards for fair trial. These include Civil Disturbances Special Tribunals, one of which sentenced to death **Ken Saro-Wiwa** and eight other Ogoni executed in November 1995, and Special Military Tribunals which have sentenced to death 89 people since 1990, 69 of whom were executed. At least 1200 people have been executed since 1983 following convictions by Robbery and Firearms Tribunals, special courts which also do not conform with international standards for fair trial.

At least 46 political prisoners, including prisoners of conscience, remain imprisoned, convicted following grossly unfair and secret military trials by Special Military Tribunal which denied them practically all rights of defence. **Ibrahim Al-Zakzaky** and three other leading members of the Muslim Brotherhood are currently awaiting judgement following trial on charges of inciting public disaffection and sedition before the Federal High Court, Kaduna. Dozens of their supporters are reported to have been detained without charge or trial or imprisoned after unfair trials in various parts of northern Nigeria since 1996.

Following a coup attempt in April 1990 and a series of secret trials, which resulted in the execution of 69 armed forces officers, at least one civilian, **Turner Ochuko Ogboru**, and 10 soldiers remain imprisoned despite pardons and court orders for their release. One officer, **David Mukoro**, was reported in July 1998 to have recently died in detention from tuberculosis after being denied medical attention. They have been held incommunicado throughout their imprisonment.

Eighteen serving and retired armed forces officers are still held although, since June 1998, the civilians convicted in the same series of treason trials in 1995 have been released. More than 40 defendants were convicted in a series of treason trials in 1995 apparently aimed at imprisoning key critics of the government, including human rights activists and journalists. Of the prisoners still held, **Navy Commander L.M.O. Fabiyi** was sentenced to 15 years'

imprisonment reportedly for passing a defendant's defence submission to others. Another military lawyer, **Colonel Roland N. Emokpae**, sentenced to 25 years' imprisonment, was reported in June 1998 to be seriously ill with liver problems in Birnin-Kebbi prison and to have been denied the medical treatment he requires. There has been no inquiry into reports of torture of some of the defendants, including **Lieutenant-Colonel M.A. Igwe**, sentenced to 25 years' imprisonment after he refused to implicate others under duress.

Six civilians and 10 armed forces officers remain imprisoned after being convicted of treason on 28 April 1998 following a secret and unfair trial by Special Military Tribunal. On 9 July 1998 the new government announced the commutation of death sentences on former deputy head of state **General Oladipo Diya**, four other armed forces officers and a civilian convicted of involvement in a coup plot. It reduced the prison sentences of five armed forces officers and five civilians, and commuted the prison sentence of one officer to dismissal from the armed forces.

The trial raised questions about whether the coup plot had been instigated by officers who are still part of the present military government in order to entrap General Diya and other senior officers from the Yoruba ethnic group.

Amnesty International believes all prisoners of conscience, both military and civilian, among the remaining political prisoners should be released and that the convictions of all others should be reviewed by an independent and impartial tribunal, providing for fair trial according to international standards and full rights of defence, with a view to releasing those wrongfully imprisoned.

Amnesty International urges the Commonwealth to use its influence with the Nigerian government to continue releasing prisoners of conscience and to ensure that the forthcoming transition is not hampered by the retention of repressive powers which could be used to violate the human rights of Nigerians.

Yours sincerely,

Derek Evans  
Deputy Secretary General

## **Appendix: The release of political prisoners**

At least 100 political prisoners, most of them prisoners of conscience, have been released since June 1998. Some had been detained without charge or trial. Others had been imprisoned to await trial, in some cases for several years after the authorities blocked every legal attempt to have them released or tried. Others had been convicted after unfair political trials.

On 15 June 1998 the government announced the first nine releases: they included oil workers' leaders **Frank Ovie Kokori** and **Milton Dabibi**, former head of state **General Olusegun Obasanjo**, human rights and pro-democracy activist **Dr Beko Ransome-Kuti**, newspaper editor **Christiana Anyanwu**, and lawyers and pro-democracy leader **Chief Olabiyi Durojaiye** and **Chief Bola Ige**. At least five political detainees were released unannounced in the days following, including human rights lawyer **Ebun-Olu Adegboruwa**, pro-democracy leaders from eastern Nigeria, **Dr Arthur Nwankwo** and **Dr Udentia O. Udentia**, and environmental activist **Isaac Osuoka**.

On 25 June 1998 a further 17 releases were announced. Ten had been charged with treason in March 1997, including pro-democracy and human rights leaders **Dr Frederick Fasehun** and former government minister **Chief Olu Falae**. Six had been detained without charge or trial, including political leaders from northern Nigeria, **Alhaji Abubakar Rimi** and **Alhaji Sule Lamido**, and human rights and pro-democracy activists **Olisa Agbakoba**, **Chief Ayo Opadokun**, and **Olusegun Maiyegun**.

Also on 25 June 1998 the High Court, Ibadan, discharged 32 of a group of 40 people arrested and charged in connection with pro-democracy protests on 1 May in Ibadan. They included former senator **Alhaji Lam Adesina**, trade union leader **Alhaji Lateef Akinsola** and newspaper editor **Femi Adeoti**.

On 15 July 1998, two employees of *The News* media group were released: **Adetokunbo Fakeye**, defence correspondent, and **Rafiu Salau**, administrative manager. They had been detained without charge or trial since November 1997. On 23 July 1998 **Babafemi Ojudu**, managing editor of *The News* group, was released uncharged from eight months' incommunicado detention.

On 20 July 1998 the government announced that it had pardoned 10 more civilians convicted of involvement in an alleged coup plot in 1995. They included **Shehu Sani**, Vice-Chairman of the Campaign for Democracy; newspaper editors **Kunle Ajibade**, **George Mbah** and **Ben Charles Obi**; and detained relatives of military defendants in the trials, **Rebecca Onyabi Ikpe** and **Alhaji Sanusi Mato**. All had been convicted after unfair trials in secret by Special Military Tribunal.

In September 1998, **20 Ogoni prisoners** who had been detained without trial, most of them since 1994, were released. They were ostensibly awaiting trial on the same murder charges that were brought against the "Ogoni nine" executed in November 1995. Previous attempts to have the Ogoni 20 released on bail or brought to trial were obstructed by their lack of access to lawyers and by government appeals against court rulings for their release. Despite court orders, the authorities refused to release the prisoners until they had received express orders from the military government in the capital, Abuja. On 7 September 1998, the High Court ruled that their continued detention -- and that of another Ogoni detainee detained without charge or trial since

September 1997, **Daughter Dilosi** -- was unconstitutional and illegal and that they should be released unconditionally. They were released the same day.