

**AMNESTY
INTERNATIONAL
ANNUAL REPORT
ENTRIES ON
NIGERIA 1968-
2010**

**AMNESTY
INTERNATIONAL**



Amnesty International Publications

First published in 2010 by
Amnesty International Publications
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW
United Kingdom
www.amnesty.org

© Copyright Amnesty International Publications 2010

Index: AFR 44/018/2010
Original Language: English
Printed by Amnesty International, International Secretariat, United Kingdom

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publishers.

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international human rights instruments. We research, campaign, advocate and mobilize to end abuses of human rights. Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations

**AMNESTY
INTERNATIONAL**



CONTENTS

1 June 1967- 31 May 1968 Annual Report.....	5
1968-9 Annual Report	5
1969-70 Annual Report	5
1970-1971 Annual Report	5
1971-1972 Annual Report	6
1972-73 Annual Report	6
1973-74 Annual Report	6
1975-1976 Annual Report	7
1977 Annual Report	9
1978 Annual Report	10
1979 Annual Report	11
1980 Annual Report	12
1983 Annual Report	13
1984 Annual Report	14
1985 Annual Report	16
1986 Annual Report	19
1987 Annual Report	21
1988 Annual Report	24
1989 Annual Report	26
1990 annual report.....	29

1991 Annual Report.....	32
1992 Annual Report.....	35
1993 Annual Report.....	37
1994 Annual Report.....	40
1995 Annual Report.....	44
1996 Annual Report.....	48
1997 Annual Report.....	53
1998 Annual Report.....	57
1999 Annual Report.....	61
2000 Annual Report.....	65
2001 Annual Report.....	70
2002 Annual Report.....	75
2003 Annual Report.....	80
2004 Annual Report.....	85
2005 Annual Report.....	90
2006 Annual Report.....	94
2007 Annual Report.....	98
2008 Annual Report.....	103
2009 Annual Report.....	109
2010 Annual Report.....	115

1 JUNE 1967- 31 MAY 1968 ANNUAL REPORT

The tragic development of the Nigerian civil war is well known. In the violence and confusion of a war situation of this kind the normal framework of law and human rights within which Amnesty operates is inevitably suspended. A careful watch is being kept in the situation and information on the legal background to the detentions in Federal Nigeria has been forwarded to the I.C.J. At present Amnesty has only one adopted prisoner, Wole Soyinka, the poet and playwright.

1968-9 ANNUAL REPORT

The basic human rights of many thousands of Nigerians have been suspended during the present tragic conflict. It is difficult for Amnesty to be effective in this atmosphere while the country is in a state of civil war and only a very small number of cases have been taken up.

1969-70 ANNUAL REPORT

In a cable to the Head of State Amnesty welcomed the amnesty announced by General Gowon on the ending of the civil war and asked for assurances that the amnesty would be fully observed and normal legal procedures followed. A prompt and courteous reply was received from General Gowon. Nevertheless it would seem that the Government has not yet established full control throughout the country and disturbing reports have been received concerning arbitrary arrests, ill-treatment and even killing of former Biafrans in the former Biafran areas, particularly in the Port Harcourt district. These reports are being investigated.

A number of newspaper editors have recently been arrested who may well prove to be cases for Amnesty.

1970-1971 ANNUAL REPORT

Following the amnesty declared by General Gowon at the close of the Biafran war, the Nigerian government indicated that leaders of the rebellion not covered by the amnesty would

be tried by special tribunals with powers to inflict a maximum penalty of imprisonment. Certain civilian and military leaders of the former Biafran regime are reported to be still under arrest or restriction- including two ex-members of the Biafran Executive, Dr. Pius Okigbo and Dr. Albert Okonkwo (the former is being held in Enugu and the latter at Lagos). Amnesty has raised the question of these men and other former Biafrans still in detention in a letter to the Nigerian government, and is also looking into the cases of a number of junior officers detained since before the outbreak of the civil war in 1967.

1971-1972 ANNUAL REPORT

In November 1971 the Nigerian government issued a statement announcing the reintegration into the Nigerian armed forces of certain officers who had fought on the Biafran side during the Nigerian civil war; the same statement also confirmed the continued detention of 30 persons, including some former Biafran civilian leaders and a number of officers allegedly involved in the pre-war *coup* of January 1966. During the year Amnesty raised the cases of all these men in letters to the Nigerian head of state, General Gowon. Dr. Pius Okigbo is one of the former Biafran leaders who was released from detention during the year. Amnesty also adopted two leaders of the Nigerian Trades Union Congress who were detained in February 1971 following a series of go-slows and strikes. The two men were released in May 1972.

1972-73 ANNUAL REPORT

Amnesty International's principal concern in Nigeria continues to be the detention without trial of 30 prisoners, including some former Biafran officers and a number of military personnel allegedly involved in the pre-war coup of January 1966. These prisoners have been held since the close of hostilities in the Biafran War in January 1970, and the International Secretariat is at present producing investigation case sheets on them. A special cause for concern was the transfer of these prisoners from military custody in Lagos to civilian prisons in remote parts of Nigeria (mainly in the north of the country) in March 1973. The Secretary General expressed Amnesty's concern at the fate of these detainees to the Nigerian authorities during his visit in April 1973. Another disturbing factor is the continued infliction of the death penalty by public execution, on persons found guilty of armed robbery. The number of persons who have suffered death in this way in Nigeria now runs into the hundreds.

1973-74 ANNUAL REPORT

Amnesty International's principal concern in Nigeria continues to be the detention without trial of 30 prisoners, including some former Biafran officers and a number of military

personnel allegedly involved in the coup of January 1966 which overthrew Nigeria's last civilian regime. During the summer of 1973 the Research Department investigated each of these cases individually. In November and December the department produced investigation case sheets on 13 of the prisoners. In January 1974 there were demonstrations in Nigeria calling for the release of the prisoners, and group work is presently continuing on the cases. In May 1974, the Nigerian government announced it was prepared to review the cases.

1975-1976 ANNUAL REPORT

Reports of the detention without trial of suspected critics of the government of General Yakubu Gowon continued to reach Amnesty International until 29 July 1975, when the government was overthrown in a bloodless coup while General Gowon was attending an Organization of African Unity summit meeting in Kampala, Uganda.

Two weeks later, the new government, headed by Brigadier Murtala Mohammed, announced the release of 50 political prisoners. These included a number of civilian critics of the Gowon government who had been detained without trial under the provisions of the 1967 Emergency Regulations- among them several AI adoptees. Also freed were five military officers who had been detained for their alleged part in the coup of January 1966 which overthrew Nigeria's last civilian government. This represented the final and apparently complete implementation of a promise General Gowon made on 1 October 1974 to free all military personnel in detention. The amnesty of August 1975 was accompanied by a warning from Brigadier Murtala's military government that it would not tolerate any subversive activities.

The new government proceeded with a thorough purge of the Nigerian civil service, judiciary and military, replacing many individuals who had occupied high positions under General Gowon. In October 1975 a constitutional commission was set up to draft a new constitution for a return to civilian rule in 1979. The internal structure of the Nigerian federation was modified by the addition of seven new states. However, the 1967 Emergency Regulations, under which persons may be detained without trial, were retained, provoking further requests from the Nigerian Bar Association for their repeal.

On 13 February 1976 the government's plans were suddenly disrupted by a coup attempt, apparently staged by Lieutenant Colonel B. S. Dimka. Although the coup failed, Brigadier Mohammed was killed. Lieutenant General Olusegun Obasanjo took his place as head of state, and arrests of those thought to be involved in the coup followed, although Lieutenant Colonel Dimka managed to escape.

On 5 March 1976 Lieutenant Colonel Dimka was captured, four days after the government announced that a special military tribunal would be set up to try those accused of involvement in the 13 February coup attempt.

On 11 March, after summary trials, 30 persons, including Major General I. D. Bisalla, the former federal defence commissioner, were publicly executed by firing squad in Lagos. The

Nigerian government announced that a total of 32 persons had been sentenced to death. It also stated that 125 persons had been arrested in connection with the February 13 coup attempt, and 40 had been released. AI learned of the executions the next day and immediately cabled Lieutenant General Obasanjo stating the organization's opposition to the death penalty in all circumstances and urging him to exercise his prerogative of mercy as head of state to ensure that there would be no further executions of persons convicted of involvement in the 13 February coup attempt. On 15 May, however, Lieutenant Colonel Dimka was executed by firing squad in Lagos, along with six others.

1977 ANNUAL REPORT

The human rights situation in Nigeria has greatly improved since 1975-1976, with a return to normality following the 1976 abortive coup d'état in which Murtala Mohammed, Head of State, was assassinated. Despite the continuation of the Emergency Regulations there was considerable free public discussion on the draft of the new Constitution for the planned return to civilian rule in October 1979. Elections to local district councils were held in December 1976 (without serious incident), as the second part of the five-stage transition period. The formation of political parties to contest federal elections will later be allowed.

Amnesty International has no adopted prisoners in Nigeria and powers of detention do not appear to be used by the Government to any significant degree. There is a large measure of press freedom in Nigeria and the judiciary retains a considerable degree of independence, although provision for trial by military tribunal still exists. The relative independence of the judiciary was demonstrated in the case of a musician, Fela Anikulapo-Kuti, who was freed on bail by the High Court in March 1977 after being detained for about three weeks. He and 43 members of his Africa 70 company had been arrested by soldiers with considerable brutality. He is an outspoken critic of the military government.

However, there is a disturbing trend towards increasing severity in certain judicial areas, as shown in 1976-1977 by the introduction of the mandatory death penalty for attacks on customs officials, and by the removal of the right of appeal to the Supreme Court for people convicted of armed robbery, an offence which is tried by military tribunal and which has carried the mandatory death penalty since 1970. In 1976-1977, a large number of people were executed in public after being tried and convicted of armed robbery.

The Nigerian Government has continued to play an important role in international and African affairs, especially over the question of human rights in southern Africa and the peaceful resolution of conflict through the offices of the Organization of African Unity. During the Second World Black and African Festival of Arts and Culture 1977 (FESTAC) in Lagos, the Union of Writers of the African Peoples made a statement calling on all African governments to end torture, arbitrary imprisonment and "other forms of dehumanization". The Union appealed on behalf of writers imprisoned in Egypt and Niger and subsequently in Uganda, and gave active support to the struggle for the liberation of southern Africa.

1978 ANNUAL REPORT

The Nigerian Federal Military Government moved towards the planned second stage of its gradual handover to civilian rule, due in October 1979, by holding elections to the Constituent Assembly and discussions about a new Constitution. The ban on political activities and associations is due to be lifted in October 1978 for the final stage of this process.

After the student riots, which began on 10 April 1978 over a large increase in student fees and led to the deaths of about six students, a number of student leaders were detained by national security officers. Numerous appeals for their release were made within Nigeria, and Amnesty International cabled the Nigerian Federal Attorney General on 30 April, expressing concern at the continuing detention without charge of Segun Okeowo, a student representative in the National Assembly. Amnesty International asked for information about why he was being detained, about the terms of the detention order, and about others also being held following the student disturbances. No reply was received, but Segun Okeowo was released from Ikoyi prison on 13 June as a result of a High Court order. His lawyer, Chief Gani Fewehinmi, had been arrested on other charges, but was acquitted in court.

Amnesty International wrote to the Nigerian Head of State, Lieutenant-General Olusegun Obasanjo, on 30 January 1978 about reported ill-treatment by national security officers of some people arrested on currency charges in the first half of 1977 and later held under the Exchange Control (Anti-Sabotage) Decree of 5 August 1977. Some of those held were said to be ill and not receiving adequate medical treatment. Access was also generally denied to family, lawyers and foreign diplomatic representatives. The Decree, which was retroactive, increased penalties and established special tribunals to try exchange control offences. Amnesty International urged the Head of State to establish an independent inquiry into the treatment of such people, and asked that review of sentence should await the result of such an inquiry. No reply was received.

In August 1977, it was announced that 608 people were under sentence of death (mostly for armed robbery), although the hearing of judicial appeals and clemency appeals could take up to two years. There were a number of public executions during 1977 and the first half of 1978.

In October 1977, Amnesty International attended a seminar organized by the All Africa Conference of Churches in Ibadan, Nigeria, on "The Death Penalty in Africa". It was attended by delegates from a number of African countries and affirmed "the desirability of the total abolition of capital punishment". During the seminar, the Amnesty International delegate learnt of an imminent public execution, due to take place on the final day of the seminar. The Chairman of Amnesty International, Thomas Hammarberg, cabled the Minister of Foreign Affairs, Brigadier Joseph Garba, requesting that the person to be executed be granted clemency. Amnesty International later learnt from the Nigerian press that the execution did not take place. The Nigerian Government has not signed the International Convention on Civil and Political Rights.

1979 ANNUAL REPORT

On 21 September 1978, the head of the Federal Military Government, Lieutenant-General Olusegun Obasanjo, announced the end of the state of emergency imposed when the military took power in 1966, and the legalization of political activities. Five political parties were officially registered in December.

The new constitution providing for the return to civilian rule is due to come into force on 1 October 1979. There will be an executive president, a bicameral legislative assembly and executive state governors. It was drafted by a special civilian assembly, but was subsequently amended by the ruling Supreme Military Council to include, among other things, the retention of the National Security Organization, Nigeria's security police.

Under a decree issued at the time the emergency was withdrawn, the military government introduced new powers of detention without trial. This was interpreted as a precautionary measure to ensure that the removal of restrictions on political activity did not lead to ethnic hostility. No reports of detentions were received by Amnesty International.

Amnesty International knows of no prisoners of conscience in Nigeria, but is concerned at the use of the death penalty. Many executions take place each year, though precise figures are not known. Executions in public of convicted armed robbers, which had been in abeyance for some six months, were resumed in March 1979 when five prisoners were executed by firing squad in Lagos following a public outcry at the increase in violent crime. Those executed had been sentenced to death by a special tribunal consisting of a High Court judge sitting with one military officer and one police officer, in accordance with the Armed Robbery Decree 1970.

The death penalty is retained in the new constitution.

1980 ANNUAL REPORT

The major concern of Amnesty International continued to be the death penalty.

Nigeria returned to civil rule on 1 October 1979, then the military authorities duly handed over power to the government of President Shehu Shagari. The new Nigerian constitution either repealed or modified several decrees enacted during military rule. Of particular significance was the abolition of special military tribunals which imposed mandatory death sentences, without the possibility of appeal, for seven offences, including armed robbery and treason. Although the death penalty still remained mandatory for a reduced number of offences, all of these were placed under the jurisdiction of the High Courts, with the possibility of appeal to the Federal Court of Appeal and the Supreme Court. In a presidential amnesty on 1 October 687 prisoners convicted of criminal offences were released.

During the first months of office the new administration took several positive measures regarding executions and prisoners convicted under retroactive legislation. On 4 October 1979 the Chief of Army Staff, Major-General T. Y. Danjuma, announced that there would be no more public executions, arguing that their deterrent effect had "worn off". In his New Year address of 1 January 1980 President Shehu Shagari announced the release of 31 prisoners arrested in early 1977 and convicted according to the Foreign Exchange Anti-Sabotage Decree of August 1977, which was repealed in October 1979. Referring to its retroactive use, President Shehu Shagari declared that "the element of backdating laws to suit the offences is repugnant to the fundamental human rights of our citizens, as enshrined in our Constitution." In late January 1980 the Nigerian authorities announced that all prisoners sentenced to death for armed robbery whose sentences had not been confirmed by 30 September 1979 would no longer be executed. These prisoners are to be given a new trial before the Federal High Court. Amnesty International has been unable to ascertain the precise number of prisoners on death row at the time of this announcement although it may have been as high as 500.

In the five months before the return to civilian rule, 25 death sentences were reported to have been passed for armed robbery. On 30 January 1980 the Abakaliki High Court sentenced 32 people to death in connection with an incident in February 1973, when three police officers and one councillor were killed. The only reported executions for armed robbery since the advent of civilian rule took place on 8 December 1979, when four people were executed by firing squad.

On 3 March 1980, 50 detainees held on vagrancy charges died of suffocation on a police van while they were being transported from Lagos to Ikoyi prison. Following the deaths, the government ordered an official inquiry and five police officers and one investigating magistrate were taken into custody.

1983 ANNUAL REPORT

This report covers the period January to December 1982

Amnesty International was concerned about the detention without trial of suspected supporters of a religious leader, Alhaji Mohammed Marwa, also known as Maitatsine. All were released in October 1982. It was also concerned about the death penalty. On 31 August Nigeria signed the African Charter on Human and Peoples' Rights.

More than 900 alleged supporters of the late Alhaji Mohammed Marwa were detained without trial following rioting in December 1980 which was reported to have resulted in more than 4,000 deaths in Kano State. Of those detained on suspicion of involvement in the riots, more than 900 were reported to have been held without trial until October 1982 when President Shagari ordered their release. It was not known whether they included any prisoners of conscience. Further rioting then occurred in Maiduguri and Kaduna, inspired by followers of Alhaji Mohammed Marwa. Some reports suggested that these riots were sparked off by some of his supporters after their release from Kano prison in October, although this connection was denied by the federal government.

Alhaji Mohammed Marwa's sect was banned by President Shagari on 18 November by decree. Chief Richard Akinjide, the Minister of Justice, announced that people convicted of membership of the sect would face prison terms of between three and five years. Although this decree was intended to be applied to those followers of Alhaji Mohammed Marwa who had participated in the riots of October and November, Amnesty International was concerned that it could entail the detention of people for their non-violent religious beliefs. By the end of 1982 Amnesty International had received no reports that the decree had been used to detain prisoners of conscience.

Amnesty International remained concerned about the use of the death penalty but was unable to ascertain the number of death sentences or executions. Eight appeals against the death penalty were reported to have been rejected by the Supreme Court in January and February alone.

1984 ANNUAL REPORT

This report covers the period January to December 1983

Amnesty International was concerned about reports that large numbers of people were detained during national elections in August, although it was not clear whether any of those detained were held solely on account of non-violent political opinions or activities. At least three people were sentenced to death during 1983 but it was not known how many executions took place.

Presidential and legislative elections took place in August. President Shehu Shagari was re-elected to a second four-year term and his National Party of Nigeria (NPN) won a majority of seats in the Federal House of Representatives. However, there were widespread allegations that voting had been rigged in several states of the federation. Some results were successfully challenged in the courts. On 31 December, President Shagari's government was overthrown in a coup led by Major-General Muhammadu Buhari.

Over a thousand people were detained in August during the national elections, which were disrupted by political violence. Arson, intimidation and ballot-rigging were widely reported, and hundreds of people were killed in clashes between supporters of rival candidates. There were allegations that several candidates for election to the office of state governor maintained private armies of hired thugs. The most serious violence was reported in Oyo and Ondo states, both of which were won by NPN gubernatorial candidates against incumbent candidates from the Unity Party of Nigeria (UPN). However, a UPN candidate was eventually declared to have been elected as governor of Ondo after the Supreme Court had overturned the election of the NPN candidate. Over 600 people were reportedly detained in Ondo state along in August and September, while other detentions were reported from almost every state in the federation. Most of those detained were held on suspicion either of electoral fraud or of crimes of violence including arson and murder. Representatives of the UPN and the Nigerian People's Party (NPP) alleged that some of their supporters had been detained on account of their party affiliation and that many detainees were held without charge. Both federal and state police authorities reportedly denied these allegations, stating that all those held in connection with offences during the August elections had been formally charged before a magistrate. Some reports estimated that the number of people held on political grounds in October, including those who had not been charged, may have been up to 150 in Niger state, 200 in Borno, 100 in Imo, 600 in Oyo and 500 in Ondo. In late October, the national press reported that two senior officials of the opposition UPN had been prevented by security officers from boarding a flight to London and had had their passports confiscated. They had reportedly intended to give Amnesty International information concerning UPN supporters who had allegedly been arrested for political reasons.

Three people were known to have been sentenced to death in 1983 after being convicted of murder. It was not known how many other death sentences were imposed or how many executions were carried out. In Oyo state, the authorities instituted an inquiry in November into the imposition of death sentences on people convicted in connection with violent protests against heavy taxes in 1980. According to the governor of Oyo, Dr Victor Olunloyo,

there were fears that some of those sentenced to death may have been wrongfully convicted.

1985 ANNUAL REPORT

This report covers the period January to December 1984

Amnesty International was concerned about the imprisonment of prisoners of conscience. It was also concerned that political prisoners were tried by tribunal using procedures which apparently fell short of internationally recognized standards of fairness. The organization was also concerned about the use of the death penalty, the application of which was extended to 19 offences. Many of the 111 or more people executed during the year had been convicted by tribunals which did not permit any judicial appeal.

The Supreme Military Council (SMC), which took power in a military coup on 31 December 1983, suspended some sections of the 1979 constitution and issued a series of decrees. The government's power to detain people without trial was extended, special tribunals were established to try people accused of crimes which the government regarded as particularly serious, and the number of capital offences was increased.

In January the government detained over 500 former politicians and traders associated with the government of former President Shehu Shagari, who was himself detained throughout 1984. In February the government promulgated SMC Decree No. 2- the State Security (Detention of Persons) Decree 1984- which empowered the authorities to detain indefinitely anyone suspected of being "concerned in acts prejudicial to state security" or of having "contributed to the economic adversity of the nation". It was made retroactive to 31 December 1983, and was invoked in the cases of those detained in January. At least 150 more people were reported to have been detained under SMC Decree No. 2 during 1984. Most of those held under the decree were reportedly suspected of common law offences such as corruption and embezzlement. Some 30 former officials detained in January were convicted of common law offences during 1984. However, Amnesty International believed that at least one person held under the decree was a prisoner of conscience and called for his release. Dr. Tai Solarin, a teacher and journalist, was detained by the security forces on 12 March reportedly because he had written a newspaper article criticizing the government. On 19 April a Lagos High Court ordered his release, but he was immediately rearrested and was still held without trial in Jos prison at the end of 1984.

The organization also adopted as prisoners of conscience Nduka Irabor and Tunde Thompson, two journalists detained on 11 April and accused of writing an inaccurate article in the Lagos *Guardian* newspaper. In June both were sentenced to a year's imprisonment. Amnesty International considered them to have been imprisoned for exercising their right to freedom of expression. The organization investigated the cases of six other people who it thought might be prisoners of conscience.

In October, 250 people detained since January under SMC Decree No. 2 were released uncharged, among them Chief Chukuemeka Odumegwu Ojukwu, whose case was being investigated by Amnesty International. It considered that he might have been detained on account of his former political activities as leader of the secessionist state of Biafra, in spite of an official amnesty. At least four journalists who had been detained reportedly for writing

stories which criticized or embarrassed the government were also released during 1984, including two who were being investigated by Amnesty International as possible prisoners of conscience. On 31 December it was announced that a further 133 people detained under SMC Decree N. 2 would be released to mark the first anniversary of the SMC.

The government established at least five categories of special tribunal, each presided over by a qualified judge, with members of the armed forces acting as assessors. Although special tribunals were used principally to try people accused of criminal offences, some were used to hear political cases. For example, the journalists Nduka Irabor and Tunde Thompson were both tried by a special tribunal established under SMC Decree No. 4, the Public Officers (Protection Against False Accusation) Decree. Furthermore, Amnesty International learned of one person charged with a criminal offence whose trial was transferred from an ordinary court to a special tribunal apparently for political reasons. Fela Anikulapo Kuti, a musician known for the political content of his songs, was detained on 4 September on suspicion of attempting to export currency unlawfully. His case was transferred from the High Court to a special tribunal established under SMC Decree No. 7, the Exchange Control (Anti-Sabotage) Decree of April 1984. Amnesty International received allegations that the authorities had indicated their wish to secure a conviction while the case was still *sub judice*, and that defence witnesses were prevented from testifying. Amnesty International called for his release or retrial before a court whose procedures met internationally recognized standards. One special tribunal, established under SMC Decree No. 3, the Recovery of Public Property (Special Military Tribunals) Decree 1984, was explicitly created to try former holders of public office and their associates accused of criminal offences.

In April and May Amnesty International informed the authorities of its wish to send an observer to sessions of the special tribunals, and requested a visa. However, no reply was received by the end of 1984.

At least 111 people were publicly executed during the year, some 68 of them after being convicted by special tribunals with no right of appeal. However, all sentences imposed by special tribunals were subject to confirmation by the political authorities. Death sentences passed by special tribunals under SMC Decree No. 5, the Robbery and Firearms (Special Provisions) Decree, had to be confirmed by the appropriate state military governor, but such confirmation was sometimes so swift as to cast doubt upon the thoroughness of review. For example, in Kwara State, six people convicted of stealing cars on 17 July had their sentences confirmed by the state governor the next day and were executed the day after that. Amnesty International repeatedly appealed to the authorities to commute all death sentences, and it expressed particular concern about executions after conviction by tribunals with no right of appeal.

In July the government promulgated SMC Decree No. 20, The Special Tribunal (Miscellaneous Offences) decree, and No. 22, The Counterfeit Currency (Special Provisions) Decree which extended the death penalty to 17 more offences. Moreover, the extension was imposed retrospectively: between 6 and 11 December, five people were sentenced to death under SMC Decree No. 20 for offences which had not been capital offences when they were committed. Amnesty International publicly appealed for the sentences to be commuted, and expressed concern at the retroactive imposition of death penalties. One of the five, Jose Luis Pecina, was subsequently pardoned by the SMC.

Over 120 people were reported to have been sentenced to death during 1984, by both Federal High Courts and special tribunals. Moreover, in May, over 820 prisoners were reported to be under sentence of death some of whom had been sentenced more than 14 years earlier. On 13 November Amnesty International asked the authorities about a newspaper report that the Chief of Staff, Supreme Headquarters, had ordered the execution of any prisoner under sentence of death who had no right of appeal or whose appeals had been rejected. On 22 November, the authorities replied that the Chief of Staff had no authority to issue such orders. Amnesty International subsequently received reports that governors in at least two states had ordered the execution of all such prisoners. For example, 55 condemned prisoners were allegedly executed in Enugu on 15 November; a government official was alleged to have stated that nine people were shot and 46 hanged to “decongest” the prison.

Amnesty International also received reports that orders had been given to some sections of the security forces to execute summarily suspected criminals. On 29 December the News Agency of Nigeria reported that the military governor of Sokoto state had ordered border guards in the state to shoot on sight anyone suspected of smuggling.

1986 ANNUAL REPORT

This report covers the period January to December 1985

Amnesty International was concerned about the imprisonment of prisoners of conscience and the detention without trial of suspected opponents of the government. With one exception, all known prisoners of conscience were released, as were many political detainees, after Major-General Muhammadu Buhari had been replaced as head of state by Major-General Ibrahim Babangida in a bloodless military coup on 27 August. Amnesty International was also concerned about the death penalty.

As a result of the coup in August, the Supreme Military Council (SM) was replaced by a new military government, the Armed Forces Ruling Council (AFRC). Major-General Babangida became President. Some members of the former administration were detained without charge, and in December dozens of other people were arrested after the alleged discovery of a conspiracy against Major-General Babangida's government.

Amnesty International continued in the early part of 1985 to work for the release of 13 prisoners of conscience. All were held under decrees promulgated by the SMC during 1984. Among them were two journalists, Nduka Irabor and Tunde Thompson, sentenced in June 1984 to one year's imprisonment for writing an inaccurate article by a special tribunal established under SMC Decree No. 4, the Public Officers (Protection Against False Accusation) Decree. They were released on 3 March before their sentences had expired.

All but one of the other prisoners adopted or being investigated by Amnesty International were apparently held under SMC Decree No. 2, the State Security (Detention of Persons) Decree 1984, which allows indefinite detention without trial. At the beginning of 1985 hundreds of people were detained under this decree of whom several were prisoners of conscience. For example, Amnesty International appealed for the release of Tai Solarin, a teacher and journalist held since 12 March 1984 apparently because he had written a series of newspaper articles critical of SMC policy. He was eventually freed on 6 August, when some 85 prisoners were released by order of the SMC. Among the others released were former holders of public office (such as Alhaju Lawal Kaita, former Governor of Kaduna State). Also detainees under SMC Decree No. 2 were former President Shehu Shagari, who had been overthrown by a military coup led by Major-General Buhari on 31 December 1983, members of former President Shagari's government who were suspected of misuse of public office, and other people suspected of common law offences such as embezzlement and smuggling. In February the SMC detained four leading members of the Nigerian Medical Association, Edmondson Thompson-Akpabio, Beka Ransome-Kuti, G.T.N Ajakpo and Rotimi Ola. The NMA had called for its members to take industrial action over inadequate health care facilities. They were also released on 6 August by order of the SMC. After the change of government on 27 August, the AFRC released hundreds of detainees. Many had been held under SMC Decree No 2, including Mallam Haroun Adamu, a journalist, who had been held without trial since January 1984 and had been adopted as a prisoner of conscience, Lateef Jakande, former Governor of Lagos State, and Ebenezer Babatope, a former senior official of the Unity Party of Nigeria. The new government also released some 101 people who, it

appeared, had been illegally detained under the SMC government at the Lagos headquarters of the national Security Organization (NSO), the main security agency. Some had apparently been held on suspicion of criminal offences and others as witnesses in criminal cases, but they also included security personnel detained as punishment for alleged misdemeanours and people detained for political reasons. Some of them were observed by journalists, to whom they were presented by the new government, to be in poor health. One of them had a fractured skull.

The new government did not, however, release Fela Anikulapo Kuti, an internationally renowned musician, who was sentenced to five years' imprisonment in November 1984 on charges of currency smuggling. His trial, before a special tribunal, did not conform to internationally recognized standards of fairness, and there were reasons to believe that he had been convicted for political reasons on the instructions of senior members of the SMC. He was adopted as prisoner of conscience and Amnesty International continued to call for his release throughout 1985.

The new government also detained without charge some former officials or office holders associated with the SMC. At the end of 1985 Major-General Muhammadu Buhari and Major-General Tunde Idiagboba, respectively the former Chairman of the SMC and the former Chief of Staff, Supreme Headquarters, were reported to be under house arrest. Mohammed Radindadi, former NSO director, was apparently still held in prison. In late December, the government was reported to have detained dozens of people suspected of involvement in a planned coup which was reportedly uncovered on 20 December. None of them were known to have been formally charged by the end of 1985.

1987 ANNUAL REPORT

This report covers the period January to December 1986

Amnesty International's main concerns were the imprisonment of prisoners of conscience and the frequent use of the death penalty. More than 100 people were sentenced to death, the majority of them after trials from which no judicial appeal was allowed, and more than 60 executions were recorded. However, complete statistics were not available to Amnesty International and the real number of those sentenced and executed was thought to have been considerably higher.

The only prisoner of conscience adopted by Amnesty International at the beginning of 1986, the musician Fela Anikulapo Kuti, was released in April by order of the President (see *Amnesty International Report 1986*). However, there were several short-term detentions of people believed to be prisoners of conscience. In late May Dr Junaid Mohammed, an opposition politician under the former government of President Shagari, was arrested after criticizing the government in an interview broadcast by the British Broadcasting Corporation. He was held under Decree 2, the State Security (Detention of Persons) Decree, 1984, which permits detention without trial and which was widely used by the former government led by Major-General Muhammadu Buhari. Amnesty International appealed for his release as it believed that he was detained solely because of his non-violent opposition to government policy. Dr Mohammed was released uncharged in August.

There were further politically motivated arrests in June following incidents in May at the Ahmadou Bello University in Zaria when security forces opened fire on a student demonstration. Leaders of the Nigerian Labour Congress led by their President, Ali Ciroma, protested against the shootings and were arrested. They were released uncharged after eight days in custody.

A large number of people who had been detained without charge or trial since early 1984, some of whom may have been prisoners of conscience, were either released under judicial review procedures in 1986 or prosecuted for criminal offences or due to be prosecuted. Most were members of former President Shagari's administration. For example, both President Shagari himself and his deputy, former Vice-President Ekueme, were released in July. However, three top officials of the military government which overthrew the Shagari administration- former Head of State, Major-General Muhammadu Buhari, Major-General Tunde Idiagbon and Alhaji Rawal Rafindadi- remained in detention without charge or trial throughout 1986.

The death penalty remained a major concern. Amnesty International learned of the imposition of 111 death sentences but the real total was believed to be considerably higher. There were at least 64 executions. Of those sentenced to death, 101 had been convicted by special Robbery and Firearms Tribunals, each composed of a High Court judge, one military officer and one police officer. All the 64 people known to have been executed had been convicted by the Robbery and Firearms Tribunals.

The Robbery and Firearms Tribunals, which were re-established in 1984, had jurisdiction over cases of robbery in which the accused was alleged to have been armed or to have used person violence. There was no right of appeal to a higher court for those sentenced by the tribunals, in contrast to cases involving other serious offences such as murder which were tried before the High Court, from which appeals could be made to the Appeal Court and then the Supreme Court. Although the law governing the Robbery and Firearms Tribunals did not allow any appeal against their sentences, there was a "confirmation" process which was believed to vary from state to state. In some states the confirmation involved consideration of the sentence by a state Prerogative of Mercy Committee, and then a final decision on whether to execute from the state's military governor. This process was more akin to a clemency hearing than a judicial appeal to a high court, and Amnesty International believed it provided insufficient legal safeguards for people sentenced to death. In addition, Amnesty International was concerned that some of the Prerogative of Mercy Committees were chaired by state Attorney Generals, who would have been ultimately responsible for the original prosecution, a situation that may not have been conducive to impartiality in consideration of clemency.

Throughout 1986, Amnesty International appealed to state and federal authorities to grant clemency. For example, on 8 September the Plateau State Robbery and Firearms Tribunal sentenced Alexander Takunde Genga, a teacher, to death by hanging after convicting him of robbing a student at gunpoint on 22 April 1985. Amnesty International appealed to the military governor for clemency, but did not learn whether he was executed. On 12 September a priest and seven other people were sentenced to death for armed robbery by the Oyo State Robbery and Firearms Tribunal and again Amnesty International appealed for clemency but five of the seven were subsequently executed.

Thirteen death sentences were passed in February by a special military tribunal composed of senior officers on army and air force officers convicted of plotting to overthrow the government. Their alleged leader was Major-General Mamman Vatsa, who, according to official reports, had been planning the coup since shortly after the takeover of power by President Babangida in August 1985. Three of the 13 death sentences were subsequently commuted to prison terms after appeals for clemency but the other 10 were carried out. Amnesty International believes that the appeals for clemency had not been considered with sufficient thoroughness and impartiality: for example, appeals for clemency were made in the first instance to the armed forces' service chiefs who were the superior officers of the convicted men, and sentences were confirmed by the Armed Forces Ruling Council (AFRC). The executions took place just a few hours after the AFRC convened to consider the confirmation of the sentences. Amnesty International and prominent Nigerian figures appealed for commutation of all the death sentences passed.

Amnesty International was particularly concerned about a new method of execution for convicted armed robbers introduced in Niger State, central Nigeria. According to press reports in July, execution by successive volleys of bullets fired at intervals, starting with shots aimed at the ankle, were ordered by the state governor. According to the reports, two people were executed in this way. Amnesty International appealed to the state governor concerned, as well as to the federal authorities, to stop this particularly abhorrent method of torture and execution.

Amnesty International was also concerned about the case of Nasiru Bello who, according to a Supreme Court inquiry in 1986, was executed illegally in 1981 after being sentenced to death by a High Court for murder; his appeal had not yet been heard by the Appeal Court. In a unanimous decision announced on 5 December, seven Supreme Court judges held that Nasiru Bello's constitutional right to an appeal hearing had been infringed. The Attorney General of Oyo State, where the originally death sentence had been passed, agreed under examination at the Supreme Court that the execution had been "unlawful".

Amnesty International welcomed an announcement in July by the Minister of Justice that the death penalty would no longer be used for people convicted of offences under SMC Decree 20, the Special Tribunal (Miscellaneous Offences) Decree of 1984, which covered offences including drug trafficking and illegal oil sales. Three people had been sentenced to death and executed under the provisions of this decree in 1985 (see *Amnesty International Report 1986*). The organization was also pleased to note that the death penalty was removed from the provisions of the Counterfeit Currency (Special Provisions) Decree No. 22 of 1984.

Amnesty International welcomed an invitation in July by the Minister of Justice for the organization to send a delegation to Nigeria to discuss the use of the death penalty and other issues, but by the end of 1986 dates and arrangements for the visit had not yet been finalised.

1988 ANNUAL REPORT

This report covers the period January to December 1987

More than 100 people were sentenced to death and there were at least 45 executions, most of which were carried out publicly. The majority of those condemned to death and executed were sentenced by tribunals from which there was no right of appeal. The right of appeal to a higher court was also denied to more than 170 people tried in connection with religious riots which broke out in March in Kaduna state. More than 20 trade union leaders were detained without trial for up to one week in December and four leading members of former governments remained under restriction, without trial, throughout the year.

The arrests of trade union leaders, all of whom appeared to be prisoners of conscience, occurred in December after the national trade union federation, the Nigerian Labour Congress (NLC), began a campaign against the removal of government oil subsidies. On 14 December three NLC officials were detained by the State Security Service. In the days following, NLC president Alhaji Ali Chiroma and more than 20 regional NLC officials were also detained. They were held under State Security Decree No. 2 of 1984, which provides for administrative detention without trial. Although the authorities declared an intention to charge them with sedition, they were released without charge by 22 December.

Alhaki Shehu Shagari and Alexander Ekwueme, the former President and Vice President whose civilian government was overthrown in a military coup in 1983, remained under restriction throughout the year. They had been released from detention without trial in July 1986, on condition that they remained in their homes in rural areas.

Another former head of state, Major-General Muhammadu Buhari, and former Chief of State, Supreme Headquarters, Major-General Tunde Idiagbon also remained restricted without trial throughout the year, reportedly under house arrest. They had been removed from power in a bloodless coup in August 1985.

Clashes between Christian and Muslim students in Kafanchan, Kaduna state, on 6 March sparked riots in other parts of the state. Nineteen people were killed and over 450 buildings destroyed, including churches and mosques. More than 600 people were arrested, including children nine years of age, and there were unconfirmed reports that detainees had been ill-treated in detention. President Ibrahim Babangida subsequently claimed that some of the violence had been engineered by subversives. By the end of the year, more than 170 defendants had appeared before the Civil Disturbances Special Tribunal, established by Decree No. 2 of 1987, and more than 50 had been convicted. Most were convicted of arson, riot and unlawful assembly. The five-member tribunal was headed by a Supreme Court judge. Its other members, who included an officer in the armed forces, were not required to have legal training. Those convicted by the tribunal had no right of appeal to a higher court and sentences were subject only to confirmation by the Armed Forces Ruling Council, the supreme executive body. At least seven were sentenced to prison terms of between four and five years for possession or publication of seditious materials. Amnesty International investigated whether they were prisoners of conscience.

Most of the people known to be held under sentence of death were tried before Robbery and Firearms Tribunals, established under the provisions of the Robbery and Firearms Decree of 1984 to ensure that armed robbery cases were tried without delay. Some procedures of these tribunals, notably an absence of the right to appeal to a higher court, contravened basic international standards on application of the death penalty. Cases involving other serious offences, such as murder, were tried before the High Court and appeals could be made to the Appeal Court and then to the Supreme Court.

Seventy prisoners under sentence of death in Benin City, Bendel state, assaulted an official on 6 May, apparently in an unsuccessful attempt to prevent the hanging of two prisoners and in protest against prison conditions. Twenty-four prisoners were killed during the quelling by prison officials and police of a subsequent riot, and more than 40 prison officials were subsequently dismissed, transferred or disciplined. A judicial commission of inquiry established to examine the causes of the riot heard allegations that prisoners had been clubbed to death by prison officials. The commission submitted its conclusions to the Minister of Internal Affairs in October. By the end of the year, these findings had apparently not been made public.

In September the Federal Military Government reportedly ordered to governors of Lagos, Ogun, Oyo and Ondo states to execute at least 100 individuals sentenced to death for robbery. The directive, which was to be carried out by the end of the month, was apparently issued following intensified police action against an upsurge of armed robbery. Many of those sentenced to death were believed to have been tried before Robbery and Firearms Tribunals and sentenced to execution by firing-squad. Others, including some 19 people under sentence of death in Lagos state, were believed to have been convicted by the High Courts and to be awaiting appeal hearings. Amnesty International was unable to learn whether the executions took place. However, an acting governor in Lagos state was reported to have signed death warrants authorizing the execution by firing-squad of people sentenced by the High Courts to death by hanging.

Amnesty International appealed to the Nigerian authorities throughout the year for commutation of individual death sentences and for an end to executions. The organization also asked about the powers of the Civil Disturbances Special Tribunal to impose death sentences and made inquiries about the detention of trade union leaders in December.

1989 ANNUAL REPORT

More than 30 prisoners of conscience were detained without charge or trial. Five leading officials of former governments were released from restriction or detention without having been tried. Ill-treatment of criminal suspects was reported and a large number of prisoners died from harsh prison conditions which were so poor as to constitute cruel, inhuman or degrading treatment. Over 70 people were sentenced to death. More than 85 prisoners were executed, most of whom had been denied any right of appeal.

At least 30 prisoners of conscience, including trade unionists and journalists, were detained by the security police for periods of up to several months. They were believed to have been held under the State Security (detention of Persons) Decree, No. 2 of 1984. This empowers the Chief of General Staff, the Inspector-General of Police and the Minister of Internal Affairs to detain indefinitely and without charge any person considered a threat to the economy or security of the state. There is no legal recourse against such detention.

Eleven trade unionists were detained for several weeks or months without charge. Two members of the Civil Service Technical Works Union- Zira Njidda and Anthony Ubale- and two members of the National Union of Nurses and Midwives- Alfa Imam and Yusuf Ladan- were held without charge for four months. They had been arrested in April in connection with demonstrations and strikes in protests against a petrol price increase. About 100 other trade unionists were also detained but were released after about two weeks.

Four leaders of the Academic Staff Union of Universities were arrested in July following a dispute over salaries and the banning of the union by the government. They were released without charge after a month. One of them, Dr Festus Iyayi, was held for one night in extremely cramped police cells in Benin City where he was reportedly stripped, beaten by other inmates and made to sleep on a wet floor. There was no bedding and overflowing basins in one of the cells provided the only form of lavatory for some 50 prisoners.

Three leading officials of a bank employees' union- Paul Obanya, Kehinde Bello and Ralph Obiechie- were arrested in July after members went on strike to protest the closure of the union's office by the police. They were detained incommunicado and without charge until their release in December.

At least 10 journalists were briefly detained for questioning following the publication of articles critical of the authorities. Etim Etim, a reporter with the *Guardian* newspaper in Lagos, was arrested in August by the security police and detained incommunicado and without charge for three months on suspicion of obtaining secret government documents.

In December 11 senior employees of the National Electric Power Authority (NEPA) were sentenced to life imprisonment after a trial held *in camera* before a special court. They were arrested in October following a strike which resulted in wide-spread power cuts and were held under the State Security Decree, both before and after being charged with conspiracy and with inducing employees to tamper with and disrupt power supplies. They were tried before a special court established in 1984, the Miscellaneous Offences Tribunal, which functions

separately from the ordinary court system. It comprises a High Court judge sitting as chairman, three armed forces officers and one police officer. Some defence lawyers withdrew from the proceedings when, apparently for security reasons, the court decided that the evidence of security police should be heard *in camera*. After the sentencing the 11 submitted an appeal to the Special Appeals Tribunal but this had not been heard by the end of the year. Amnesty International began investigating whether they were prisoners of conscience, imprisoned because of their participation in a strike rather than on account of criminal damage.

In January restrictions were lifted on Alhaji Shehu Shagari and Alexander Ekwueme, who had been confined to their home villages since their release from detention in July 1986. They were President and Vice-President of the civilian government which was overthrown in 1983.

In December, three detainees were released- Major-General Muhammadu Buhari, head of the military government in power from 1983-1985, Major-General Tunde Idiagbon, former Chief of Staff, Supreme Headquarters and Lawal Mohammed Rafindadi, former head of the national security services. They had been held without trial since the coup of August 1985 brought the present government to power.

Conditions in police cells and prisons, including grossly deficient sanitation and overcrowding, reportedly resulted in a large number of prisoners dying from disease and medical neglect. In September the Lagos High Court refused on technical grounds to hear an appeal by prisoners at Kirikiri Maximum Security Prison for an increase in their daily food allowance. The application said 66 prisoners had died there between January and July, mostly from hunger and disease, 27 in the month of July alone. Eighty-nine prisoners were reported to have died at Ikoyi Prison in Lagos between January and October.

At least 70 death sentences were imposed, over 60 of them after convictions by Robbery and Firearms Tribunals. Operating outside the ordinary legal system, these special courts are presided over by a High Court judge who may sit alone or with a senior military and a senior police officer. These courts do not meet international standards for a fair trial since they do not allow a right of appeal to a higher court, requiring only that convictions and sentences be confirmed or disallowed by the relevant State Military Governor. All of the 85 known executions were believed to have resulted from convictions by Robbery and Firearms Tribunals and were therefore carried out by firing-squad, most of them in public. Amnesty International believed that the full figures for death sentences and executions were probably higher than those of which it was aware.

There were widespread protests against the sentencing to death of 12 young men in June by a Lagos State Robbery and Firearms Tribunal. One of the youths was subsequently revealed to have been 14 at the time of the offence. He alleged that he had been beaten in police custody. The two principal defendants also claimed that they had been beaten and forced under duress to name and implicate others in the offence. They were deported to the neighbouring People's Republic of Benin (where they were believed to have nationality) before the death sentences were passed. One defendant died in prison before the end of the trial, apparently because of poor prison conditions and inadequate medical treatment.

Although Lagos State's criminal procedure law does not allow the death sentence to be

passed on any person before the age of 17 at the time of the offence, in this case attempts in the High Court to stop the executions on these grounds failed. This was because the 1984 decree establishing Ribbery and Firearms Tribunals specifically precludes the High Court from ruling on any decision made by such tribunals. It was reported that the Department of Justice in Lagos State believed that the police investigation and the trial were marked by procedural irregularities and that, if there had been a right of appeal, the convictions would have been overturned. No decision on the case had been announced by the end of the year but the Federal Minister of Justice stated in December that the executions would not be carried out.

The High Court- from which there is a right of appeal to the Appeal Court and then to the Supreme Court- imposed at least 11 death sentences. Executions are carried out by hanging inside prisons, but are not announced officially. It was not known, therefore, if any hangings took place during the year.

Amnesty International appealed for the release of individual prisoners of conscience and investigated the cases of possible prisoners of conscience. It also urge the government to ensure that detention conditions met international standards for the treatment of prisoners and called for the commutation of all known death sentences. In September an Amnesty International delegation visited Nigeria to compile information on use of the death penalty, among other concerns.

1990 ANNUAL REPORT

At least 30 critics of the government, all prisoners of conscience, were detained without trial or charge, most for brief periods but some for several months. Eleven trade union leaders who were arrested after a strike had their life sentences reduced to 10 years' imprisonment. Harsh prison and detention conditions continued to be reported. The number of executions dropped sharply to 12 during the year, but this may have been because the authorities halted executions in public and did not announce the number carried out in inside prisons.

The ban on political parties, in force since the armed forces took power in 1983, was lifted in May as a step towards the restoration of civilian rule planned for 1992. However, after criticizing the 13 parties which sought registration, the President, General Ibrahim Babangida, re-imposed the ban in October. In December the government established two new political parties – one of the right and one of the left – which alone can contest forthcoming elections.

At least 30 prisoners of conscience, many of them journalists, were detained without charge, most for periods of less than one week, but in some cases for up to eight months. They were held under the State Security (Detention of Persons) Decree, No. 2 of 1984, which provides for the indefinite administrative detention without charge or trial of any persons suspected of threatening the economy or the security of the state.

Journalists who wrote articles critical of the government were routinely questioned by the security police, the State Security Service (SSS), and sometimes detained for short periods. Following an article in *The Republic* newspaper in June about a court action against the government, the police sought to arrest the editor, Paxton Olu-Idowu, and four of his staff. When he could not be found, armed police arrested his wife, Florence Olu-Idowu. Although eight months pregnant, she was held with a male suspect in a police cell without food, water or toilet facilities until her husband reported to the police the following day. He and four colleagues were subsequently detained for a week before being freed without charge.

Other journalists were held for longer periods. Anthony Ukpong, a reporter with *weekly Metropolitan* newspaper, was arrested in December 1988 and held without charge until July when he was released before a legal action challenging his detention came to court. He had written an article speculating that the head of the police force was to be dismissed. Femi Aborisade, editor of *Labour Militant*, was detained without charge from February to September. He said he was questioned only about why he had continued to publish the newspaper after he had been detained for two weeks in 1988. Both complained of being held almost naked in cramped conditions at the SSS interrogation centre in Lagos, and of being denied access to their lawyers or families. Detainees held at the centre apparently went on hunger-strike more than once during 1989 to protest their conditions but did not achieve any improvements.

Two prisoners of conscience detained under Decree 2 were also prosecuted. In May Alhaji Balarabe Musa, a former civilian governor of Kaduna State, was arrested and charged with launching a political party while being disqualified from involvement in politics, an offence

which carries five-year prison sentence. Anyone who held office in any former government is banned from holding government office or a post in a political party until 1992; officials who have been convicted of any offence are banned for life. Although a court ordered Alhaji Bararabe Musa's release on bail two days after his arrest, he was immediately re-detained under Decree 2. His trial was adjourned in August and he was released in October; the trial had not resumed by the end of the year.

In June Gani Fawehinmi, a lawyer and prominent government critic, was arrested in Lagos during a public meeting about the governments' economic policies. He was detained in harsh conditions in northeast Nigeria, over 1,200 kilometres from his home in Lagos. He required hospital treatment a week later because he had not been given medication required for high blood pressure. In July the High Court in Lagos awarded him damages for unlawful arrest but ruled that it did not have jurisdiction to question his administrative detention. In September he was charged with obstructing the political transition programme, an offence punishable by five years' imprisonment, for criticising the government in a magazine interview. The courts agreed to his release on bail, but was immediately re-detained under Decree 2 and held until October when he was released after widespread protests. His trial had not resumed by the end of the year.

Hundreds of students were arrested in May and June during countrywide demonstrations and riots against the governments' economic policies. According to official statements, 22 people died in the disturbances, but the unofficial sources put the death toll as high as 100. Six universities were closed and several student leaders were detained without charge under security legislation. The President of the National Association of Nigerian Students (NANS), Salihu Mohammed Lukman, was detained without charge throughout August and released after the High Court ordered the sss to justify his detention. Gbenga Olawepo and Gbenga Komolafe, also leading officials of NANS, were arrested in September and October respectively. The Lagos High Court ruled in November that it had no jurisdiction to order their release, but a judge at a subsequent hearing ruled that the conditions for detention required by Decree 2 had not been met. This rendered the detention orders unlawful and they were released.

Eleven senior employees of the National Electric Power Authority (NEPA), sentenced to life imprisonment in December 1988 after organising a strike which cut power supplies, remained imprisoned although their sentences were reduced. They were convicted by the miscellaneous Offences Tribunal, a special military court, of conspiracy to interfere unlawfully with NEPA equipment and of inducing others to do so (see *Amnesty International Report 1989*). In April they withdrew their appeal to the Special Appeals Tribunal in the hope of clemency from the President; in August he reduced their sentences to 10 years' imprisonment.

In September it was reported that restrictions had been lifted on the movement of Major-General Muhammadu Buhari, the former head of state whose military government was overthrown in 1985, and Major-General Tunde Idiagbon, his former chief of staff. Following their release from detention in December 1988 (see *Amnesty International Report 1989*); they were apparently confined to their home districts.

Although the number of reported executions dropped sharply, from at least 85 in 1988 to at

least 12 in 1989, the real figure for 1989 was believed to be considerably higher. In September the Chief Justice of Nigeria stated that executions in public had been stopped. It appeared that executions by firing squad, formally carried out in public might be taking place out of public view. As with hangings, which take place inside prisons, they were not officially announced. The government did not state how many executions had been carried out in the year.

The last public executions known to Amnesty International were of three prisoners shot by firing-squad in February in Abuja, the new federal capital, before a crowd of thousands. They were convicted by Robbery and Firearms Tribunal, a special court which allows no right of appeal to a higher court. One of those executed, Matthew Anu, was reported to have been aged 18 at the time of the execution and to have been a minor at the time of the offence.

Amnesty International appealed for the release of prisoners of conscience, for other political detainees to be either charged or released and for the re-appeal of legislation permitting the imprisonment of prisoners' conscience. The organisation investigated whether power workers serving long prison sentences were prisoners of conscience and called for improvements in prison conditions. Amnesty International also expressed concern that prisoners, including at least one minor, continued to be executed after trials before special courts which allowed no right of appeal. In response to calls for abolition of the death penalty, the government informed Amnesty International in July that a human rights department was to be established under ministerial control; no further information about it had been received by the end of the year.

1991 ANNUAL REPORT

Over 120 people were executed, including 69 soldiers sentenced to death after secret, unfair trials for alleged involvement in a coup attempt in April. At least 106 prisoners were sentenced to death during the year: 72 after being convicted of murder or armed robbery. Over 60 civilians, detained without charge or trial following the coup attempt, were prisoners of conscience: most were released but at least nine were still held at the end of the year. Harsh prison and detention conditions continued to be reported.

Hundreds of soldiers and civilians were detained following an attempt on 22 April to overthrow the government, the Armed Forces Ruling Council (AFRC). At least nine soldiers and an unknown number of civilians were reportedly killed in the coup attempt, which was led by Major Gideon Orkar. In a radio broadcast before his capture, he claimed to represent the interests of people from central and southern Nigeria against domination by northerners.

Following the coup attempt, the government said that 863 soldiers and civilians had been tried by a special military court between May and July and that 764 of them had been acquitted and released. A further 38 people were tried and convicted in September. Of the 72 people sentenced to death, 42 were executed on 27 July, including Major Orkar and nine other officers; 27 more were executed on 13 September. The executions were carried out the day after the court's verdicts were submitted to the AFRC for approval. On both occasions, the sentences were not announced until after the executions had been carried out. The AFRC was believed to have commuted three death sentences. The military court sentenced 18 defendants, including three civilians, to prison terms; the AFRC subsequently reduced some of the sentences and ordered the release of two people sentenced to life imprisonment.

The trials were unfair. The defendants were detained incommunicado prior to the trial and there were allegations that some were tortured or ill-treated. Defendants were not permitted defence counsel of their choice, but were represented by military officers. It was not clear whether they had sufficient time to prepare their defence. The Special Military Tribunal, a court set up in 1986 following a previous coup attempt, tried the cases *in camera*, and details of the proceedings were not available. The court could not be considered independent: it was composed of senior military officers and presided over by members of the government, in most cases by Major-General Ike Nwachukwu. A member of the AFRC, he had been Minister of External Affairs until December 1989, and was reappointed to this position in September 1990. Defendants had no right of appeal. Their only recourse was to apply for clemency to the Joint Chiefs of Staff, whose recommendations would be considered by the AFRC.

Journalists, academics and religious leaders were among at least 50 civilians who were detained without charge following the attempted coup. Many were detained after publishing articles or speaking publicly about the coup attempt, in one case apparently after calling for the rebels not to be executed. Most were released uncharged within six weeks. However, three university lecturers- Omotoye Olorode, Idowu Awopetu and Obaro Ikime- were held uncharged for three months and subsequently dismissed from their posts, although their interrogation in detention apparently focused on their political views rather than any

involvement in the coup attempt.

At least nine relatives of people sought by the authorities in connection with the coup attempt were reportedly still detained without charge or trial at the end of the year. They included two sisters of a business executive who was wanted by the authorities for allegedly financing the coup attempt. They appeared to be detained solely because of their family ties and were believed to be held under the 1984 State Security Decree. This decree had been amended in January to empower the Chief of General Staff to order the indefinite detention without charge or trial of anyone suspected of threatening national security, and to provide for review of all detentions within six weeks by a committee headed by the Minister of Justice.

There was an increase in the number of people reported to have been sentenced to death or executed for criminal offences. During 1990 at least 34 people were sentenced to death for murder or armed robbery and at least 52 criminal prisoners were executed. Most executions were carried out in public by firing-squad. All of the executed prisoners appeared to have been convicted by Robbery and Firearms Tribunals, special courts from which there is no right of appeal and whose procedures do not ensure fair trial.

Death sentences continued to be passed on defendants under the age of 18 at the time of the offence. Five men aged between 17 and 21 when they were arrested in 1983 were reportedly sentenced to death in December for murder and armed robbery.

In July the Military Governor of Lagos State refused to commute the death sentences on 12 young men convicted of armed robbery in 1988, although one was revealed after the trial to have been 14 years old at the time of the offence and Lagos State's own Justice Department had said that an appeal court would have overturned the convictions (see *Amnesty International Report 1989*). One of the prisoners, Mohammed Ibrahim, died in December from pulmonary tuberculosis, apparently as a result of harsh prison conditions and medical neglect.

There continued to be a high incidence of prison deaths due to malnutrition and lack of medical care, particularly among prisoners awaiting trial. In March the judge in a Robbery and Firearms Tribunal in Oyo State expressed concern that seven of the 29 defendants in one case, most of whom were in their twenties, had died in Agodi Prison, Ibadan, before they could be brought to trial.

In November, President Ibrahim Babangida ordered the release of 11 senior electricity employees serving sentences imposed for conspiring to interfere unlawfully with power-generating equipment and inducing others to do so during a strike in 1988 (see *Amnesty International Reports 1989 and 1990*).

Amnesty International expressed concern to the government about the use of the death penalty and appealed for the commutation of all death sentences. The organization was particularly disturbed by the speed with which prisoners sentenced in connection with the coup attempt were executed after having been tried unfairly and denied any right of judicial appeal. Amnesty International also pressed for the release of prisoners of conscience and for all other political detainees to be brought to trial promptly and fairly on recognizable criminal

charges or released, and urged that all deaths of prisoners be officially investigated.

In an oral statement to the United Nations Sub-Commission working group on detention, Amnesty International included reference to its concerns about the imposition of the death penalty on juveniles in Nigeria.

1992 ANNUAL REPORT

Former government officials and political leaders, and student leaders, were held as prisoners of conscience. At least nine relatives of people sought by the authorities after an unsuccessful coup attempt in 1990 remained in detention without charge or trial. Eight people sentenced to death after secret, unfair trials had their sentences commuted. At least 20 people were sentenced to death during 1991 and 15 were executed.

In December civilians were elected to replace military governors in Nigeria's 30 states, which had been increased from 21 in August. The military government, headed by General Ibrahim Babangida, then lifted the 1987 ban prohibiting former government officials from involvement in politics.

Thirteen former government officials and political leaders were arrested on 2 December shortly before the state governorship elections. Most had held government office during the 1979 to 1983 period of civilian government. All prisoners of conscience, they were charged with unlawful involvement in politics. Two were then released on health grounds but the others were remanded in custody until 20 December, when they were released after the prohibition on their political activity was lifted.

Tam David-West, a university professor and former Minister of Petroleum Resources in the previous military government, was released in August after nine months' imprisonment apparently motivated by his non-violent criticism of the government. He had been briefly detained in October 1989 after giving an interview which apparently displeased the authorities. He was then sentenced to two concurrent 10-year prison sentences in November 1990 by the Special Military Tribunal for the Recovery of Public Property for corruption and damaging the country's economy, although no convincing evidence was produced against him. He was imprisoned in harsh conditions over 1,500 kilometres from his home. He was released after the Special Appeals Tribunal, to which he had appealed, acquitted him of the main charges for lack of evidence.

At least seven people arrested after an unsuccessful coup attempt in April 1990 (see Amnesty International Report 1991) were detained without charge or trial throughout 1991. All appeared to be prisoners of conscience, held because they were relatives of alleged coup conspirators being sought by the authorities. Two more were reportedly arrested in December. They were held under the State Security (Detention of Persons) Decree No. 2 of 1984, which permits administrative detention for renewable periods of six weeks, thereby providing for indefinite detention without charge or trial. None of the seven was known to have had their cases examined by the Review Committee established in 1990 to review such detentions. The authorities thwarted or ignored High Court orders challenging their detentions. Gloria Mowarin remained in detention despite a Lagos High Court ruling in February that it was illegal and unconstitutional, and that she should be released. The High Court ruled in June that it had no jurisdiction to order the release of two sisters, Gloria Anwuri and Rhoda Heman-Ackah, whose brother had fled the country after the coup attempt. Initially held at the Directorate of Military Intelligence, they were moved in August to Kirikiri Women's Prison, where conditions were poor. A legal action seeking the release of two other detainees _

Christine Osamede Oziegbe and Pat Obahor, wives of armed forces officers believed to have fled after the coup attempt _ was dismissed in September by the High Court on the grounds that it had not been brought within 12 months of their arrest.

Three students were killed and about 200 others were arrested in late May after clashes between rival student groups and between police and students. The violence occurred during demonstrations in support of calls by the banned student body, the National Association of Nigerian Students (nans), for changes in government policy. Mahmud Aminu, the nans President, and six other student leaders among those arrested were reportedly beaten severely by security police. No charges were brought against them and they were released in August. However, they were required to sign agreements that they would not divulge publicly any information about their detention or take any action against the government over it.

Another student leader, Kayode Ogundahunsi, was allegedly stripped, beaten and exposed to tear-gas by police for several days after his arrest in June. He was then charged in connection with a demonstration at the University of Jos and released in October to await trial.

Nine army officers and two civilians were convicted of treason and concealment of treason in October after a third in camera trial before a Special Military Tribunal. All 11 had been charged in connection with the April 1990 coup attempt. Eight were sentenced to death but later had their sentences commuted to terms of imprisonment; the three others received life sentences. Some or all of the 11 had apparently been acquitted at two previous trials; a third was then held with different members of the military government presiding. This trial was grossly unfair: the court could not be considered independent, the earlier acquittals were ignored and the defendants had no right of appeal. Following conviction, they continued to be held incommunicado.

At least 20 people were sentenced to death during 1991 for armed robbery and murder. At least 15 of them were convicted by Robbery and Firearms Tribunals, special courts whose procedures do not guarantee a fair trial and against whose rulings there is no appeal. In July police and military officers were removed from these tribunals. At least five others were sentenced to death for murder by state High Courts. They had the right to appeal to a higher, federal court.

Fifteen people were executed during 1991. Eleven prisoners sentenced to death by Robbery and Firearms Tribunals in Akwa Ibom State were publicly executed by firing-squad in March. The executions were carried out on four sites in front of scores of spectators. In April two people convicted of armed robbery were executed before hundreds of people in Nguru, Borno State. In May two Chadian nationals convicted of armed robbery were executed in public in Jos, Plateau State.

Amnesty International appealed to the government to release immediately prisoners of conscience. It urged the authorities to release the detainees held without charge or trial since the April 1990 coup attempt if they were not to be charged and tried. It expressed concern about secret, unfair trials before the Special Military Tribunal and urged the government to allow those convicted by it to appeal to a higher, independent court. The organization urged the government not to use the death penalty and appealed for the commutation of all death sentences.

1993 ANNUAL REPORT

Five prominent government critics were arrested and held incommunicado for several weeks before being released on bail; they were prisoners of conscience. Several people were arrested and four charged with subversion after protesting against the postponement of the return to civilian rule; they were prisoners of conscience. More than 240 Chadian nationals were arrested and held without charge or trial; over 200 were forcibly returned to Chad where dozens were reportedly tortured, at least three were extrajudicially executed, and about 40 died in harsh prison conditions. Nine army officers convicted in unfair trials remained held incommunicado, although 11 civilians held for almost two years in connection with the same case were released. No executions were known to have been carried out but at least seven death sentences were passed. Twelve death sentences were commuted. No action was taken against police involved in the extrajudicial execution of 80 villagers in 1990.

Steep price rises led to widespread riots and demonstrations against government economic policies in May. Hundreds of people were arrested in Lagos and elsewhere and several deaths were reported. In addition, hundreds of people were killed in religious and ethnic violence in various parts of the country.

In the process of transition to civilian rule, due to be completed in mid-1993, elected civilian state governors took office in January. In legislative elections in July, contested by two parties created by the military government of President Ibrahim Babangida, the Social Democratic Party won majorities in the House of Representatives and the Senate over the National Republican Convention. In October the government postponed presidential elections due to take place in December 1992 after primary elections of party candidates were flawed by widespread corruption. It also banned all presidential candidates from further involvement in the elections.

Five prominent critics of the government were arrested in May and June. Dr Beko Ransome-Kuti, President of the Committee for the Defence of Human Rights and Chairman of the newly formed pro-democracy coalition, Campaign for Democracy (cd), was arrested at gunpoint by some 200 riot police at his home in Lagos on 19 May. Two other cd members – Femi Falana, President of the National Association of Democratic Lawyers, and Baba Omojola – were also arrested that day. After filing legal actions to have the detainees produced before the High Court, human rights lawyer and cd member Chief Gani Fawehinmi was himself detained on 29 May. Olusegun Mayegun, President of the National Association of Nigerian Students, was arrested two weeks later. He was reportedly beaten and kicked at the time of his arrest and during interrogation, and deprived of food for 10 days in detention.

The five were held incommunicado in Abuja, the new capital, despite several orders by the Lagos High Court requiring the authorities to produce the detainees in court. The Minister of Justice alleged publicly that the five had plotted subversion and had exacerbated recent civil unrest. They were finally brought before a magistrate's court on 15 June and charged with "conspiracy to commit treasonable felony", an offence which carries a maximum penalty of life imprisonment. On 29 June the five were released on bail and the case was adjourned in October to 1993. On 1 July the Lagos High Court ordered the government to pay Dr

Ransome-Kuti 50,000 Naira (us\$2,700) in damages for illegal arrest and detention.

In December four people in Kano, northern Nigeria, were arrested and charged with subversion after protesting against the postponement of the return to civilian rule. They included Wada Abubakar, a former deputy governor of Kano State, and Wada Waziri, an aide to one of the banned presidential candidates. Several members of human rights organizations which campaigned for a civilian transitional government were briefly detained.

More than 240 Chadians, some of them resident in Nigeria, were arrested in the northeastern city of Maiduguri between October 1991 and March 1992 and detained without charge or trial at a military camp. They were arrested at the request of the Chadian authorities who suspected them of supporting an armed opposition group which had clashed with Chadian government forces in Chad in January. Over 200 were forcibly returned to Chad in the following months, in secret and outside the terms of any legal procedure. At least three of them, including Goukouni Guet and other leaders of the opposition *Mouvement pour la démocratie et le développement* (mdd), Movement for Democracy and Development, were tortured to death or extrajudicially executed by the Chadian authorities. About 40 others died from thirst and exhaustion in March and April while detained in Chad. In July the Nigerian authorities arrested and forcibly repatriated two more Chadians and in November a further 15.

Eleven civilians who had been held for almost two years in connection with a coup attempt in April 1990 were released in March. Nine of them had been detained without charge or trial, apparently because they were related to people sought by the authorities (see *Amnesty International Report 1992*). The other two had been convicted with nine army officers after a grossly unfair secret trial before a Special Military Tribunal on charges of treason and concealment of treason (see *Amnesty International Report 1992*). The nine army officers continued to be held incommunicado.

The decline in reports of executions noted in 1991 continued and no executions were known to have been carried out in 1992. However, seven death sentences were reported, including those passed on three brothers convicted in July by a Robbery and Firearms Tribunal in Port Harcourt, southeastern Nigeria. New information was received about death sentences and executions in previous years. All the condemned prisoners were believed to have been convicted by Robbery and Firearms Tribunals, special courts whose procedures do not satisfy international fair trial standards and from which there is no right of appeal. For example, information was received about four men who were executed publicly in their home towns in Imo State in 1990 and 1991, all for armed robbery, and five men who were executed at a military barracks in Ibadan in 1991.

In June death sentences imposed on 12 young men in 1988 were commuted to 10 years' imprisonment by the Lagos State authorities. One of the 12, Augustine Eke, was aged only 14 at the time of his arrest in 1984. Another had died in prison in 1990. The 12 were convicted by a Robbery and Firearms Tribunal after a trial which a senior Nigerian legal official has described as "full of procedural irregularities and overt bias against the convicts". The defendants stated that they had been beaten and threatened with death by the police while in pre-trial custody.

A further death sentence was passed in December in connection with violent clashes in Kaduna State in May between Christians belonging to the Kataf ethnic group and Muslims belonging to the Hausa community. Dozens of people were subsequently brought to trial before special courts – Civil Disturbances Special Tribunals which were established in 1987 and over which a judge presides. These courts had previously tried cases arising from religious and ethnic riots in northern Nigeria. Zamani Lekwot, a retired army general, and other Kataf leaders were detained without charge until 29 July when six of them were charged with unlawful assembly. They were acquitted on 18 August, but were immediately rearrested. Zamani Lekwot and six others were charged on 4 September with culpable homicide, which carries a possible death sentence, and other offences. In October they attempted to obtain a ruling in the High Court that their fundamental human rights were being denied because the special tribunal trying their case, whose members were predominantly Muslim and included no member of the Kataf community, was biased against them. However, the government promulgated a decree in December confirming that the tribunal's proceedings could not be challenged in the ordinary courts. In another case before the same special tribunal, a death sentence was passed on 4 December. Also in December, while one of the tribunal's members was absent for medical reasons, two defendants were sentenced to 18 years' imprisonment for unlawful assembly and rioting despite insufficient evidence to support the prosecution's case. There was no right of appeal to a higher independent court – decisions of the tribunal can only be referred to the military government for confirmation or disallowal.

Prison conditions remained harsh, particularly for over 80 per cent of inmates who were awaiting trial. They were commonly held in overcrowded and insanitary cells, many for several years. According to official figures, 5,300 prisoners had died in 1991 from disease and lack of food and medical care.

In October the January 1991 findings of a judicial commission of inquiry into a police massacre were leaked to the press. Eighty demonstrators in Umuechem village, in Rivers State in southeast Nigeria, had been shot dead, victims of extrajudicial executions, and 500 houses razed in October 1990 when villagers protested at inadequate compensation for their land and environmental damage by a multinational oil company. The commission recommended prosecution of named police officers responsible for the attack, but its findings were not made public by the government and no police officers were brought to justice. The police unit was apparently disbanded following the shooting of another protester. However, no other action was known to have been taken by the authorities.

Amnesty International urged the government to release all prisoners of conscience and protested about its forcible return of Chadian detainees to Chad. It welcomed the release of 11 prisoners held in connection with the April 1990 coup attempt but called for the nine army officers still held incommunicado to be allowed to appeal to a higher court and to be given access to family and lawyers.

Amnesty International urged the government not to use the death penalty and appealed for the commutation of all death sentences.

1994 ANNUAL REPORT

Hundreds of critics and opponents of the government, including journalists, human rights activists and trade unionists, who were detained, mostly without charge, were prisoners of conscience. More than 40 people arrested in 1992 in connection with religious riots remained held without trial. Several dozen members of the Ogoni ethnic group were extrajudicially executed by security forces. At least 26 people were sentenced to death, most after grossly unfair trials before special tribunals; some death sentences were subsequently commuted and no executions were reported.

Although transition to civilian rule was due to be completed in August, a military government remained in power at the end of the year.

In January a two-chamber National Assembly was inaugurated and a Transitional Council chaired by Chief Ernest Shonekan was established to run day-to-day government affairs until the return to civilian rule scheduled for 27 August. However, its powers were severely restricted and the National Defence and Security Council, headed by President Ibrahim Babangida, effectively retained political control. Candidates of the only two political parties allowed (which had been established by the military government), the Social Democratic Party (SDP) and the National Republican Convention (NRC), contested a presidential election on 12 June. Although it was evident that Chief Moshood Abiola of the SDP had been successful, on 23 June President Babangida annulled the results of the election, citing malpractices. International observers, however, judged that the election had been fair.

The refusal to announce the results of the election led to protest both at home and abroad. The military authorities responded by introducing repressive new laws, suppressing the news media and detaining critics and opponents. They repealed legislation providing for transition to civilian rule. President Babangida maintained, however, that his military government would relinquish power as scheduled. On 26 August he resigned and appointed an Interim National Government headed by Chief Shonekan, which undertook to organize a fresh presidential election and to hand over power to an elected civilian government by March 1994. On 17 November, however, following a High Court ruling that the Interim National Government was illegal and strikes in protest against increased domestic fuel prices, the military once again intervened. Chief Shonekan was forced to resign and was replaced as head of state by former Defence Minister General Sani Abacha, who dissolved the National Assembly and all other elected bodies and banned the two political parties. He established a predominantly military Provisional Ruling Council and subsequently appointed a Federal Executive Council composed largely of civilians. The new military government promised a constitutional conference in early 1994.

On 5 May the government promulgated the Treason and Treasonable Offences Decree No. 29 of 1993, under which anyone whose actions or views were deemed "capable of disrupting the general fabric" of Nigeria could be sentenced to death. The decree was suspended on 21 May, after national and international protest, but was not repealed.

In July Nigeria acceded to both the International Covenant on Civil and Political Rights and

the International Covenant on Economic, Social and Cultural Rights.

Journalists, human rights activists and trade unionists were among hundreds of prisoners of conscience detained during the year.

In the months preceding the June presidential election dozens of journalists were arrested. Malam Aliyu Hayatu, editor of the independent *Reporter* newspaper, was arrested in March and charged with "inciting public disturbances with intent to endanger public peace" for criticizing the military authorities. He was released on bail but was not tried. The newspaper was closed. There were further arrests of journalists following the military authorities' decision to annul the results of the presidential election, including four editors of *Tell* magazine who were arrested in August. On 16 August the military authorities promulgated a decree which proscribed several newspapers closed the previous month; the ban was lifted in November.

After the military authorities failed to announce the election results, the Campaign for Democracy (CD), an alliance of pro-democracy groups, called for a week of protest in early July. Hundreds of people were arrested during demonstrations in Lagos and other towns, and more than 100 people died in clashes with security forces. It appeared that in some cases the security forces opened fire indiscriminately. Among those arrested were three leading CD members: its chairman, Dr Beko Ransome-Kuti, also President of the Committee for the Defence of Human Rights; Femi Falana, a lawyer and President of the National Association of Democratic Lawyers; and Chief Gani Fawehinmi, a prominent human rights lawyer. All three had been arrested previously. They were charged with sedition and conspiracy. Although bail was granted, the authorities continued to detain them under legislation allowing administrative detention of security suspects for renewable periods of six weeks. They were freed in late August, shortly after the Interim National Government came to power. At the same time Chief Shonekan announced that detained journalists were to be released.

Three staff members of the Civil Liberties Organisation (CLO), a non-governmental human rights organization affiliated to the CD, were also arrested in early July. The CLO had been a particular target for harassment since the beginning of the year. Wale Shittu, Femi Adenuga and Emmanuel Nweke were arrested by police in Lagos, charged with sedition and released on bail after a month, but were not tried.

Joseph Akinjala, Deputy Secretary General of the National Union of Petroleum, Energy and Gas, was arrested in August and held for several days after threatening to call a strike if President Babangida did not leave office on 27 August.

There were further arrests of CD members and supporters during September and October. Most were released uncharged after a short time. Dr Beko Ransome-Kuti was again arrested in October, together with more than 20 others, including his daughter, Morenike Ransome-Kuti, a lawyer, Olusegun Mayegun, former president of the National Association of Nigerian Students, and Chima Ubani, CD General Secretary. They were released shortly afterwards but 17 of them, including Dr Ransome-Kuti, were charged with unlawful assembly and disturbing the peace; their trial was adjourned until 1994.

Ken Saro-Wiwa, N.G. Dube and Kobari Nwiece, prominent members of the Movement for the

Survival of the Ogoni People (MOSOP), were arrested in Port Harcourt in Rivers State in June. They were charged with unlawful assembly, seditious intention and seditious publication. They were released on bail after several weeks but had not been tried by the end of the year. The Ogoni community has campaigned against environmental damage and inadequate compensation for destruction of land and crops by oil companies.

In June there were reports that more than 40 members of the Kataf ethnic group, arrested during 1992 in connection with religious riots, were still held without trial (see *Amnesty International Report 1993*). Seven had been acquitted by Civil Disturbances Special Tribunals in late 1992 and early 1993 but remained in Kaduna Prison. Sixteen others, against whom charges had been withdrawn or whose trials had been adjourned, also remained held and at least 21 others remained in detention without charge or trial.

Nine army officers, convicted after a grossly unfair trial in connection with a coup attempt in April 1990, remained held (see *Amnesty International Report 1992*). At least three other soldiers remained held in connection with the coup attempt. One had been acquitted and two appeared to be held without charge or trial.

There were reports of ill-treatment by police both of pro-democracy activists and criminal suspects. In August Morenike Ransome-Kuti (see above) was beaten by police in her home in Lagos. Okey Uzoho, a leading member of the NRC, was beaten when arrested by police on 20 November; he was subsequently admitted to hospital.

Prison conditions remained extremely harsh and amounted in some cases to cruel, inhuman or degrading treatment. In October the CLO reported that eight prisoners under sentence of death in Kirikiri Maximum Security Prison were held in appalling conditions. Held in small, dark cells with no toilet facilities, they were rarely able to wash and one mentally ill prisoner was chained to a wall in an isolation cell.

The security forces extrajudicially executed dozens of members of the Ogoni ethnic group in Rivers State. In April security forces were reported to have opened fire on peaceful demonstrators in Biara; 11 people were injured. Shortly afterwards, further shooting by the security forces at Nonwa resulted in one death. In early August at least 35 members of the Ogoni ethnic group, including children, were killed in Kaa by armed men, some in uniform. Although local officials claimed that the incident was an ethnic clash between the Ogoni and neighbouring Andoni people, there was evidence implicating the security forces.

Several hundred other people were reported to have died between July and September in violent clashes between members of the Ogoni and Andoni communities. There were further allegations that the security forces were implicated in aggression against the Ogoni community. There was no official investigation into any of these killings.

Seventeen prisoners, all but two from the Kataf community, were sentenced to death in February and March after grossly unfair trials before two Civil Disturbances Special Tribunals in Kaduna. They were convicted of culpable homicide in connection with the riots in Kaduna in May 1992. Some of them, including Zamani Lekwot, a retired army general, had already been tried for unlawful assembly and released. They were immediately rearrested and charged with culpable homicide on substantially the same evidence, with no right of appeal

to a higher court. Convictions and sentences were referred to the military government. In March a High Court in Lagos granted a temporary injunction restraining the government from executing Zamani Lekwot and others sentenced to death. The case was subsequently referred to the Supreme Court. However, in August President Babangida commuted the death sentences to five years' imprisonment.

Five others were reported to have been sentenced to death in March and April by a Civil Disturbances Special Tribunal in Bauchi, in connection with religious riots in Bauchi State in 1991.

Four other death sentences were reported, including two passed in October by a Robbery and Firearms Tribunal in Benue State. No executions were reported.

In September a High Court in Maiduguri, Borno State, granted refugee status to 244 Chadians arrested in 1991 and 1992. The court also ruled that their arrests and detention at a military camp had been illegal, and granted an injunction restraining the federal government from deporting them. Over 200 Chadians had been illegally deported in 1992; at least three were tortured to death or extrajudicially executed by the Chadian authorities (see *Amnesty International Report 1993*).

Amnesty International repeatedly urged the government to release pro-democracy activists who were prisoners of conscience. In February and March the organization urged the government to commute the death sentences imposed on Zamani Lekwot and others convicted after unfair trials before Civil Disturbances Special Tribunals. Amnesty International called for the release of Ken Saro-Wiwa and other members of the Ogoni ethnic group and, following killings by the security forces in Rivers State in May and August, called for an independent inquiry and for immediate steps to be taken to prevent further killings. No replies were received from the government.

1995 ANNUAL REPORT

Hundreds of pro-democracy activists were arrested; many of them were prisoners of conscience, some of whom were still in custody at the end of the year. An estimated 600 people from the Ogoni ethnic group, many of whom were also prisoners of conscience, were arbitrarily detained without charge or trial. Many detainees were badly beaten and held in life-threatening prison conditions. At least 11 soldiers arrested in 1990 continued to be held in administrative detention. At least 50 people were reportedly extrajudicially executed by the security forces in Ogoniland. There was a dramatic increase in the use of the death penalty, with at least 100 people publicly executed.

The military government headed by General Sani Abacha continued to prohibit all political activity. In May the newly formed National Democratic Coalition (nadeco), comprising former civilian and military political leaders, demanded that the military government hand over power to the winner of the annulled presidential elections in 1993, Chief Moshood K.O. Abiola. nadeco leaders and Moshood Abiola were arrested and charged with treason. Pro-democracy protests in major southern cities led to widespread arrests and clashes with police in which dozens of people were killed. Trade unionists took prolonged strike action which paralysed parts of the country and threatened oil exports, Nigeria's main foreign currency earner.

Following the murder in May of four leading members of the Ogoni community in Rivers State in the southeast, there were reports of extrajudicial executions by the security forces and mass arrests among supporters of an Ogoni organization which campaigned against environmental damage by oil companies. Journalists, human rights and environmental observers who attempted to monitor events in Ogoniland were obstructed by the authorities; some were detained.

In September the government promulgated decrees which extended already draconian powers of detention, formally proscribed 15 newspapers and journals, dissolved the executives of the oil unions and the Nigerian Labour Congress, and removed the jurisdiction of the courts to challenge government authority and actions. The Attorney General was dismissed for criticizing the decrees. In October a further decree specifically removed the power of the courts to issue writs of habeas corpus or any other orders to the authorities to produce detainees before them.

Hundreds of people were detained for political reasons during the year. Most were prisoners of conscience and were released without charge.

In April three journalists on Newswatch magazine were detained after publication of an article critical of the government. A week later they and three others were charged with sedition and criminal intent to cause fear, alarm and disaffection, but the next day the charges were withdrawn and they were released.

Hundreds of members of the Ogoni community, many of whom were prisoners of conscience, were reportedly detained without charge or trial. In the weeks after the murder of four leading

members of the Ogoni community on 21 May, soldiers arrested Ogoni indiscriminately and detained them at Bori military camp in Port Harcourt or at Kpor in Ogoniland. Most were subsequently released without charge but about 30 remained in incommunicado detention without charge or trial at the end of the year. They included prisoners of conscience Ken Saro-Wiwa, a writer, and Ledum Mitee, a lawyer, both leaders of the Movement for the Survival of the Ogoni People and former prisoners of conscience, who had been briefly detained in January apparently to stop their political campaigning. In a press conference, the authorities accused them of inciting youths to murder the Ogoni leaders. Initially reported to be held in leg irons, Ken Saro-Wiwa was denied hospital treatment prescribed by a military doctor for a heart complaint.

In June nadeco leaders who called for the military government to stand down were arrested. Six former members of the disbanded Senate, including Ameh Ebute, former President of the Senate, were arrested and charged with "treasonable felony", which carries life imprisonment. They were granted bail in July but five were rearrested in September and briefly redetained. Four others arrested and charged with treasonable felony were also released on bail. Among them was Dr Beko Ransome-Kuti, President of the Campaign for Democracy and the Committee for the Defence of Human Rights, who was detained in June and again in September. None of their trials had taken place by the end of the year. An earlier case of treasonable felony against Dr Ransome-Kuti and several other human rights activists, including the lawyer Chief Gani Fawehinmi, was struck out by the courts in January for lack of evidence.

Chief Moshood Abiola was arrested on 23 June at his home in Lagos by hundreds of armed police after he had declared himself head of state. He was detained incommunicado in harsh conditions and moved to several different places of detention. The government ignored two orders in June by the High Court in Lagos to produce him before the court and justify his detention. On 6 July Moshood Abiola was brought before a Federal High Court in Abuja, the capital. This court was appointed by the military government especially to try his case and could not be considered independent of government influence. He was charged with treason and refused bail despite his ill-health. On several occasions the authorities ignored court orders that he should be given regular access to his family and lawyers and continued to deny him hospital treatment. In November the Federal Court of Appeal in Kaduna granted his release on bail; the authorities did not release him and in December the court allowed a stay of execution of the order on security grounds pending an appeal to the Supreme Court. His trial had not started by the end of the year.

In August at least 40 people, mostly students, were detained following violent protests in and around Benin City. Some were reportedly beaten. In October, 12 were charged with criminal offences, including armed robbery and arson, and released on bail. Some appeared to have been prisoners of conscience.

Further nadeco leaders, including Chief Anthony Enahoro, a 71-year-old former government minister, were among 20 pro-democracy activists detained in Lagos and Kaduna in August and September. Some were released without charge but the government said that he and others were being held for "economic sabotage" and acts prejudicial to state security. In December Chief Enahoro was released unconditionally. Chief Frank Ovie Kokori, Secretary General of the National Union of Petroleum and Natural Gas Workers, and three other oil

workers' leaders were reportedly still detained incommunicado and without charge at the end of the year.

At least 11 soldiers arrested after a coup attempt in April 1990 continued to be held in incommunicado detention, apparently under a decree allowing indefinitely renewable administrative detention.

Six prisoners who had been sentenced to death after an unfair trial by a special court were reportedly still imprisoned at the end of the year despite an announcement that they had been released in March. Major-General Zamani Lekwot and five other members of the Kataf ethnic group had been convicted of murder in February 1993, in connection with religious riots in Kaduna State in 1992, by a Civil Disturbances Special Tribunal (see Amnesty International Reports 1993 and 1994). In August 1993 their death sentences had been commuted.

Many of those arrested during the year were reportedly beaten and held incommunicado in harsh conditions – with inadequate food, over-crowded and insanitary cells and no washing facilities, exercise or fresh air. In late June at least 60 Ogoni boys and youths were being held in two small, bare cells with no toilet facilities in Bori military camp. They had been arrested in early June and reportedly beaten.

At least 50 Ogoni were believed to have been killed and many wounded by the security forces in late May and June when soldiers reportedly attacked towns and villages in Ogoniland. Troops apparently fired at random, killed, assaulted and raped civilians, and destroyed homes. The twin villages of Uegwere and Bo-ue were reportedly attacked at night several times between 4 and 8 June: Nbari Vopnu, Lebari Eete and eight other people, including a 10-year-old boy, were reportedly killed. In the village of Buan, a pregnant woman, Leyira Piri, was apparently shot dead and six other people critically wounded. Other villages where people were shot dead by soldiers included Yeghe and Okwali. The military commander reportedly acknowledged that his men had killed six youths, but there was no judicial inquiry into these deaths nor into the many others alleged to have occurred in Ogoniland in 1993 and 1994 as a result of ethnic conflict and security operations.

Dozens of people were reportedly killed by police during pro-democracy demonstrations in the cities, for example, during riots in Lagos and Ibadan on 18 July. Some were reported to have been unlawfully killed – they were not involved in violent activities or posing a threat to the police. Following violent protests in Benin City and Ekpoma in Edo State in August, in which the homes and properties of government supporters were destroyed, at least four and possibly more people were allegedly killed by the security forces.

There was a dramatic increase in the use of the death penalty. The authorities were apparently reinstating a policy of mass executions: hundreds of prisoners had been executed under military governments in the mid-1980s, but none in the two years leading up to the 1993 presidential elections, when civilian state governors had been in office. During the year, at least 100 people were executed. Executions took place in Akwa Ibom, Borno, Enugu, Imo, Kano and Lagos states. Execution was by firing-squad, and executions were frequently held in public before large crowds. Most of those executed had been convicted by Robbery and Firearms Tribunals, special courts which do not guarantee a fair

trial and from which there is no right of appeal.

Between February and June, 30 prisoners convicted of armed robbery were publicly executed in Akwa Ibom State, some within days of being sentenced. On 24 May, four prisoners, including a woman, Elizabeth Oleru, were executed before large crowds at a race course in Kano. On 2 August, 38 prisoners were executed before a crowd of 20,000 people in Enugu, in the southeast. One of them, Simeon Agbo, survived and stood up an hour later, bleeding profusely, to protest his innocence and plead for water. Police reportedly threw him onto a lorryload of corpses and his subsequent fate was unknown.

Amnesty International urged the government to release pro-democracy activists and members of the Ogoni ethnic group who were prisoners of conscience. It also urged the government to end the practice of indiscriminate arrests and detention without charge or trial. Amnesty International called for immediate measures to be taken to protect the Ogoni people from attacks, and urged a thorough investigation into reports of extrajudicial executions in Rivers State. Amnesty International expressed its concern about the use of mass, public executions, and urged the commutation of all death sentences.

In November Amnesty International published a report, *Nigeria: Military government clampdown on opposition*, detailing one of the most serious human rights crises Nigeria had faced for decades. In December Amnesty International delegates visited Nigeria, but were denied access to detained prisoners of conscience and were not allowed to carry out independent investigations in Ogoniland. Amnesty International called on other governments to use their influence with the Nigerian authorities to bring an end to the human rights violations taking place in Nigeria.

1996 ANNUAL REPORT

Nine people, including at least two prisoners of conscience, were executed after an unfair and politically motivated trial. More than 40 people, many of them prisoners of conscience, were sentenced to death or to prison terms after a secret and unfair trial; the death sentences were later commuted. Scores of suspected opponents of the government were detained during the year, including human rights activists, pro-democracy activists, journalists and members of the Ogoni ethnic group. Several prisoners of conscience arrested in previous years remained imprisoned. Torture and ill-treatment of political and other detainees were widespread; one died in August, apparently from harsh conditions and medical neglect. At least 95 people were executed, most after trials before special tribunals which fell short of international fair trial standards.

There was little progress towards restoring democratic, constitutional government. A National Constitutional Conference, set up in 1994 to draft a new constitution, presented its recommendations in August. It withdrew a recommendation that the military government cede power to civilians by January 1996 after a leading opposition delegate was arrested and accused of plotting a coup. In October Head of State General Sani Abacha, Chairman of the military Provisional Ruling Council, announced a three-year transition to civilian rule which was widely criticized as too protracted.

Although the ban on political parties was lifted in June, members of opposition parties still faced harassment and arrest. Banning orders on three newspaper groups were removed but journalists were still detained for criticizing the government. The government continued to flout court rulings ordering it to uphold constitutional rights.

In November the Commonwealth, representing 53 states, suspended Nigeria's membership in protest at nine political executions carried out despite last-minute appeals from Commonwealth Heads of Government meeting in New Zealand. The UN General Assembly adopted a resolution condemning the executions and expressed deep concern about other human rights violations in Nigeria. During December the African Commission on Human and Peoples' Rights held an extraordinary session to consider the human rights situation in Nigeria.

Nine people were executed on 10 November in Port Harcourt, Rivers State, southeast Nigeria, including at least two prisoners of conscience – Ken Saro-Wiwa, a writer and President of the Movement for the Survival of the Ogoni People (MOSOP), and Dr Barinem Kiobel, a former state commissioner (minister). The nine had been convicted on 30 and 31 October following two simultaneous murder trials of 15 defendants before the Civil Disturbances Special Tribunal in connection with the mob killing of four Ogoni leaders in May 1994 (see Amnesty International Report 1995).

The trials, which fell short of international fair trial standards, were aimed at crushing MOSOP's campaign against environmental damage by oil companies and for increased autonomy for the Ogoni ethnic group. The Civil Disturbances Special Tribunal, appointed by the military government specifically to try these cases, widened the definition of murder, so

that any senior member of MOSOP deemed to have contributed to a civil disturbance could be convicted of murder. This was used to convict Ken Saro-Wiwa and others considered to be supporters of MOSOP, despite the lack of evidence of their involvement in the murders. The burden of proof was reversed so that defendants without alibis were found to have been present. The Tribunal allows no right of appeal. The defence team, headed by Nigeria's leading civil rights lawyers, withdrew in protest at the court's bias.

In the first trial, which began in February, Ken Saro-Wiwa and four others arrested in 1994 were accused of murder, which carries a mandatory death sentence. A further trial of 10 defendants, before the same tribunal and based on the same evidence, started in March. One defendant was discharged in September and five others, including Ledum Mitee, Vice President of MOSOP, were acquitted and released in October.

The defendants appeared to have been detained illegally for at least eight months before the first five were charged in February. They were held incommunicado in military custody in harsh and insanitary conditions and denied adequate food, water and medical care. Two defence lawyers, Chief Gani Fawehinmi and Femi Falana, were reportedly assaulted by soldiers at the entrance to the court. Ken Saro-Wiwa's relatives were also reported to have been hit by soldiers.

A further 19 Ogoni prisoners, who may be prisoners of conscience, were charged with murder on the basis of the same evidence in September. Sixteen had been detained without charge since mid-1994; three were arrested in October 1995. In December, amid fears that they too could be unfairly tried and executed, the Federal High Court in Lagos ordered that the trial be postponed until February 1996 so that it could rule on the constitutionality of the Civil Disturbances Special Tribunal.

More than 40 civilians and armed forces officers, many of them prisoners of conscience, were convicted after secret and grossly unfair trials between June and August. They were charged with treason and related offences in connection with an alleged coup plot in March, but the real reason for their arrest appeared to be their pro-democracy activities. The trials were held in camera before a Special Military Tribunal headed by a member of the government sitting with six other armed forces officers appointed by the government. The Tribunal denied all crucial defence rights, including the defendants' rights to see details of the charges against them, to be defended by a lawyer of their choice, to be able to prepare their defence properly, to be tried in open court, to address the Tribunal in their own defence and to appeal against the Tribunal's decisions. In July the government announced, without further details, that 40 defendants had been convicted by the Tribunal. About 14 had apparently been sentenced to death. There were further arrests and secret trials of journalists and human rights activists for publishing information about the lack of evidence against the defendants and their unfair trials. Following worldwide appeals, General Abacha announced in October that the convictions had been confirmed but that the death sentences had been commuted to imprisonment for life or 15 years. The sentences of other defendants were also reduced.

Among those convicted were former Head of State retired General Olusegun Obasanjo, sentenced to 15 years' imprisonment (commuted from life), and his former deputy, retired Major-General Shehu Musa Yar'Adua, sentenced to life imprisonment (commuted from

death). Both were believed to have been convicted because of their criticism of the military government. They were prisoners of conscience.

Other prisoners of conscience included human rights activists, journalists and friends and family of the military defendants, who had exposed the injustices of the initial trials before the Tribunal. They were convicted of being accessories to treason and were sentenced to 15 years' imprisonment (commuted from life). They included Dr Beko Ransome-Kuti and Shehu Sani, Chairman and Vice-Chairman of the Campaign for Democracy (CD), a non-governmental organization. Shehu Sani was initially sentenced to seven years' imprisonment for "managing an illegal organization" but was retried after he smuggled out a letter describing his unfair trial. Dr Ransome-Kuti was convicted for distributing information about the lack of evidence against one of the military defendants who had been sentenced to death. Chris Anyanwu, the woman editor-in-chief of The Sunday Magazine, Kunle Ajibade, editor of The News, and two other journalists were convicted for publishing information about the lack of evidence of any coup plot or because they refused to implicate other journalists in the alleged coup plot. Rebecca Onyabi Ikpe, the sister-in-law of defendant Colonel R. S. B. Bello-Fadile, and his defence lawyer, Navy Commander L.M.O. Fabiyi, were convicted for allegedly passing copies of his defence submission to others.

Scores of suspected opponents of the government were detained during the year under the State Security (Detention of Persons) Decree, No. 2 of 1984, which provides for the indefinite incommunicado detention without charge or trial of anyone suspected of threatening the security or the economy of the state and which specifically prohibits the courts from challenging such detentions. They included human rights and pro-democracy activists, journalists and members of the Ogoni ethnic group.

Prisoners of conscience arrested during 1995 and still held without charge or trial at the end of the year included Sylvester Odion-Akhaine, the General Secretary of the CD, who was detained in January, and Dr Olatunji Abayomi, Chair of Human Rights Africa, Abdul Oroh, Executive Director of the Civil Liberties Organization, and Chima Ubani, General Secretary of the Democratic Alternative, who were detained in July.

Dozens of journalists were briefly detained, most without charge or trial, after publishing articles critical of the government. Political meetings were disrupted and participants and organizers arrested. Chief Gani Fawehinmi, a prominent human rights lawyer, was detained for two weeks in June, after declaring that his opposition National Conscience Party would defy restrictions on political activity, and again in September after he addressed a rally. Chief Michael Ajasin, the 87-year-old leader of the National Democratic Coalition (NADECO), a pro-democracy group of former political leaders, and about 50 other people were briefly detained after a private meeting in his home in June.

There were further detentions without charge or trial of members of the Ogoni community. Women supporters of MOSOP were arrested, apparently for talking to foreign human rights investigators in July. Lekue Lah-Loolo, Assistant General Secretary of MOSOP, and three others were detained for several weeks in August.

Among the prisoners of conscience arrested in previous years who were held throughout the year was Chief Moshood K.O. Abiola. Generally acknowledged as the winner of annulled

presidential elections in 1993, he was arrested on treason charges in June 1994 (see Amnesty International Report 1995). He was denied visits from relatives, and his doctor, Ore Falomo, was briefly detained in April, apparently because he had made public Moshood Abiola's deteriorating health and harsh conditions of detention. Charges of treason against some leading NADECO members were withdrawn in February and others released on bail on treason charges in 1994 were not tried.

Trade union leaders and other pro-democracy activists arrested in 1994 also remained in detention without charge or trial throughout 1995 (see Amnesty International Report 1995). Major-General Zamani Lekwot and other members of the Kataf ethnic group sentenced to death for murder in early 1993 after unfair trials by a Civil Disturbances Special Tribunal (see Amnesty International Reports 1993 and 1994) were unconditionally released in September. Their death sentences had been commuted in August 1993.

Torture and ill-treatment of political prisoners were widespread and at least one detainee died as a result. Defendants in political trials were held incommunicado, with no safeguards against torture or ill-treatment. The special courts which tried them failed to conduct impartial investigations into allegations that statements were made under coercion, and admitted such statements as evidence. Clement Tusima, a member of the Ogoni community held without charge since May 1994, died in August after months of illness and medical neglect in detention; no action was taken to bring those responsible to justice. Baribor Bera, executed in November following conviction by the Civil Disturbances Special Tribunal, showed the Tribunal scars from beatings received at the Kpor detention centre in Ogoniland. He said he was stripped naked, tied to a pillar, flogged with a horsewhip and forced to swallow teeth knocked out by beatings.

Several of the defendants accused of involvement in the alleged March coup plot were reportedly tortured or ill-treated during interrogation in order to obtain incriminating statements. A statement reportedly used in evidence against Generals Obasanjo and Yar'Adua was refuted before the Special Military Tribunal on the grounds that it was made under coercion.

Torture and ill-treatment of criminal suspects were also widespread. In October the High Court in Ondo State sentenced two policemen to death following their conviction on charges of torturing and killing a detainee; their appeals were believed to be still pending at the end of the year.

The widespread use of the death penalty continued. At least 95 executions and 46 death sentences were reported in 1995. Most had been imposed by Robbery and Firearms Tribunals, special courts outside the normal judicial system which cannot guarantee fair trials and allow no right of appeal. In July, 43 prisoners convicted of armed robbery were publicly executed by firing-squad in Lagos. One of the victims was reportedly shot 10 times before he died. Another, Mohammed Saleh, told reporters before he died that he had been held under sentence of death since 1979. There were further executions in Adamawa, Akwa Ibom, Delta and Lagos states.

Amnesty International appealed to the authorities throughout the year to release prisoners of conscience, to ensure fair trials for all political prisoners, to end torture and ill-treatment and

to stop all executions. In September it published a report, Nigeria: The Ogoni trials and detentions, describing the detention, ill-treatment and unfair political trials of members of the Ogoni community. In October it published Nigeria: A travesty of justice – secret treason trials and other concerns, which detailed the repression of pro-democracy activists and other critics of the government.

1997 ANNUAL REPORT

Prisoners of conscience and possible prisoners of conscience remained imprisoned throughout the year. Many were detained without charge or trial and some had been convicted in unfair political trials. Prisoners were subjected to cruel, inhuman or degrading treatment, including harsh conditions of imprisonment. There was at least one killing which appeared to be an extrajudicial execution. At least 12 prisoners were sentenced to death and 14 were executed.

Under the military government's timetable for a return to civilian rule by October 1998, local government elections on a non-party basis were held in March. In September, five political parties were registered but the main pro-democracy opposition was effectively excluded. Further local government elections, due to be contested by the registered parties in December, were postponed until 1997. Repressive military decrees which overturn the rule of law and allow the arbitrary detention of prisoners of conscience remained in force.

In March and April, the UN Secretary-General sent a mission to Nigeria to investigate the unfair political trials which resulted in the execution for murder of Ken Saro-Wiwa and eight other members of the Ogoni ethnic group in November 1995 (see *Amnesty International Report 1996*). It recommended fundamental reforms to bring the Civil Disturbances Special Tribunal, the special court which had conducted the trials, into line with international standards for fair trial. However, the government's subsequent measures left intact its control of the tribunal, including the direct appointment of its members, a right of appeal only to another government-appointed special tribunal, and government confirmation of convictions and sentences. In June, the government appointed a National Human Rights Commission which had power only to make recommendations to the Head of State. A detention review panel was appointed in October but it was not an independent, judicial body. It was headed by senior security officials and its reviews were conducted in secret.

The African Commission on Human and Peoples' Rights, which had decided in December 1995 to send a mission, was unable to reach agreement with the authorities on dates. In March, the UN Human Rights Commission requested its Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers, to conduct investigations in Nigeria, but they had been unable to obtain access to the country by the end of the year. In July, the UN Human Rights Committee criticized the Nigerian Government for a wide range of human rights violations and urged it to repeal military decrees which suspend fundamental rights. In October, the UN General Assembly adopted a resolution expressing concern about continued human rights abuses and calling on the Nigerian Government to cooperate with the international community and abide by its international treaty commitments to uphold human rights. In November, the Commonwealth Ministerial Action Group, set up after the Ogoni executions, visited Nigeria briefly for government talks after being denied access to conduct a fact-finding mission earlier in the year. The mission was not allowed to meet political prisoners.

There were several deaths and scores were arrested following religious conflict in northern

Nigeria. In August, three people were killed in clashes between rival muslim groups, and in September at least two died in unrest between Christians and Muslims in Kafanchan. At least seven more died when police tried to disperse protests over the arrests of Ibrahim El-Zakzaky, a Muslim Shi'ite leader, and about 20 supporters. The police accused Ibrahim El-Zakzaky of inciting unrest, but he was still detained without charge or trial and incommunicado in Port Harcourt, southeast Nigeria, at the end of the year. More than 100 Shi'ite demonstrators arrested in September were charged with offences ranging from illegal assembly to murder, but had not been brought to trial by the end of the year. Some were reportedly arrested for non-violent protests.

The government blamed pro-democracy activists for a number of bomb attacks throughout the year in which several people were killed. It accused the National Democratic Coalition (NADECO), led by former government officials and political leaders, and the National Council for the Liberation of Nigeria, an exile group led by Nobel laureate Wole Soyinka, of responsibility for some of the attacks.

Key human rights defenders remained imprisoned throughout the year. Moshood Abiola, winner of the 1993 presidential elections, had been imprisoned since June 1994, ostensibly awaiting trial for treason but denied access to his family, lawyers and doctor. Others continued to be held without charge or trial, usually incommunicado. Frank Kokori, former Secretary General of the National Union of Petroleum and Natural Gas Workers, was still held in incommunicado detention nearly two and a half years after a major oil workers' strike in mid-1994.

In January, the Internal Security Task Force, the joint military/mobile police force which has occupied Ogoniland since April 1994, detained at least 20 and possibly as many as 100 supporters of the Movement for the Survival of the Ogoni People who were commemorating Ogoni Day. Before and during the UN mission in March and April, defenders of human rights in Ogoniland were detained without charge or trial, apparently to prevent them from speaking to the delegation. Those detained included Anyakwee Nsirimovu, head of the Institute of Human Rights and Humanitarian Law in Port Harcourt. In June, Nnimmo Bassey, an environmental rights campaigner, was arrested and detained without charge or trial for a few weeks, apparently to stop him attending an international meeting of environmentalists. The authorities denied reports of further arrests in August before a proposed visit by Commonwealth Ministers.

At least 19 Ogoni possible prisoners of conscience remained held in harsh prison conditions throughout the year. Most were detained in mid-1994 and were allegedly ill-treated after their arrest. They faced trial by the Civil Disturbances Special Tribunal on identical murder charges to those which were used to execute the nine Ogoni in 1995. In July, some were allowed a supervised meeting with their lawyer and were brought before a magistrates' court to be remanded in custody. In August, two of their defence lawyers were arrested in court and charged with obstructing the police when photographs were taken of the prisoners in court. In December, the High Court in Port Harcourt rejected an application for the prisoners' release on the grounds that the evidence of their torture and ill-treatment was hearsay. There was still no independent inquiry into the death in detention of one of the group, Clement Tusima, in 1995.

There were reports of at least 20 further detentions in Ogoniland in the period leading up to the first anniversary of the November 1995 executions, and the authorities announced that security operations had successfully prevented public commemorations. In December, the authorities detained a number of pro-democracy leaders, including two leading members of NADECO, 63-year-old lawyer Chief Olabiji Durojaiye and former government minister Dr Olu Falae, and Dr Frederick Fasheun, a medical practitioner and Acting Chairman of the Campaign for Democracy. They were still detained incommunicado without charge or trial at the end of the year. Ayodele Anselm Akele, Chairman of the Campaign for Independent Unions, was also detained for a few days twice in December and questioned about trade union and political activities, and the bombings, before being released without charge. Most of those convicted of treason and related offences in grossly unfair trials by Special Military Tribunal in 1995 were still imprisoned at the end of the year. Many were held in harsh conditions in prisons far from their homes. Many suffered ill health caused by malnutrition and inadequate medical care. They included several prisoners of conscience, notably retired General Olusegun Obasanjo, a former head of state, and his deputy, retired Major-General Shehu Musa Yar'Adua, imprisoned for 15 years and life respectively because of their public advocacy of political rights and a swift return to civilian government. Leading human rights activist Dr Beko Ransome-Kuti, Chairman of the Campaign for Democracy, and Shehu Sanni, his deputy, both serving 15-year sentences, remained in harsh conditions in prisons hundreds of miles from their homes.

A number of political detainees were freed during the year. Most had been detained incommunicado without charge or trial, some for more than 18 months, and they were released without explanation. In June, during its first meeting with Commonwealth Ministers, the government announced the release of seven political detainees, although it later emerged that some had been released several months earlier and others were not actually released until October. Abdul Oroh, Executive Director of the Civil Liberties Organisation, and Dr Olatunji Abayomi, head of Human Rights Africa, were among those released in June, having been detained without charge or trial since August 1995.

In July, 11 former soldiers imprisoned since a coup attempt in April 1990 were released. Most had been convicted after being tried three times by Special Military Tribunal in secret and grossly unfair trials in 1990; others were reportedly redetained after acquittal by the same tribunal.

In November, three human rights defenders who had been detained incommunicado without charge or trial for nearly a year were released on the occasion of the Commonwealth Ministers' visit to Nigeria. Veteran civil rights campaigner Chief Gani Fawehinmi had been held from January to November. Chief Fawehinmi had been a member of the team of defence lawyers who withdrew from the Ogoni trials in protest at government interference, and had challenged the legality of the November 1995 Ogoni executions and the constitutionality of the Civil Disturbances Special Tribunal which passed the death sentences. The courts repeatedly adjourned hearings on these legal actions throughout the year. Also released were Femi Falana, another of the defence lawyers in the Ogoni trial, and Femi Aborisade, a labour activist and leading member of the National Conscience Party.

Prison conditions remained harsh and life-threatening for most prisoners. Gani Fawehinmi required emergency hospital treatment for pneumonia on five occasions as a result of the

conditions in which he was held for 11 months.

No independent or judicial inquiry was carried out into allegations that the security forces had shot dead at least two boys who were demonstrating support for Ogoni Day and wounded several others. In June, Alhaja Kudirat Abiola, senior wife of Moshood Abiola, was killed in what appeared to be an extrajudicial execution by government agents. She had remained outspoken in support of her husband despite having been denied access to him since 1994, being arrested and prosecuted for publishing allegedly subversive material, and receiving death threats. Suspicions about government involvement were not allayed when it failed to set up an independent inquiry into her killing and arrested more than 20 members of the Abiola family and four leading NADECO members, holding them in harsh conditions before releasing them uncharged after several weeks. Former Senator Abraham Adesanya, a 74-year-old lawyer, and two other NADECO elders were detained as prisoners of conscience for four months without charge or trial in defiance of court orders.

There was a sharp reduction in the number of executions, which had totalled more than 200 in 1994 and 1995. At least 12 prisoners were sentenced to death and 14 were executed following convictions by Robbery and Firearms Tribunals, special courts which allow no right of judicial appeal. Executions were carried out in public by firing-squad. In January, an Assistant Commissioner of Police, a police sergeant and three others convicted of involvement in armed robberies were executed before a crowd of more than 2,000 near Birnin Kebbi, northern Nigeria.

Following the November 1995 executions and renewed repression in January 1996 in Ogoniland, Ogoni refugees fled to neighbouring Benin until the Nigerian Government increased security at the border. The Government of Benin gave asylum to about a thousand, who included relatives of the nine executed men.

Throughout the year, Amnesty International appealed for the release of prisoners of conscience, for the fair trial and humane treatment of all political prisoners, for an end to the death penalty and for an investigation into the killing of Kudirat Abiola. In November, the organization launched a worldwide campaign, publishing reports which documented the attack on human rights defenders and advocated a 10-point program for human rights reform in Nigeria.

In May and November, Amnesty International personnel visited Nigeria for research and membership development. Requests for visas for four other visits by Amnesty International staff to undertake research, membership development and to hold talks with the government were denied. During the November visit, an Amnesty International staff member and two local Amnesty International officers were questioned for 12 hours after being detained while on their way to a meeting with foreign diplomats. The staff member was deported, and for several days in a row the two others had to spend the day at a police station.

1998 ANNUAL REPORT

Hundreds of prisoners of conscience and possible prisoners of conscience, including human rights defenders, were imprisoned during the year. Most were detained without charge or trial; others had been convicted in unfair political trials. There were reports of torture and ill-treatment of prisoners, and at least two prisoners of conscience died as a result of prison conditions so harsh as to amount to cruel, inhuman or degrading treatment. People with links to the political opposition or human rights groups were attacked and threatened, allegedly by government agents. At least 43 prisoners were sentenced to death and 33 executed.

Local government and state assembly elections took place as part of the transition to civilian rule promised by the military government of General Sani Abacha and scheduled for completion by October 1998. However, the new Constitution recommended by a part-elected Constitutional Conference in 1995 had still not been published by the end of the year. Local government elections in March were marred by the disqualification, before and after election, of candidates perceived to support the excluded pro-democracy opposition, and by fraud, vote-rigging and corruption. Security police again screened candidates for state assembly elections in December. Elections for state governors were postponed until 1998.

The government continued to obstruct fact-finding visits by intergovernmental organizations (see *Amnesty International Report 1997*). In March the UN Commission on Human Rights adopted a critical resolution, appointing a Special Rapporteur to keep the human rights situation in Nigeria under scrutiny. The Commonwealth Heads of Government Meeting in October maintained the suspension of Nigeria's membership of the Commonwealth which was imposed after the 1995 Ogoni executions (see *Amnesty International Report 1996*). The African Commission on Human and Peoples' Rights sent a fact-finding delegation to Nigeria in March, but by the end of the year had not made known any of its findings or recommendations.

There were sporadic bomb attacks by unidentified perpetrators, directed mainly at military targets, in which several people were killed. The authorities accused the opposition grouping, the National Democratic Coalition (NADECO), of responsibility and in March charged 16 people with treason, including pro-democracy and human rights activists (see below). The relocation of two local government headquarters led to scores of deaths in communal unrest between March and July around Warri, where oil-workers were taken hostage and a military taskforce sent in; and from August in Osun State where hundreds were displaced. In December the government announced that it had thwarted a coup attempt by the Deputy Head of State and other senior armed forces officers (see below).

Numerous meetings organized by human rights or pro-democracy groups were forcibly broken up by the security police. The authorities imposed restrictions on government critics and human rights activists by seizing their passports or briefly detaining them.

Hundreds of prisoners of conscience and possible prisoners of conscience were detained, many without charge or trial. They included human rights defenders, journalists, members of pro-democracy and Islamist opposition groups, trade unionists, politicians, soldiers and

relatives of political prisoners.

Among the prisoners of conscience held without trial was Moshood Abiola, winner of the 1993 presidential elections. He had been imprisoned since June 1994, ostensibly awaiting trial for treason, and denied access to his family and lawyers (see previous *Amnesty International Reports*).

In March the authorities charged 16 people, including leading pro-democracy and human rights activists, with treason, a capital offence. The 12 imprisoned in Nigeria included Dr Frederick Fasehun, Acting Chairman of the Campaign for Democracy (CD), and Olu Falae, a former government minister and member of NADECO. Four exiles were charged including writer and Nobel laureate Wole Soyinka and NADECO leader retired General Alani Akinrinade. Relatives and employees of General Akinrinade were arrested in January and February and detained without charge for several weeks. Among them was Dr Adegbeniga Adebusuyi who was subsequently charged with treason and was reported to have been hung by his feet and kicked in the head.

Leading members of the Muslim Brotherhood, an Islamist opposition group in northern Nigeria, were charged in July with inciting public disaffection and sedition; they had been detained incommunicado for 10 months (see *Amnesty International Report 1997*). Their trial started in October but had not concluded by the end of the year. They included Ibrahim Yakub Al-Zakzaky, an Islamic scholar and preacher, whose family were reportedly driven from their home by the security forces, and Hamid Danlami, publisher of the Muslim Brotherhood's newspaper.

A group of 20 Ogoni prisoners continued to be held without trial on identical murder charges to those used to execute Ken Saro-Wiwa and eight other Ogoni in November 1995. Many said they had been tortured or severely beaten after their arrests in 1994, and all were ill, some seriously, as a result of insanitary prison conditions and lack of food or medical treatment (see previous *Amnesty International Reports*).

Other prisoners of conscience and possible prisoners of conscience were held without charge. Two oil workers' leaders remained detained without charge for their involvement in a two-month strike by oil workers in 1994. Frank Ovie Kokori and Milton G. Dabibi were 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 recommended that Frank Kokori receive medical treatment for a spinal injury, but the authorities refused to allow it. Chief Olabiyi Durojaiye, a 63-year-old lawyer and founding member of NADECO who had been arrested in December 1996, was held incommunicado throughout the year without explanation. He was held in solitary confinement, and was reported to have become haggard and disoriented as a result of the harsh conditions.

Scores of journalists were detained, usually for short periods, throughout the year. Moshood Fayemiwo, publisher of the *Razor* news magazine, was reportedly abducted by Nigerian security agents from neighbouring Benin in February and subsequently detained in an underground cell at a Directorate of Military Intelligence detention facility in Lagos. In October and November, some 30 journalists were arrested in a crack-down on the

opposition press. Those who were still detained, incommunicado and without charge or trial, at the end of the year included Soji Omotunde, editor of the *African Concord* magazine, and Babafemi Ojodu, managing editor of the newspaper group *The News*.

Foday Sankoh, leader of the Revolutionary United Front, an armed political group in Sierra Leone, was arrested in Lagos in March, reportedly for possession of arms and ammunition. He was still detained under house arrest without charge or trial at the end of the year. In December the Deputy Head of State, Lieutenant-General Oladipo Diya, was arrested with 10 other officers and a civilian. The government said that they had plotted to overthrow the government. They had not been charged and were still held incommunicado at the end of the year. Officials warned journalists not to speculate about whether there really had been a coup plot, making reference to the imprisonment for treason in 1995 of four journalists who had reported the fabrication of evidence and grossly unfair trials of treason suspects.

Prisoners of conscience convicted of treason in secret and grossly unfair military trials in 1995 continued to be held (see *Amnesty International Report 1996*). Those sentenced to long prison terms included political leaders, such as retired General Olusegun Obasanjo, Head of State from 1976 to 1979, and human rights campaigners Dr Beko Ransome-Kuti and Shehu Sani, CD Chairman and Deputy Chairman respectively. Four editors and journalists were among this group; they included Kunle Ajibade and Chris Anyanwu.

Eleven soldiers continued to be held despite an announcement by the military authorities that they had been released (see *Amnesty International Report 1997*), and despite an order for the release of seven of them in July by the Federal High Court in Lagos. They had been convicted of involvement in a 1990 coup attempt following unfair and secret military trials. Torture and ill-treatment of political and criminal suspects by soldiers and police at the time of arrest and to extract confessions were routine.

Scores of supporters of the Movement for the Survival of the Ogoni People (MOSOP) were allegedly arrested, beaten and briefly detained by officers of the Rivers State Internal Security Task Force for commemorating Ogoni Day on 4 January. Two journalists were reportedly beaten by soldiers at the State Military Administrator's offices in Owerri, Imo State. One, Chief Oni Egbunine, publisher of the newspaper *The Horn*, was reportedly arrested and beaten unconscious in July after his newspaper published allegations of corruption among state officials. The other, Oby Eke-Aghbai, a leading member of the Nigeria Union of Journalists, was reportedly whipped with a belt in September. Also in September Chris Ikwunze, Rivers State correspondent of the *Vanguard* newspaper, was reportedly horsewhipped by soldiers for smuggling out a note while he was detained without charge for several days for reporting a press statement by MOSOP.

Conditions for most prisoners were so injurious to health as to amount to cruel, inhuman or degrading treatment. Medical care was virtually non-existent and political prisoners were frequently refused access to treatment. In December former Deputy Head of State retired Major-General Shehu Musa Yar'Adua, a critic of the government's transition program, died in unexplained circumstances after becoming ill in Abakaliki prison. Neither his death nor that of Staff Sergeant Patrick Usikekpo, another prisoner of conscience imprisoned after the grossly unfair treason trials in 1995, were the subject of independent investigations. Patrick Usikekpo was reported to have died in a typhoid fever epidemic in December which killed six

prisoners at Uyo prison.

Attacks and death threats against Nigerians associated with the pro-democracy and human rights movements continued, some allegedly carried out by government agents. In January Abraham Adesanya, then Vice-President of NADECO, escaped injury when unidentified gunmen fired at his car from another vehicle. Human rights lawyers Chief Gani Fawehinmi and Femi Falana, and journalists at the magazine *Tell* reported death threats during the year. At least 33 people were executed during the year, including a 17-year-old minor who had sought an urgent injunction from the Federal High Court to prevent his execution. Chidiebere Onuoha was shot dead in front of a crowd of thousands in July after being convicted by a Robbery and Firearms Tribunal, a special court directly appointed by the military authorities which allows no right of appeal.

In July, six men were publicly executed by firing-squad in Abia State, the first executions in the state since its creation in 1991. Their identities were not published but they had reportedly been under sentence of death for armed robbery since 1979.

At least 43 prisoners were sentenced to death; as many as 800 prisoners were under sentence of death at the end of the year. In November the High Court in Zaria sentenced 24 prisoners to death for a mob killing during an industrial dispute in 1995.

Throughout the year, Amnesty International appealed for the release of prisoners of conscience, for the prompt and fair trial of all political prisoners, for an end to torture and the death penalty, and for investigations into deaths in custody and attacks and threats against human rights defenders and opponents of the government.

Amnesty International urged the UN Commission on Human Rights, which met in March, to appoint a Special Rapporteur on Nigeria after its Special Rapporteurs on extrajudicial, summary or arbitrary executions and on the independence of judges and lawyers continued to be denied access to key political prisoners. In April and July Amnesty International provided written and verbal submissions on Nigeria to the Commonwealth Ministerial Action Group, urging the Commonwealth to set specific goals on human rights for the Nigerian authorities to achieve.

In September Amnesty International published *Nigeria: No significant change – human rights violations continue*, and called on the government to 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 UN Secretary-General, the UN Human Rights Committee, the UN Commission on Human Rights and the Commonwealth Ministerial Action Group.

Amnesty International protested at restrictions on its activities in Nigeria. These included the seizure of the passports of two officers of Amnesty International's Nigerian Section, which were returned in October.

1999 ANNUAL REPORT

More than 100 prisoners of conscience and possible prisoners of conscience were released, although at least 44 others remained imprisoned throughout the year. Early in the year, human rights activists and journalists were arrested and beaten. Torture and ill-treatment of prisoners continued to be reported and at least two political prisoners died in prison in unexplained circumstances. At least 29 prisoners were sentenced to death and at least six were executed. Six death sentences imposed for political offences were commuted.

In April all five government-sponsored political parties – the only parties allowed to operate at that time – agreed to support General Sani Abacha, head of the military government, as presidential candidate. Political protests broke out and were suppressed: pro-democracy activists and human rights defenders were arrested and ill-treated, and 10 people were reportedly shot dead by police and others injured. In the first half of the year, private as well as public meetings involving human rights or democracy groups were forcibly broken up by the security police.

General Abacha died unexpectedly on 8 June and was replaced by General Abdulsalami Abubakar as head of the military government. Scores of prisoners of conscience and other political prisoners were subsequently released and six death sentences imposed for political offences were commuted.

General Abubakar promised that the military would step down in May 1999 under a new "transition to civil rule", but rejected calls by some pro-democracy groups for a sovereign national conference to agree a new constitution or for a government of national unity to supervise the transition. In August the government annulled earlier elections to local governments and to state and national legislatures conducted under the previous government's "transition to civil rule". It revoked decrees which had placed the Nigeria Labour Congress and the two main oil workers' unions under direct government control and had dissolved three university staff unions. However, it left in force decrees providing for arbitrary detention and the imprisonment of prisoners of conscience. In December local government elections were contested by nine new political parties.

There was increased hostage-taking of oil workers and attacks on oil installations by youths from Niger delta communities seeking a share of oil revenues, development assistance or compensation for environmental damage by oil companies. In May, two youths were shot dead in disputed circumstances when the military ended the occupation of an offshore oil platform by members of the Ijaje community. In December soldiers reportedly shot dead at least six demonstrators after a call by Ijaw groups for the military and the oil companies to leave Ijaw territories.

On 7 July prisoner of conscience Moshood Abiola, the reported winner of the 1993 presidential elections which were annulled by the military (see previous *Amnesty International Reports*), died in detention. Suspicions about the cause of his death led to unrest in the southwest of the country during which a number of people were killed. In April the UN Commission on Human Rights extended the mandate of the Special

Rapporteur on Nigeria, who was appointed in 1997, for a further year. In his report to the Commission, the Special Rapporteur highlighted the absence of the rule of law in Nigeria. In his September report to the UN General Assembly, he welcomed the releases of political prisoners and the commitments made by the new government but noted that the rule of law and constitutional rights had not been restored. In September the authorities invited him to visit Nigeria; he had previously been denied access to the country. He visited Nigeria in November and repeated his call for the revocation of decrees that provide for administrative detention and unfair trials by special courts. In March the International Labour Organisation established a commission of inquiry into persistent violations of trade union rights in Nigeria, including the detention of trade unionists, and in August sent a delegation to Nigeria. It had previously been denied access.

The government of General Abubakar and the courts ordered the release of more than 100 prisoners of conscience and possible prisoners of conscience. On 15 June the government announced the first nine releases. Among them were people who had been detained without charge or trial, including oil workers' leaders Frank Ovie Kokori and Milton G. Dabibi, held since 1994 and 1996 respectively, and lawyer and pro-democracy leader Chief Olabiyi Durojaiye, detained since 1996. Also released were retired General Olusegun Obasanjo, Head of State from 1976 to 1979; human rights and pro-democracy activist Dr Beko Ransome-Kuti; and a journalist, Christiana Anyanwu. They had been convicted of treason after secret and grossly unfair military trials in 1995. At least five political detainees were released in the following days, including human rights lawyer Ebun-Olu Adegboruwa, who had been detained without charge or trial since 1997.

On 25 June the government announced the release of 17 more political prisoners. Ten had been charged with treason in March 1997, including pro-democracy and human rights leaders Dr Frederick Fasehun and former government minister Olu Falae. Six had been detained without charge or trial following pro-democracy protests on 1 May in Ibadan, including lawyers and pro-democracy leaders Olisa Agbakoba (see below) and Ayo Opadokun, and human rights and pro-democracy activist Olusegun Maiyegun.

Also on 25 June the High Court discharged 33 of those arrested following pro-democracy protests in Ibadan and who were charged with riot and arson. They included former senator Alhaji Lam Adesina, trade union leader Alhaji Lateef Akinsola and newspaper editor Femi Adeoti, who had also been charged with subversion.

On 20 July the government announced that it had pardoned 10 civilians convicted of involvement in an alleged coup plot in 1995 and tried in secret by Special Military Tribunal. Among those released were Shehu Sani, Vice-Chairman of the Campaign for Democracy; and newspaper editors Kunle Ajibade, George Mbah and Ben Charles Obi. General Obasanjo, Dr Beko Ransome-Kuti and Christiana Anyanwu had been released earlier (see above).

In September, 20 Ogoni prisoners who had been detained without trial, most of them since 1994, were released (see previous *Amnesty International Reports*). They had been ostensibly awaiting trial on the same murder charges that were brought against Ken Saro-Wiwa, head of the Movement for the Survival of the Ogoni People (MOSOP), and the eight other Ogoni men executed with him in November 1995 after unfair and politically motivated trials. Previous attempts to have the 20 prisoners released on bail or brought promptly to trial had been

obstructed by government appeals against court rulings for their release on bail and by their lack of access to lawyers. For most of their detention, the 20 prisoners were detained incommunicado, denied access to their families and, for the first two years, their lawyers. They suffered serious illnesses as a result of insanitary prison conditions and lack of food and medical treatment.

In December Ibrahim Al-Zakzaky and three other leading members of the Muslim Brotherhood were released by the High Court in Kaduna, northern Nigeria, after charges of inciting public disaffection and sedition were withdrawn. They had been imprisoned since 1996.

In September General Abubakar confirmed that charges against political exiles, including writer and Nobel Prize laureate Wole Soyinka, had been withdrawn. Several of them subsequently returned to Nigeria.

At least 44 prisoners of conscience and possible prisoners of conscience remained held at the end of the year after being convicted of treason in unfair and secret trials by Special Military Tribunal. Following a coup attempt in April 1990 and a series of secret trials which resulted in the execution of 69 armed forces officers, 11 soldiers remained imprisoned despite pardons and court orders for their release. In July, one officer, David Mukoro, was reported to have died in detention from tuberculosis and medical neglect. In October a civilian unfairly convicted in the case, Turner Ochuko Ogburo, was released. A High Court order for his release in 1994 had previously been ignored.

Eighteen serving and retired armed forces officers were still held in connection with a series of treason trials in 1995 in which more than 40 defendants were convicted of involvement in an alleged coup attempt. Of the prisoners still held, Navy Commander L.M.O. Fabiyi, a lawyer, was sentenced to 15 years' imprisonment reportedly for passing a defendant's defence submission to others. Another lawyer, Colonel Roland N. Emokpae, sentenced to 25 years' imprisonment, was reported in June to be seriously ill with liver problems and to have been denied appropriate medical treatment in prison. There was no inquiry into reports of torture of some of the defendants, including Lieutenant-Colonel M.A. Igwe, who was sentenced to 25 years' imprisonment reportedly after he refused to implicate others. In April a Special Military Tribunal convicted 10 armed forces officers, including former Deputy Head of State General Oladipo Diya, and six civilians of treason or related offences in connection with an alleged coup plot in December 1997. Their trials were grossly unfair, conducted in secret by a tribunal which denied them practically all rights of defence. In July the government announced the commutation of the death sentences imposed on General Diya and five others, including Adebola Adebajo, an engineer. Long prison sentences passed on other detainees were reduced and one officer had his sentence reduced to dismissal from the army. In December, one of the six officers whose death sentences had been commuted, Lieutenant-Colonel Olu Akiode, died in unexplained circumstances in Makurdi prison. No investigation was conducted into the causes of his death. Eight officers and six civilians remained in prison at the end of the year.

Throughout the first half of the year human rights activists and journalists were arrested and beaten. In March human rights lawyer Femi Falana was held for six days. He was among a group of people detained without charge for attending a seminar in Ilorin, Kwara State. Also

in March human rights lawyer Olisa Agbakoba (see above) was beaten and gun-butted in the face by police officers when he attempted to negotiate with them during a pro-democracy march in Lagos, the capital. He was detained for two days and charged with public order offences, with about 30 other people, for organizing the march.

Torture or ill-treatment of detainees by soldiers and police at the time of arrest and in order to induce them to make incriminating statements was routine. In January Batom Mitee, brother of Ledum Mitee, Acting President of MOSOP, and Tombari Gioro were among dozens of MOSOP supporters arrested by armed troops in Bori, the main town in Ogoniland, to stop them celebrating "Ogoni Day". They were reported to have been beaten with rifle butts and electric cables, and subsequently to have been denied food and medical attention for their injuries. They and other Ogoni detainees were detained without charge or trial until May. On several occasions, soldiers assaulted journalists carrying out their professional duties, including while they were reporting street protests.

At least 29 prisoners were sentenced to death for political and criminal offences and at least six people were executed. In February, six men convicted of armed robbery were executed by a firing squad in front of hundreds of people at Kirikiri prison, Lagos.

Hundreds of prisoners remained under sentence of death, some of them many years after their conviction. Most had been sentenced to death by Robbery and Firearms Tribunals, special courts which allow no right of appeal.

Amnesty International appealed for the release of prisoners of conscience, for the prompt and fair trial of all political prisoners, and for an end to torture and the death penalty. At the time of a visit to Nigeria by the Pope in March, Amnesty International protested at the arrests and beatings of human rights activists and journalists. In July it called for a full inquiry into the death of Moshood Abiola and into the cases of other prisoners of conscience who had died in detention in unexplained circumstances (see *Amnesty International Report 1998*).

Amnesty International welcomed the releases of prisoners of conscience and the commutation of six death sentences. It continued to appeal for the release of prisoners of conscience, the review of the conviction of unfairly tried political prisoners, and the repeal of military decrees which allow the imprisonment of prisoners of conscience and the suppression of the rule of law.

2000 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo (replaced General Abdulsalami Abubakar in May)**
 Capital: **Abuja**
 Population: **103.4 million**
 Official language: **English**
 Death penalty: **retentionist**

The human rights situation continued to improve, with further releases of political prisoners. Military decrees which provided for administrative detention and unfair political trials were revoked just before the military handed over to an elected civilian government in May. Communal unrest and inter-ethnic killings increased in several parts of the country, particularly in the Niger Delta, where soldiers were alleged to have used excessive and lethal force in dealing with protests and armed groups. The death penalty remained in force but fewer executions were reported.

Return to civilian government

Elections for state assemblies and governors were held in January, followed by national assembly and presidential elections in February. These were further steps in a "transition to civil rule" relaunched by the military government headed by General Abdulsalami Abubakar after the death of General Sani Abacha in June 1998. Retired General Olusegun Obasanjo, military head of state from 1976 to 1979 and a prisoner of conscience from 1995 to 1998, won the presidency and was inaugurated on 29 May 1999. While irregularities seriously marred the elections, the outcome was broadly accepted.

In early May the military government promulgated a new Constitution. This document had remained unpublished after a part-elected Constitutional Conference had made recommendations in 1995 and after further amendments had been made by the military government.

The government announced a review of the Constitution after widespread criticisms of its undemocratic inception, its centralization of powers to the federal government, including over the police and judiciary, and its transfer of jurisdiction in cases involving the government from state-level High Courts to Federal High Courts, which are considerably fewer in number. In April the UN Commission on Human Rights, which had appointed a Special Rapporteur on Nigeria in 1997, ended its inquiries. The Special Rapporteur reported on the first visit he had been able to make to Nigeria in November 1998 and the improvement in the human rights situation. The Commonwealth, which had suspended Nigeria's membership following the executions in 1995 of Ken Saro-Wiwa and eight Ogoni activists, lifted the suspension in May.

Major legislative changes

Two military decrees were promulgated in late May which revoked 31 military decrees, including those which had suspended human rights provisions of the 1979 Constitution and removed the powers of the courts to challenge actions by the military government. Others were amended to restore jurisdiction to the ordinary courts in criminal cases. Fears were expressed by human rights and other groups after several northern states, led by Zamfara

State in October, took steps to extend the jurisdiction of Shari'a (Islamic law) courts and to introduce more severe corporal punishments.

Decrees revoked included the State Security (Detention of Persons) Decree, No. 2 of 1984, which provided for the arbitrary and indefinite detention without charge or trial of any person deemed by the government to be a threat to the security or the economy of the country. It was used to detain hundreds of prisoners of conscience.

Also rescinded were decrees which provided for special courts used to imprison and execute government critics after grossly unfair political trials. The Treason and Other Offences (Special Military Tribunals) Decree, No. 1 of 1986, provided for Special Military Tribunals headed by members of the military government. Between 1986 and 1998, these tribunals held treason trials which failed to meet nearly all standards of fair trial, resulting in a total of 79 executions of armed forces officers and the imprisonment of dozens of prisoners of conscience and possible prisoners of conscience. The Civil Disturbances (Special Tribunals) Decree, No. 2 of 1987, provided for Civil Disturbances Special Tribunals directly appointed by the military. Between 1987 and 1995, such tribunals conducted politically motivated and unfair trials, in 1995 resulting in the execution of nine Ogoni activists.

Other decrees revoked were the Treason and Treasonable Offences Decree, No. 29 of 1993, which broadened the definition of treason, and the retroactive Federal Military Government (Supremacy and Enforcement of Powers) Decree, No. 12 of 1994, which prohibited legal action challenging any government action or decree.

Among the decrees amended to restore the jurisdiction of the ordinary courts was the Robbery and Firearms (Special Provisions) Decree, No. 5 of 1984, which provided the death penalty for armed robbery. Jurisdiction in armed robbery cases was restored to the state-level High Court, with a right of appeal to the Court of Appeal and Supreme Court. More than 2,600 death sentences had been carried out under military governments since 1970, most of which were passed by Robbery and Firearms Tribunals, now effectively abolished.

Impunity

In June the government constituted a judicial commission of inquiry headed by Mr Justice C.A. Oputa, a retired Supreme Court judge, to investigate past human rights violations and make recommendations on redress for victims and preventive measures. Its mandate, to investigate abuses between 1984 and May 1999, was extended in October back to 1966. It received more than 11,000 submissions, many in relation to human rights violations in Ogoniland in the mid-1990s. Hearings had not started by the end of the year.

A number of officials and associates of the previous military government were charged with involvement in human rights violations. In October Mohammed Abacha, a son of former head of state General Abacha, and four others, including senior security officials, were charged in connection with the murder in June 1996 of Kudirat Abiola. She was the wife of Moshood Abiola, the reported winner of the 1993 presidential elections which were annulled by the military, who died in detention in 1998. One of the same security officials and an army doctor were also charged in connection with the suspected murder in custody in December 1997 of retired Major-General Shehu Musa Yar'Adua, a prisoner of conscience and former deputy head of state. In November, five senior armed forces and police officers were charged in connection with the attempted murder in February 1996 of Alex Ibru, a newspaper proprietor and former government minister.

Communal unrest

Hundreds died in inter-communal clashes across the country. Scores of people reportedly

died in conflicts between the Ijaw and Itsekiri over land and oil rights in May and June around Warri in the western Niger Delta. Two of Nigeria's three largest ethnic groups, the Yoruba and Hausa, were involved in inter-communal killings in July in Sagamu, southwest Nigeria, followed by reprisal killings in Kano, in the north, and in November in Lagos when more than 100 were reported killed. In the Niger Delta attacks on oil installations grew, as did the hostage-taking of oil workers for ransom; a number were reportedly killed.

The security forces were reported to have used excessive and lethal force against youths protesting against the security forces in the Niger Delta and agitating for a halt to oil production. The armed forces were also reported to have killed defenceless civilians and razed their homes, in reprisal for the killing of police and soldiers by armed groups.

In January soldiers reportedly shot dead up to 20 people in and around the town of Yenagoa, capital of Bayelsa State, after a call by Ijaw groups for the military and the oil companies to leave Ijaw territories.

* Wariebi Ajoko, a 14-year-old boy, was among those killed outside his home in Olobiri-Kaiama. Soldiers took the boy's body away and it was not returned to the family. His father was among community elders detained and tortured by the security forces, and forced to drink their own urine after being held for days in the open without food and water.

In September soldiers reportedly carried out reprisal killings in Yenagoa after the killing of at least two soldiers. The government ordered an internal army inquiry.

In November at least 40 people, including soldiers, were reportedly killed in the town of Odi, near Yenagoa, after an armed group fired on soldiers seeking to arrest them and the armed forces responded by bombarding the town. The armed group had allegedly murdered 12 police officers. A Senate committee which visited a week later reported that the town had been razed and that several corpses remained in the streets. The authorities provided no information about those killed or arrested and no inquiry was instituted.

Releases of political prisoners

The releases of political prisoners which started following the death of General Abacha continued during 1999. In March at least 39 prisoners of conscience and possible prisoners of conscience held in connection with alleged coup plots were released.

Ten soldiers were released who had been imprisoned since a coup attempt in 1990, two of them despite being acquitted by a Special Military Tribunal.

The remaining 17 prisoners convicted of involvement in a fabricated coup plot by a Special Military Tribunal in 1995, all armed forces officers, were released. Civilians convicted in the same 1995 trials had been released in 1998.

Eight armed forces officers and six civilians convicted in April 1998 of involvement in an alleged plot in 1997 were released. Death sentences imposed on six of them, including Lieutenant-General Oladipo Diya, deputy head of state to General Abacha, had been commuted in 1998.

Supporters of the Islamic Movement

Supporters of the Islamic Movement, an Islamist group in northern Nigeria, were released on completion of prison sentences, or on payment of fines in place of their prison sentences.

They were reported to have been convicted after politically motivated and unfair trials in 1996 and 1997.

* Mohamed Aminu Ahamed was reported to have died in May as a result of harsh conditions and medical neglect in Lapia prison, Niger State, where two others convicted in the same trials – Abdulkadir Magaji and Mohammed Salisu – had died in 1998.

Journalists

Under military rule, journalists continued to be detained for questioning, usually briefly, after publishing articles critical of the security forces or on the basis of unsubstantiated complaints.

* In February the police in Lagos arrested two employees of *The News* group of newspapers, Kingsley Uwannah and Kayode Sofuyi, and detained them without charge for a week. Three other employees were detained overnight and also released without charge.

* In October Jerry Needam, an editor of a newspaper produced by the Movement for the Survival of the Ogoni People (MOSOP), was detained incommunicado and without charge or trial for three weeks in Port Harcourt. Police were reportedly seeking the source of a leaked police order which characterized MOSOP and other human rights groups in the Niger Delta as "enemy forces" and which revealed a lack of clarity about when the security forces could use lethal force against protesters. He was released without charge after three weeks.

III-treatment

Detainees arrested by police and military were routinely subjected to beatings and detained in harsh and insanitary conditions.

* In April Ugochukwu Agi, a teacher and human rights defender, was arrested with two others, beaten by soldiers and detained for three days with criminal suspects who stripped and also beat him. The reason for his detention appeared to be his involvement in local community protests over an explosion at the Obite gas plant in Rivers State in March which killed five employees, and longstanding community concerns about the gas plant. He was released without charge.

As many as 20 young people, including children aged 14 and 15, were reportedly wounded in nearby Ogbogu when a joint military and paramilitary police anti-robbery unit reportedly fired on protesters.

Death penalty

At least 11 death sentences were passed and three executions carried out. The executions, one in Cross River State in March and two in Osun State in May, were of three men convicted of armed robbery by Robbery and Firearms Tribunals. They were carried out by firing squad. No executions were known to have been carried out after the return to civilian rule.

AI action

In July AI submitted reports detailing hundreds of individual cases of human rights violations to the Oputa investigation panel and made recommendations to the government about the powers and resources which would contribute to the effectiveness of the investigations. AI also raised a number of concerns with the government.

* Moussa Goukouni, a Chadian teacher and former diplomat, was reportedly arrested in Maiduguri, northeastern Nigeria, on suspicion of links with a Chadian armed opposition group, and in August transferred to a military camp near Lake Chad. AI asked the Nigerian authorities about his case, in light of the extrajudicial execution in Chad in 1992 of deportees from Nigeria, and further extrajudicial executions in Chad in 1996.

AI country reports and visits

Report

Nigeria: Releases of political prisoners – questions remain about past human rights violations

(AI Index: AFR 44/001/99)

Visit

AI visited Nigeria in June and July to carry out research and to attend organizational meetings with AI members in Nigeria.

2001 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo**

Capital: **Abuja**

Population: **111.5 million**

Official language: **English**

Death penalty: **retentionist**

2000 treaty ratifications/signatures: **Optional Protocol to the UN Children's Convention on the involvement of children in armed conflict; Optional Protocol to the UN Women's Convention; Rome Statute of the International Criminal Court**

There was no investigation into continuing incidents of alleged extrajudicial executions or excessive use of force by the security forces which have taken place since the restoration of civilian government in May 1999. One amputation and several public floggings were carried out under new laws introducing corporal punishment in some northern states. Evidence was heard in the trial of security officers allegedly involved in an attempted extrajudicial execution in 1996, and hearings started before a commission of inquiry investigating human rights violations committed before May 1999.

Background

There were sporadic outbreaks of civil unrest throughout the year in which hundreds died. As many as 1,000 people were killed in intercommunal violence between Christian and Muslim communities in February over the possible extension of *Sharia* (Islamic law) in Kaduna State, northern Nigeria, and in reprisal killings in eastern Nigeria. In May renewed rioting in Kaduna led to a further 300 deaths. Further unrest over *Sharia* left 10 dead in Gombe State in September and at least nine in Niger State in November. In October more than 100 people died in Lagos, southwest Nigeria, in intercommunal conflict.

There was widespread lack of public confidence in the severely under-resourced police force, and lynchings of criminal suspects by vigilante groups or community militias sometimes provoked intercommunal conflict. The government condemned the emergence of ethnically based militias and, following serious unrest, carried out widespread arrests of those allegedly involved. It increased the size of the police force and deployed troops in support of the police in areas of unrest. Special task forces were posted to the oil-producing Niger Delta area where thefts from fuel pipelines rose, scores of people died in explosions at pipelines ruptured by thieves and oil company personnel continued to be taken hostage for ransom.

In April, the Supreme Court ruled that the African Charter on Human and Peoples' Rights and other international treaties took precedence over domestic law. This overturned a March 1996 ruling by the Federal High Court that international legal obligations were overruled by military decrees which prohibited recourse to the courts. Human rights lawyer Gani Fawehinmi had challenged his detention without charge or trial from January to November 1996 on the grounds that it violated rights guaranteed by Nigeria's Constitution and the African Charter on Human and Peoples' Rights, incorporated into Nigerian law in 1983.

Killings by the security forces

There were reports that the security forces used excessive force in response to protests against oil company activities and thefts from oil pipelines in the Niger Delta, resulting in several reported fatalities.

Earlier killings and ill-treatment by the security forces since May 1999 were not subject to independent investigation. Local human rights organizations expressed concern at persistent reports that suspected armed robbers were killed by the police instead of being prosecuted.

In April police shot dead at least one person, 18-year-old Barinaadua Gbaraka, and burned down homes in K-Dere village in Rivers State after residents opposed a road-building project by the Shell oil company. Several residents were detained and reportedly assaulted. Ledum Mitee, lawyer and leader of the Movement for the Survival of the Ogoni People (MOSOP), was among 11 people subsequently released on bail to await trial on charges including arson and attempted murder. His family home was among those burned. The trials were repeatedly adjourned.

A police task force in Abia State reportedly killed at least three people in the Osisioma area suspected of stealing fuel from ruptured pipelines: in May Sunday Benjamin, in June Ikechi Nwogu and in October Egbulefu Ugwuzor. In September and November the task force was alleged to have looted and burned property of relatives or associates of suspected fuel thieves.

House of Assembly representatives in Delta State reported that in September members of a paramilitary police unit had fired indiscriminately at residents of several villages, burned and ransacked homes, and looted property.

In October at least eight youths were reportedly killed when troops guarding an oil facility belonging to the Agip oil company fired on protesters from the nearby town of Olugbobiri, Bayelsa State. About 50 youths in speedboats had reportedly intended to shut down production after disagreements over a road-building project.

The Benue State authorities said that a judicial commission of inquiry would investigate the reported killing of 10 people by members of a federal paramilitary police unit in December. Raids on villages in the Mbalim and Mbasombo districts reportedly took place after community leaders reported pipeline leakages and contamination of farmland and waterways to the Nigerian National Petroleum Corporation.

Cruel, inhuman or degrading punishment

At least one amputation and several floggings were carried out. New laws introduced or announced in 10 northern states during 2000 provided harsh corporal punishments for offences including theft, sexual offences, consumption of alcohol and gambling. Several men and at least one woman were publicly flogged for offences which included smoking marijuana, gambling and carrying women on the back of motorcycle taxis.

The federal government did not challenge the unconstitutionality of some of the new state laws, but advised citizens to seek legal redress in the higher courts, including the Supreme Court. However, sentences were often carried out immediately after conviction and most defendants had no defence lawyer or means to bring an appeal.

In February Sani Mamman, aged 18, was given 100 lashes in Zamfara State for having sexual relations outside marriage.

In March a farmer in Zamfara State, Buba Bello Jangebe, had his right hand amputated after being convicted of stealing a cow. He failed to appeal against the sentence within the allotted 30 days.

In August Sule Sale received 86 lashes for drinking alcohol and stealing cigarettes in Katsina State.

In September, 17-year-old Bariya Ibrahim Magazu was sentenced to 100 lashes for having sex outside marriage. Unable to produce sufficient witnesses to substantiate her allegation that she had been coerced into having sex with three men, one of whom had made her pregnant, she was sentenced to a further 80 lashes for her accusations against the three men, which were judged to be false.

Political imprisonment

Supporters of opposition groups were arrested and charged with offences, sometimes following unrest, in circumstances suggesting that their detentions were politically motivated.

In May, 54 supporters of the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB) were arrested in Aba, Abia State, and charged with treasonable felony and unlawful assembly. They were alleged to have conspired to overthrow the government by declaring an independent state. In August a magistrates' court struck out the charges of treasonable felony on the grounds that the court lacked jurisdiction to try a federal offence and granted them bail on the charges of unlawful assembly.

In early September Alhaji Sule Zurmi, an opposition party leader in Zamfara State, was arrested with 17 supporters and detained for more than two weeks. Charged with responsibility for an attack on the State Governor's convoy in which a number of people were injured, their arrest and prosecution were criticized by federal government officials as arbitrary and politically motivated. They were released pending trial.

In October the authorities arrested scores of suspected supporters of the O'odua People's Congress (OPC), an organization set up to defend the interests of the Yoruba ethnic group. They were charged with offences including murder, arson and illegal possession of arms, in connection with unrest in Lagos and Ilorin, southwest Nigeria, in which more than 100 people, mostly from the Hausa community, died. Dr Frederick Fasehun, a leading OPC member, was released on bail by the Lagos High Court after three weeks. Immediately rearrested to face similar charges in Ilorin, he was again released on bail by a magistrates' court in Ilorin. The Lagos High Court subsequently dismissed the charges against him for lack of evidence.

Death penalty

No death sentences or executions were known to have been imposed during 2000. In January President Olusegun Obasanjo granted an amnesty to prisoners under sentence of death: those

who had been awaiting execution for 20 years were to be pardoned and released; those under sentence of death for between 10 and 20 years were to have their sentences commuted to life imprisonment.

In December the government reportedly proposed to reintroduce capital punishment for the sabotage of fuel and power supply networks.

Impunity

Trials

The trial of five former security officials, including former Chief of Army Staff General Ishaya Bamaïyi, continued. They were charged with the attempted murder in February 1996 of Alex Ibru, newspaper publisher and former government minister. The state's main prosecution witness, a former army sergeant, told the High Court in Lagos that he and a senior police officer had fired at Alex Ibru. He said he had been part of a hit squad acting on the orders of superior officers.

No evidence was heard in two cases against former security officers and Mohammed Abacha, son of former head of state General Sani Abacha. They were charged in connection with the shooting dead in June 1996 of Kudirat Abiola, wife of the imprisoned winner of the 1993 presidential elections, Moshood Abiola, and the unexplained death in custody in December 1997 of Shehu Musa Yar'Adua, a former deputy head of state.

Human Rights Violations Investigation Commission

In October the Human Rights Violations Investigation Commission, set up in June 1999, began hearing evidence from witnesses to human rights violations committed between 1966 and the return to civilian rule in May 1999. From more than 11,000 petitions received, it selected about 150 of the most serious cases for public hearing in five sessions in Abuja and other major cities.

Witnesses before the Commission described killings and torture by agents of the military government of General Sani Abacha (1993 to 1998). Former Captain U.S.A. Suleiman described being held in an unventilated and unlit cell and forced to stand all night by being chained hand and foot to a wall. Former Colonel Gabriel Ajayi described being tied up, hung from the ceiling and beaten. Both had been detained in connection with an alleged coup plot in 1995. The family of Alfred Rewane, a 79-year-old opposition supporter murdered in 1995, alleged that senior security officials had told a military investigation in 1998 of a government conspiracy to kill him and that supposed suspects arrested by the police had since died in custody. A former police commissioner told the Commission that security police had planted explosives to incriminate an airport manager killed in a car bomb explosion at Lagos international airport in 1996. This and other bomb blasts were widely believed to have been the work of the security services and were used as a pretext to imprison pro-democracy activists. Security officials denied the most serious accusations or refused to appear before the Commission. In December former head of state General Ibrahim Babangida and former military and police security chiefs obtained a High Court injunction restraining the Commission from compelling them to appear before it, on the grounds that their personal security would be at risk. They had been invited to give evidence about the alleged extrajudicial execution in 1986 of Dele Giwa, editor of *Newswatch* magazine.

AI country report and visit

Report

Nigeria: Time for justice and accountability (AI Index: AFR 44/014/2000)

Visit

An AI delegation visited Nigeria in July for talks with government officials and for meetings with local AI members and other human rights groups.

2002 ANNUAL REPORT

Head of state and government: Olusegun Obasanjo

Capital: Abuja

Population: 116.9 million

Official language: English

Death penalty: retentionist

2001 treaty ratifications/signatures: UN Convention against Torture; Rome Statute of the International Criminal Court; African Charter on the Rights and Welfare of the Child

The security forces continued to act with impunity. They were reported to have extrajudicially executed more than 130 people in one reprisal attack on civilians. At least one person was shot dead by the paramilitary police in the Niger Delta in a reportedly unlawful killing. No one was brought to justice for killings perpetrated by the security forces in previous years. At least four death sentences were passed by High Courts and 24 upheld on appeal. Under new penal codes and laws of criminal procedure inspired by *Sharia* (Islamic law), which extended the application of cruel, inhuman and degrading punishments, three people were sentenced to death, two by stoning; they were not executed. Several people were sentenced to having their hands amputated, and several floggings were carried out. Vigilante groups, some with explicit backing by state authorities, continued to be responsible for acts of unlawful detention, torture and killings, especially in the southeast. Members of politically active groups were repeatedly detained without trial.

Background

Violent intercommunal clashes increased, leaving hundreds dead and displacing tens of thousands of people internally. Some of the clashes, especially in Kaduna, Kano and Jos, were linked to tensions between Christians and Muslims.

The Human Rights Violations Investigation Commission, known as the Oputa Panel, continued to hear testimonies from witnesses to human rights violations committed between 1966 and the return to civilian rule in May 1999, including during the civil war of 1967 to 1970. Although President Olusegun Obasanjo appeared several times before the Commission, some former military heads of state repeatedly refused to respond to summonses issued by the Commission in its attempts to investigate high-profile cases such as the death in 1986 of journalist Dele Giwa or the 1995 trial and execution of writer Ken Saro-Wiwa and eight other Ogoni activists.

Oil and gas spills in the oil-rich Niger Delta area, often blamed by companies on deliberate damage to equipment such as well-heads and pipelines, frequently led to explosions and fires which killed and injured numerous people. In a number of incidents, gangs of young men attacked and took hostage company employees in Delta and Rivers States. Although some disputes were resolved peaceably through negotiations by company management and the security forces, some provoked intercommunal violence. The root causes of continuing human rights violations in the oil producing areas of Nigeria remained largely unaddressed.

The Minister of Justice and Attorney-General of the Federation, Chief Bola Ige, was murdered in December, apparently in a political assassination.

Killings by the security forces

Nigerian security forces continued to act with impunity and were responsible for at least one extrajudicial execution in the Niger Delta area and large-scale killings in Benue State. No independent investigations were carried out into allegations of excessive use of force or extrajudicial executions made in connection with these incidents, or into other killings by the security forces since the return to civilian rule in May 1999, including in Odi in 1999.

In June, Friday Nwiido, aged 29, was shot by the paramilitary Mobile Police in Baen, Rivers State, in the Niger Delta area and died during transport to health facilities. He had been in dispute about pay with his former employer, the Shell Petroleum Development Company of Nigeria (SPDC), and the police were looking for him after he was accused of using a company vehicle without permission. He was reportedly unarmed and did not constitute a threat when he was shot as he responded to a request to report to the police.

On 22 October army officers went to the area around the town of Zaki Biam in Benue State, close to the Taraba State border in central Nigeria, where 19 soldiers had been killed two weeks earlier. They were seeking those responsible and to recover stolen weapons. Soldiers had been based in the area to quell intercommunal violence between the Tiv and Jukun ethnic communities. Over the next few days, more than 130 civilians - women and children among them - were deliberately shot dead or killed as a result of indiscriminate shelling, apparently in reprisal for the killing of the soldiers. Men in several villages in the area were reportedly assembled before being summarily shot. Contradicting early army denials of involvement, officials in Benue and Taraba States, senior police officers, members of the National Assembly, and Nigerian and international human rights organizations, all denounced the killings as extrajudicial executions. The National Assembly set up an inquiry into the killings, but no results had been made public by the end of 2001.

Death penalty

After no death sentences in 2000, at least four death sentences were passed by High Courts and 24 were confirmed on appeal by the Supreme Court. Most followed convictions for murder and some dated back for more than a decade.

At least three death sentences were passed by lower courts under new penal legislation and codes, including new codes of criminal procedure, recently introduced in several states in northern Nigeria and based on *Sharia*.

The new laws introduced a mandatory death penalty for adultery not previously punishable by death and allowed the application of the death penalty for other sexual offences on a discretionary basis. In some states legislation initially made no requirement for defendants in capital cases to be legally represented in court. Although they are punishable offences, sexual intercourse between members of the same sex, child abuse and adultery do not attract the death penalty under the federal Penal Code for Northern Nigeria, which remains applicable to non-Muslims.

So-called *Sharia* courts, lower courts in the hierarchy of the Nigerian judicial system, were given jurisdiction to hand down death sentences, a power formerly reserved to the High Courts. Previously, the lower courts used *Sharia* legal concepts only to determine cases in civil and personal matters. It was unclear to what extent the new legislation guaranteed constitutional rights of appeal to the higher federal courts. Rules of evidence and procedure used in criminal matters in the *Sharia* courts differed from those applied in the Magistrates' Courts, and discriminated against women.

Attahiru Umar, aged in his thirties, was sentenced to death by stoning in Kebbi State in September. He was convicted on charges of homosexuality in connection with the sexual abuse of a young boy. No appeal was known to have been made to a higher court. The sentence was not known to have been carried out by the end of 2001.

In October Safiya Yakubu Hussaini, aged 30, was sentenced to death by stoning in Sokoto State after being convicted of adultery, under a law which violates international standards of human rights. At her first trial she suffered discrimination on the grounds of her gender: she was convicted on the basis of inadequate evidence, including that she was pregnant while reportedly no longer married; however, the court did not investigate the child's paternity or her allegation that she had been raped by a married man. In November she was granted leave to appeal and subsequently appealed to the Sokoto State *Sharia* Court of Appeal. In December the Federal Minister of Justice publicly declared that she would not be executed. By the end of 2001 no decision had been given on her appeal.

Sani Yakubu Rodi was convicted of murder in Katsina in November and sentenced to death by hanging. He pleaded not guilty at an initial hearing in July but changed his plea to guilty in September. He did not lodge an appeal.

Cruel, inhuman and degrading punishments

The new laws applicable to Muslims in northern Nigeria also introduced cruel, inhuman or degrading punishments, including amputation of limbs and flogging, for offences such as consumption of alcohol.

Many of those convicted and punished under the new legislation were from an economically deprived background, had received little if any formal education and were unaware of their legal rights of representation and appeal. Provisions for the protection of minors under the Penal Code for Northern Nigeria were not matched in the new penal codes.

Several people were sentenced to have hands amputated for theft or armed robbery. They included at least one child whose sentence was not carried out. At least three amputations took place. Several men and women were sentenced to floggings, mostly following convictions for sexual offences or for the consumption or sale of alcohol. Floggings were routinely carried out, sometimes within hours of conviction.

In January Bariya Ibrahim Magazu, a teenage mother reportedly under 17 years old, was flogged 100 times with a cane in Zamfara State, after being convicted of pre-marital sexual intercourse in September 2000. She was not legally represented at her trial, and defence lawyers she appointed to lodge an appeal were told by court officials that the sentence would

not be carried out before her appeal was heard by a higher court. However, the sentence was carried out before her rights of appeal had been exhausted and before the date given to her lawyers by court officials. Different standards of evidence were applied to her and to the three men she accused of coercing her into having sex with them. The men, all of them married, were not charged, tried or punished.

In July, 15-year-old Ali Abubakar was convicted of theft in Kebbi State and sentenced to amputation of his hand, despite being a minor. It was unclear whether he had legal representation at his trial. In August, the Special Rapporteur on Women of Nigeria's National Human Rights Commission was given assurances by officials in Kebbi State that the punishment would not be carried out.

Vigilante brutality and killings

Throughout the year vigilante groups were responsible for unlawful detention, acts of violence, torture and killings. In some northern states of Nigeria, local *Sharia* enforcement committees, also known as *Hizba* committees, reported alleged offenders of the new penal codes to the police and directly to the new *Sharia* courts. Their legal status and relationship with the courts remained unclear. In southwest Nigeria, the Oodua People's Congress, an organization promoting Yoruba ethnic interests, was banned in April after members were accused of fomenting violence in which dozens of people died, mostly northerners and including some police officers. In the southeast, some state governments reportedly endorsed the activities of vigilante groups in the fight against crime.

Members of the so-called Bakassi Boys, legally recognized as the Anambra Vigilante Service and logistically supported by the Anambra State administration, publicly killed four people in January, one person in May and 36 in late June in Onitsha, the state capital. The Anambra State authorities took no action to investigate the killings or to clarify the relationship of the vigilante group with the security forces and the state authorities. Several officers of the police, a federal agency, reportedly died in action against members of the Bakassi Boys.

Political imprisonment

Leading members and supporters of the Oodua People's Congress and the Movement for the Actualisation of the Sovereign State of Biafra (MASSOB), two politically active groups campaigning for greater autonomy for their ethnic and territorial constituencies, were arrested on a regular basis, often to be released without trial. Neither organization has clarified its position on the use and advocacy of violence in their political campaigns.

MASSOB leader Ralph Uwazurike was arrested several times, the latest in August after he attended a meeting in Lagos. Three other members of the organization were also arrested. They were detained for two weeks before being released without charge or trial.

Frederick Fasehun and Ganiyu Adams, leaders of two factions of the Oodua People's Congress, were arrested on several occasions. Following the arrests of Frederick Fasehun in September and Ganiyu Adams in October, they were charged with unlawful possession of arms and instigating violence. Both were released on bail and charges were withdrawn in November.

AI country reports/visits

Statement

Nigeria: Reported reprisal killings by government soldiers must be investigated (AI Index: AFR 44/006/2001)

Visit

An AI delegation visited Nigeria in August to meet government officials and undertake research in Lagos, Abuja and northern Nigeria.

2003 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo**

Death penalty: **retentionist**

International Criminal Court: **ratified**

Penal legislation inspired by Sharia (Islamic law), which had been gradually introduced in 12 states in northern Nigeria since 1999, was applied throughout the year. One person was executed for murder after being sentenced to death in 2001 by a Sharia court in Katsina. During 2002 at least five people were sentenced to death under this legislation and in at least three cases corporal punishments of amputation of hands or flogging were carried out. Three people were sentenced to death by High Courts. The security forces continued to act with impunity. No one was brought to justice for the extrajudicial execution of civilians by the army in Bayelsa and Benue States in 1999 and 2001 respectively. Dozens of criminal suspects were tortured by the police; according to reports, at least two people died in custody as a result. At least five people were unlawfully killed by the police. State-endorsed vigilante groups carried out hundreds of extrajudicial executions in the southeast of the country and were responsible for acts of unlawful detention, torture and "disappearances". Peaceful protests by women in Niger Delta region outside oil company premises were repressed with excessive use of force by the army and the paramilitary Mobile Police.

Background

The cycle of intercommunal violence continued; hundreds of people died in clashes between different ethnic and religious groups in Plateau, Taraba, Kaduna, Lagos, Delta and other states. The Independent National Electoral Commission announced that general and presidential elections would take place between 12 April and 3 May 2003. In August the Federal House of Representatives passed a motion advising President Olusegun Obasanjo to resign or face impeachment for a series of accusations, including corruption and breach of the Constitution. The situation in the oil-producing Delta region deteriorated; women seized several oil flow stations to demand jobs and proper compensation for land acquisition and for environmental damage caused by oil companies.

Death penalty

At least three death sentences were passed by High Courts, and on 27 May the Supreme Court upheld four death sentences passed by a High Court in Abia State in 1999. There were no executions of people who had been convicted of offences under non-Sharia penal codes.

Sharia-based penal legislation, which provides for mandatory death sentences for extra-marital sex and for murder, continued to be implemented in some states of northern Nigeria. One person was executed for murder and at least five death sentences were passed by Sharia courts in Bauchi, Kaduna, Jigawa and Niger States for offences related to sexual conduct.

◻Sani Yakubu Rodi, aged 27, was executed by hanging on 3 January at Katsina Prison following the expiration of the statutory 30-day period to appeal against the sentence. He had been found guilty in November 2001 by a Sharia court in Katsina of the murder of a woman and her two children.

◻Amina Lawal, aged 30, was sentenced on 22 March to stoning to death for adultery by a Sharia court at Bakori, Katsina State. She allegedly confessed at her first trial to having had a child while divorced. On 19 August the Sharia Court of Appeal in Funtua, Katsina State, upheld the death sentence. Amina Lawal's appeal against the sentence to the Upper Sharia Court of Appeal of Katsina was still pending at the end of the year. Amina Lawal's case was the subject of a worldwide campaign by several non-governmental organizations, including AI, against death sentences and cruel, inhuman or degrading punishments passed by Sharia courts in northern Nigeria.

◻On 25 March the Sharia Court of Appeal of Sokoto State ordered the acquittal of Safiya Yakubu Hussaini, who was facing death by stoning for adultery. She had been sentenced to death in October 2001 by a Sharia court in Gwadabawa, Sokoto State.

Cruel, inhuman and degrading punishments

Sharia courts sentenced several people to cruel, inhuman and degrading punishments. Dozens of people were sentenced to have their hands amputated for theft or armed robbery and to flogging for fornication, consumption of alcohol and other offences. The sentences were passed in Sokoto, Zamfara, Kano, Kebbi, Bauchi, Kaduna, Jigawa and other northern states. At least three sentences of flogging or amputation were carried out in Zamfara and Bauchi States.

Most of those convicted under the new penal legislation were from economically deprived backgrounds. In the majority of cases, international standards for fair trial, such as the right to legal representation, were not observed. Floggings and amputations were repeatedly carried out in towns and villages within hours of sentencing.

In March, in a letter to the governors of the 12 states that had introduced Sharia-based penal legislation, the Minister of Justice and Attorney General of the Republic stated that the new codes were unconstitutional as they were discriminatory on grounds of religion. The Minister stated: "[A] Muslim should not be subjected to a punishment more severe than would be imposed [on] other Nigerians for the same offence". However, the federal government took no action to change the new penal legislation or prevent its application.

◻Mohammed Na'ila, a Sharia court judge from Zamfara State, received 80 strokes of the cane in public on 18 January. The judge had been found guilty of consuming alcohol by an upper Sharia court in Kaura Namoda, Zamfara State.

Killings, torture and ill-treatment by police

The proliferation of anti-crime operations by the federal police resulted in extrajudicial executions, deaths in custody, torture and cruel, inhuman or degrading treatment in police detention centres throughout the country. In most cases, the policemen responsible were not

brought to justice.

□Ndudiri Onyekwere, a 28-year-old student, was arrested by the police on 11 June in Onitsha, Anambra State, and taken to Alausa police station. A friend had accused him of robbery. Ndudiri Onyekwere died six days later, after he had been transferred to the Special Anti-Robbery Squad facility in Pantí. According to his family, he was taken to Ikeja General Hospital on 17 June after complaining of stomach pains, and died there hours later. An autopsy showed that he had been severely beaten and attributed his death to "traumatic shock consequent upon multiple soft tissue and skeletal injuries".

Vigilante brutality and killings

Armed vigilante groups, especially in the south and southeast, were responsible for killings; acts of torture; cruel, inhuman or degrading treatment; unlawful detention; and "disappearances" of alleged criminals. Some of the groups were tacitly or officially endorsed by state governments to conduct law enforcement functions.

Dozens of people were extrajudicially executed in Anambra State during the year by the Anambra State Vigilante Service (AVS), a vigilante group officially endorsed by a law passed in 2000 by the Anambra State House of Assembly. On 24 September Mobile Police officers attacked premises of the AVS in and around Onitsha, Anambra State, and found five illegal detention centres in Ihala, Nnewi, Onitsha, Awka and Ekulobia. At least 100 members of the group were arrested and subsequently released without charge. State-endorsed vigilante groups were also responsible for extrajudicial executions, torture and unlawful detention in Abia and Imo States.

□On 5 February at least 10 people were publicly killed by the AVS with machetes at Onitsha main market and other locations in the town.

□On 10 April an AI delegation witnessed AVS members trying to set a man on fire inside the compound of the Government House of Anambra State. The government of Anambra State refused to explain the incident or provide information about the identity of the suspect or any subsequent treatment he received at the hands of the vigilante group.

Political violence

Allegations of politically motivated killings and acts of harassment and intimidation spread throughout the country, with allegations of involvement of individual members of state and local governments and political parties. Political violence was particularly acute in Ebonyi and Bayelsa States. Thirteen people were arrested in connection with the assassination in 2001 of Bola Ige, Minister of Justice and Attorney General of the Republic. They were charged with murder and complicity in murder in October.

□On 1 September Barnabas Igwe, president of the Nigerian Bar Association in Anambra State, and his wife were killed by a group of people armed with machetes. Barnabas Igwe had publicly opposed state-endorsed vigilante groups in Anambra and openly criticized the governor of the state.

Impunity

The authorities continued to fail to bring to justice perpetrators of human rights violations.

Odi and Benue massacres

No one was brought to justice for the raid by the army in the town of Odi, Bayelsa State, in 1999, in which over 250 unarmed civilians were killed, nor for the killing of more than 200 civilians in Benue State in 2001. The federal government did not apologize officially for the killings and none of the victims or the families of those killed received compensation.

A 10-member Judicial Commission of Inquiry created by the federal government began sitting in May. The commission was mandated to investigate the causes of intercommunal violence in Nassarawa, Plateau, Benue and Taraba States, and to set up lasting strategies to secure peace. The commission's terms of reference did not mention explicitly investigation into the actions of the armed forces in the Benue massacre.

Human Rights Violations Investigation Commission

The Human Rights Violations Investigation Commission, known as the Oputa Panel, inaugurated in June 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in May 1999, submitted its final report to President Obasanjo in May. The report was not made public and the government failed to disclose its plans to implement recommendations made by the panel.

Economic interests and human rights in Niger Delta

Tension continued to mount in the oil-producing Delta region. There were widespread protests against the oil companies and the federal government on issues such as environmental degradation, lack of compensation, and lack of development assistance to local communities. Permanent deployment of army and navy troops to protect oil companies against "saboteurs" led to a series of clashes between armed forces and local students, youths and activists.

□ On 8 August several hundred Ijaw, Itsekiri and Urhobo women staged a peaceful protest outside the operational headquarters of the oil companies Shell and Chevron-Texaco in Warri, Delta State. Some of the women, who said the protests were violently broken up by soldiers and Mobile Police officers, had scars and bruises, which they said had been caused by beatings, floggings and kicking by police and soldiers.

□ In June the African Commission on Human and Peoples' Rights made public its ruling in relation to an accusation filed in 1993 by a Nigerian human rights group against the federal government for the violation of the rights of the Ogoni people in Rivers State. The Commission ruled that the Nigerian government had violated several articles of the African Charter on Human and Peoples' Rights. It appealed to the government to stop all attacks on Ogoni leaders and communities by the Nigerian security forces; investigate human rights violations in the area; ensure adequate compensation to victims of human rights violations, including relief and resettlement assistance and the clean-up of lands and rivers damaged by

oil operations; ensure that appropriate environmental and social impact assessments were prepared for future oil development; and provide information on health and environmental risks of oil operations.

AI country reports/visits

Reports

- Nigeria: Vigilante violence in the south and south-east (AI Index: AFR 44/014/2002)
- Nigeria: Security forces – Serving to protect and respect human rights? (AI Index: AFR 44/023/2002)

Statements

- BAOBAB for Women's Human Rights and Amnesty International: Joint statement on the implementation of new Sharia-based penal codes in northern Nigeria (AI Index: AFR 44/008/2002)
- Nigeria: Amnesty International witnesses attempted summary execution by Anambra Government Security Force (AI Index: AFR 44/009/2002)
- Nigeria: Death by stoning upheld in the case of Amina Lawal (AI Index: AFR 44/017/2002)
- Nigeria: Amina Lawal – the Nigerian government's double speech (AI Index: AFR 44/022/2002)
- Nigeria: Intimidation of human rights defenders (AI Index: AFR 44/025/2002)

Visits

In March an AI delegation met government officials and undertook research in Lagos, Abuja and southeast Nigeria. In October an AI delegation conducted research in Lagos and the oil-producing Niger Delta region.

2004 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo**

Death penalty: **retentionist**

UN Women's Convention: **ratified**

Optional Protocol to UN Women's Convention: **signed**

The sentence of death by stoning passed on Amina Lawal continued to attract massive international condemnation and was quashed on appeal. However, laws still allowed the imposition of death sentences for sexually related offences, amputations for theft and floggings for consuming alcohol. Little action was taken by the federal government to end the discrimination against women and denial of fundamental freedoms under Sharia-inspired penal legislation in force in 12 northern states. Officials at state and local levels were accused of using vigilante forces to instigate violence for political purposes.

The government failed to hold independent investigations into reports of unlawful killings by the armed forces.

Background

President Olusegun Obasanjo and the ruling People's Democratic Party (PDP) won the majority of votes in elections for the National Assembly in April and for the President and State Governors in May. Forged voter registration cards were produced on a vast scale and the elections were marred by fraud and violence (see below).

Appellate courts overturned four death sentences passed by courts in northern states under new penal legislation since 1999 inspired by Sharia (Islamic law) (see below). Concerns were raised in the parliamentary debate on the death penalty about the imposition of the death penalty under that legislation. The new Sharia penal laws continued to criminalize behaviour termed as "zina". In one state, zinawas defined as sexual intercourse with any person "over whom [the perpetrator] has no sexual rights" and in circumstances "in which no doubt exists as to the illegality of the act".

Offences defined in this way were used to deny both women and men their rights to privacy and to freedom of expression and association, and in practice frequently to deny women access to justice. Rules of evidence discriminating against women continued to be applied, putting women at greater risk of conviction on charges of zina. Trials under the new laws were grossly unfair, refusing basic rights of defence to the most poor and vulnerable individuals.

Death penalty and other cruel, inhuman and degrading punishment

No executions were carried out during the year. Death sentences were passed both by the high courts and by Shariacourts in northern Nigeria. The new Shariapenal laws have changed

the punishment for Muslims convicted of zinacrimes from flogging to a mandatory death penalty, and have extended jurisdiction in capital cases to the lowest courts in the Shariajudicial system.

- Jibrin Babaji was sentenced to death by stoning on 14 September by a Shariacourt in Bauchi, northwest Nigeria, after being convicted under Shariapenal law of "sodomy" involving three minors. He was not represented by a lawyer and was convicted by a single judge. He had legal counsel at his appeal hearing in December, which had not concluded by the end of 2003.

Sentences of death by stoning passed in previous years continued to be a focus for worldwide criticism.

- On 25 September the Upper ShariaCourt of Appeal of Katsina State in northern Nigeria overturned the sentence of death by stoning passed on Amina Lawal at Bakori in March 2002. The court ruled that neither her conviction nor her confession was legally valid, and that no offence had been established. She had been convicted of zinaafter bearing a child outside marriage, and the death sentence had been upheld by a lower Shariacourt of appeal.
- In August the ShariaCourt of Appeal in Dutse, Jigawa State, dismissed a sentence of death by stoning on Sarimu Mohamed Baranda, aged 54. The court allowed an appeal by his relatives on the grounds that he was suffering from a mental illness and ordered his admission to hospital. He had been sentenced to death in July 2002 after he confessed to raping a nine-yearold child, a confession he said later had been made under duress.

Others still faced the death penalty at the end of 2003 for alleged acts of zina.

- An appeal against a sentence of death by stoning passed on Fatima Usman and Ahmadu Ibrahim in May 2002 was still pending at the end of 2003 after it was indefinitely adjourned in June by the ShariaCourt of Appeal in Minna, Niger State. The couple were initially sentenced to five years' imprisonment for zinaby a secular lower court. A court in New Gawu imposed the death penalty in May 2002, in their absence, after Fatima Usman's father complained to the state's Islamic authorities that the first sentence was too light. The federal authorities recognized only the first sentence, however, and refused to hand the couple over to the Islamic authorities. In October 2002 they were released on humanitarian grounds to await the appeal.

President Obasanjo initiated a parliamentary debate on the death penalty in November. The National Study Group on the Death Penalty was set up to produce recommendations on the status of the death penalty in the Constitution.

AI worked with a local human rights organization to support prisoners under sentence of amputation after being convicted in Sokoto State. They were all unfairly tried, without legal representation, and were unable to lodge appeals before higher courts in the Shariajudicial system. Their cases will now be reviewed by the Sharia Court of Appeal in Sokoto State.

Women and human rights

In May a bill on violence against women was introduced in parliament. It aimed to prohibit forms of violence such as harmful traditional practices and domestic violence, including marital rape. Courts would be able to issue protective orders prohibiting abusers from approaching or threatening victims of violence. A Commission on Violence Against Women, to include representatives from religious organizations and nongovernmental women's organizations, would monitor implementation of the law and provide rape crisis centres and shelters for victims.

The Nigerian government and Shell and Chevron- Texaco oil companies rejected the findings of an AI investigation into allegations of excessive use of force against women human rights activists in the Niger Delta. Soldiers and paramilitary Mobile Police officers were reported to have tear gassed, kicked and gun whipped seated women demonstrators, some of them elderly, outside oil company premises in Warri, Delta State, on 8 August 2002. Neither the government nor the oil companies carried out independent investigations into the allegations.

Women in the region continued to face harassment for demanding compensation for environmental degradation and development assistance for communities living in extreme poverty.

- On 22 May Alice Ukoko, who was reportedly assaulted on 8 August 2002, was briefly detained by the Delta State security services and questioned about plans to organize women's demonstrations and interrupt the governor's swearing-in ceremony. Shortly before her arrest, she and other women had formally applied to the Inspector General of Police, head of the national police force, for permission to demonstrate about the conduct of the security forces. Permission was not granted and the demonstration did not take place.

Killings and ill-treatment by police

In other cases in which the security forces used excessive force or unlawful lethal force, the government failed to conduct independent investigations.

- At least four people were reportedly killed in Lagos in clashes between the police and civilians during countrywide protests and strikes against a sharp fuel price increase. A 27-year-old man, Obot Akpan Etim, was shot dead during one reportedly peaceful protest.

An eyewitness to a protest in Oshodi, Lagos, on 7 July reported that hundreds of peaceful protesters, chanting and shouting slogans, were charged and tear gassed by the police without warning. Police and city officials denied any wrongdoing by the police, blaming demonstrators for the deaths.

Detainees held by the police were routinely subjected to harsh conditions in custody and denied their constitutional rights to be promptly charged or released.

- Festus Keyamo, a lawyer and leader of the Movement for the Actualization of the Future Republic of the Niger Delta, was detained without charge or trial for more than a month. He

had called for wider autonomy for the Niger Delta region after President Obasanjo declined to approve allocating Niger Delta states a percentage of offshore oil revenues. He was held incommunicado and moved to various places of detention following his arrest on 28 December 2002.

Held at police headquarters in the capital, Abuja, he threatened a hunger strike to protest at inadequate food, clothing and medical care. He was released on police bail on 3 February and charges were later withdrawn.

Political violence

In the months before federal and state elections in April and May, there was an increase in political assassinations and violent clashes in which party supporters died. An increasing flow of firearms into Nigeria and the creation of armed vigilante groups enabled politicians to foment political violence at local and state levels. Members of state governments and houses of assembly were reportedly implicated in the harassment and intimidation of rival candidates and their followers.

State-endorsed armed vigilante groups were responsible for large numbers of extrajudicial executions in the southeast, and suspected of involvement in a number of unsolved killings of politicians.

- Marshall Harry, National Vice Chairman of the main opposition party, the All Nigeria People's Party (ANPP), was killed when armed men entered his home in Abuja on 5 March. On 10 February Ogbonaya Uche, an ANPP candidate for the Senate, died days after he had been shot by unidentified armed men at his home in Owerri, Imo State.
- In November at least 12 people, including former members of a vigilante group, were charged with the murders of Barnabas Igwe, chairman of the Onitsha branch of the Nigerian Bar Association, and his wife Amaka in September 2002.
- In March the trial started of 12 detainees charged in October 2002 in connection with the murder of Attorney General and Minister of Justice Bola Ige in December 2001.

Impunity

Nigeria continued to foster impunity, failing to bring to justice not only those responsible for human rights violations in Nigeria but also individuals charged with grave offences under international law. Human rights violations by the Nigerian armed forces under the present government, particularly the killing of civilians at Odi, Bayelsa State, in 1999 and in Benue State in 2001, remained uninvestigated.

The findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, were still not made public. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, it reported the findings of its public hearings and investigations in May 2002 to President Obasanjo.

The government had not published the report or its recommendations, and had made no public statement about plans for implementing the recommendations by the end of 2003.

Impunity for Charles Taylor

In August Liberian President Charles Taylor relinquished power and left Liberia for Nigeria with implicit guarantees from the Nigerian government that he would be neither prosecuted in Nigeria nor surrendered to the Special Court for Sierra Leone. In June an international warrant for his arrest had been issued after he was indicted by the Special Court for war crimes, crimes against humanity and other serious violations of international humanitarian law during Sierra Leone's internal armed conflict. These crimes included killings, mutilations, rapes and the use of child soldiers by Sierra Leone armed opposition forces that he had supported. President Obasanjo argued that allowing Charles Taylor to travel to Nigeria was in the interests of securing a political settlement to Liberia's conflict. In early December, Interpol allowed worldwide circulation of the arrest warrant against Charles Taylor with a view to extradition. AI protested that the Nigerian government had violated its obligations under international law, but calls for Charles Taylor to be surrendered to the Special Court or investigated with a view to criminal or extradition proceedings in Nigerian courts were ignored.

AI country reports/visits**Reports**

- Nigeria: Repression of women's protests in oilproducing delta region (AI Index: AFR 44/008/2003)
- Nigeria: Legal Defence and Assistance Project (LEDAP) and AI joint statement on increasing political violence in the run-up to elections (AI Index: AFR 44/011/2003)
- Nigeria: Police use of lethal force against demonstrators must be investigated (AI Index: AFR 44/021/2003) Visit AI delegates visited Nigeria in March to research political violence in the context of the elections, Sharia penal legislation and women's human rights.

2005 ANNUAL REPORT

Head of State and government: **Olusegun Obasanjo**

Death penalty: **retentionist**

International Criminal Court: **ratified**

UN Women's Convention and its Optional Protocol: **ratified**

Summary

People continued to be sentenced to death by stoning for sexually-related offences; no executions were carried out in 2004. Violent attacks, some involving members of the security forces, were reported from the Niger Delta. Violence against women was widespread and gender-based discrimination both in law and in practice remained a serious concern. The authorities failed to conduct independent investigations into human rights abuses and to bring those responsible to justice. Critics of the government faced harassment and intimidation.

Death penalty

No executions were carried out during 2004. Death sentences were imposed both by the high courts and by *Sharia* (Islamic law) courts in northern Nigeria.

Appellate courts overturned three death sentences passed by courts in northern states under new *Sharia* penal legislation. The new *Sharia* penal legislation continued to criminalize behaviour termed as *zina* (sexually-related offences) and changed the punishment for Muslims convicted of *zina* from flogging to a mandatory death sentence, applicable to people who are or have been married. Offences defined in this way were used to deny both women and men their rights to privacy and to freedom of expression and association, and in practice frequently to deny women access to justice. Rules of evidence discriminating against women continued to be applied, putting women at greater risk of conviction on charges of *zina*. Trials under the new *Sharia* penal legislation were in general grossly unfair, denying the poor and vulnerable basic rights such as the right to a lawyer. The new *Sharia* penal legislation also extended jurisdiction in capital cases to the lowest courts in the *Sharia* judicial system.

- In March, an Upper *Sharia* Court in Bauchi State, north-eastern Nigeria, acquitted Jibrin Babaji. He had been sentenced to death by stoning in September 2003 by a *Sharia* court in Bauchi, after being convicted of "sodomy". The main reasons given for his acquittal were that he had been denied his right to a fair trial and the lower court had committed procedural errors relating to the use of his "confession" as evidence.
- In September, the Upper *Sharia* court in Katanga, Bauchi State, sentenced Saleh Dabo to death by stoning after convicting him of rape.

- In November, the Dass Upper *Sharia* Court in Bauchi State acquitted Hajara Ibrahim, who had been convicted of *zina* and sentenced to death by stoning earlier in the year. One of the reasons for her acquittal was that she had never been married and so should not have been given a mandatory death sentence.
- In December, the Upper *Sharia* Court in Ningi, Bauchi State acquitted Daso Adamu, who had been convicted of *zina* and sentenced to death by stoning in September. One of the reasons for the acquittal was that the Lower *Sharia* Court had committed procedural errors in relation to the use of her confession as evidence. She had been detained in Ningi prison with her three-month-old daughter until she was released on bail. The man in the case reportedly denied the charges and was not convicted.
- An appeal against a sentence of death by stoning for *zina* passed on Fatima Usman and Ahmadu Ibrahim in May 2002 was further adjourned in 2004 by the *Sharia* Court of Appeal in Minna, Niger State, and was still pending at the end of the year. The couple had been released on humanitarian grounds to await the appeal.

In October, the National Study Group on the Death Penalty, set up by President Obasanjo in November 2003, published its report, recommending the imposition of a moratorium on executions until the Nigerian justice system could guarantee fair trial and due process. The Federal Government had not imposed a moratorium by the end of the year.

The Niger Delta: oil, human rights and violence

There was continuing violence in the Niger Delta and reports of excessive use of force by the security forces or law enforcement officials. Many hundreds of people were reportedly killed in the Delta, Bayelsa and Rivers States in 2004. The economic, social and cultural rights of the people in the Niger Delta -- the main oil-producing region in the country -- continued in general to be unfulfilled, leading to increasing frustration and tension both within and between communities. The situation was exacerbated by the easy availability of guns in the region. Oil company employees and assets, such as pipelines, were frequently targeted for attack and sabotage.

- In January the Ohoror-Uwheru community in Ughelli North Local Government Area in Delta State was attacked by armed men, reportedly including members of Operation Restore Hope, a joint military and police task force. An unknown number of civilians were killed in the attack and as many as 50 women and girls were reportedly raped.
- In August, at least 20 civilians were known to have been killed in fighting between rival groups in a spate of violence in and around Port Harcourt, Rivers State, although national non-governmental organizations reported a considerably higher figure. Large numbers of people were believed to have fled the area around Port Harcourt to escape the violence.

Violence against women

Violence against women remained widespread and persistent. Gender-based violence reported in 2004 included sexual violence, violence in the family, female genital mutilation and forced marriage. Discriminatory legislation remained in place. For example, the Criminal Code, applicable in the southern states, prescribes three years' imprisonment for unlawful and indecent assault if the victim is a man, but two years' imprisonment if the victim is a woman. The Penal Code, applicable in the northern states, states that a man is empowered to "correct" an erring child, pupil, servant or wife, provided that it does not amount to serious physical injury.

Although statistics on violence in the family were not available, such violence was believed to be widespread. Abuses were reported against both men and women in 2004 involving physical assault, incest and rape of domestic workers. Economic hardship and discriminatory laws and practices regarding divorce, child maintenance and the employment of women meant that many women were forced to remain within violent relationships.

In Lagos State a draft Domestic Violence Bill, which had received two readings in the House of Assembly, continued to face resistance and was the subject of fierce debate about cultural values.

Violence in the family was often not reported because of the lack of a legal framework for the protection of victims and the practices and attitudes of law enforcement officials and religious leaders, among others. Very few perpetrators were brought to justice.

Impunity

Nigeria continued to fail to bring to justice not only those responsible for human rights violations in Nigeria but also individuals charged with grave offences under international criminal law.

There was no progress in investigations into human rights violations committed by the Nigerian armed forces under the present government, particularly the killing of civilians at Odi, Bayelsa State, in 1999 and in Benue State in 2001.

The findings of the Human Rights Violations Investigation Commission, known as the Oputa Panel, had still not been made public and the government had made no public statement about plans for implementing the recommendations by the end of 2004. Established in 1999 to investigate human rights violations committed between 1966 and the return to civilian rule in 1999, the Oputa Panel had reported the findings of its public hearings and investigations to President Obasanjo in May 2002.

- The whereabouts of a District Police Officer implicated in the murder of 16-year-old Nnaemeka Ugwuoke and 17-year-old Izuchukwu Ayogu in Enugu State in March 2002 remained unknown. He allegedly escaped from police custody in Abuja. The mutilated bodies of the two students had been found dumped at a construction site two weeks after they had been arbitrarily detained by officers of the Enugu State police. Almost three years later, no one had been brought to justice for the killings.

Charles Taylor

In August 2003, Liberian President Charles Taylor relinquished power and left Liberia for Nigeria with implicit guarantees from the Nigerian government that he would be neither prosecuted in Nigeria nor surrendered to the Special Court for Sierra Leone. An international warrant for his arrest had been issued after the Special Court announced his indictment in June 2003 for war crimes, crimes against humanity and serious violations of international humanitarian law during Sierra Leone's internal armed conflict on the basis of his active support for the Sierra Leonean armed opposition. AI protested that the Nigerian government had violated its obligations under international law, but calls for Charles Taylor to be surrendered to the Special Court or investigated with a view to criminal or extradition proceedings in Nigerian courts

were ignored.

On 31 May 2004, the Nigerian Federal High Court granted leave to two Nigerians who had been tortured by members of the armed opposition while in Sierra Leone to challenge the asylum granted by the Nigerian government to Charles Taylor on the basis that he did not qualify for asylum and that the correct asylum process had not been followed. In November, an *amicus curiae* brief submitted by AI to the Federal High Court was accepted. In it AI challenged the Nigerian government's decision on the grounds that it violates Nigeria's obligations under international law, including the 1951 UN Refugee Convention and the African Union's Convention Governing the Specific Aspects of Refugee Problems in Africa. At the end of the year proceedings were continuing.

Human rights defenders and journalists under attack

Human rights defenders and journalists who were critical of the government, and in particular of President Obasanjo, continued to face intimidation and harassment. A number of journalists and trade unionists were detained and interrogated by the police.

- On 4 and 5 September the State Security Service (SSS) arrested two staff members and the security guard of the magazine *Insider Weekly* for allegedly publishing articles critical of the President. Copies of the forthcoming issue of the magazine were confiscated, and computers and files were seized. The three men were interrogated and held in incommunicado detention before they were released without charge on 10 September.
- On 9 September the SSS arrested journalist Isaac Umunna when he went to seek the release of his wife on bail; she had been arrested by the SSS the previous day. Isaac Umunna was a former journalist for *Insider Weekly* and was working for the London-based magazine *Africa Today* and the Lagos-based weekly *Global Star* at the time of his arrest. On 15 September, he was moved to an unknown location. He was released without charge on 17 September.
- On 29 April the SSS arrested Buba Galadima, a member of the Conference of Nigerian Political Parties (CNPP) and chairman of the mobilization committee of the CNPP. He was held in incommunicado detention for some time before being released without charge on 13 May. His arrest effectively prevented him from taking part in an anti-government protest planned for 3 May.

AI country visits

AI delegates visited Nigeria in March and November.

2006 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo**

Death penalty: **retentionist**

International Criminal Court: **ratified**

UN Women's Convention and its Optional Protocol: **ratified**

Overview - Covering events from January - December 2005

Death sentences continued to be handed down, but no executions were carried out. While one government commission recommended a moratorium on the death penalty or its abolition, others called for its continued use against juveniles and, reportedly, the execution of death row prisoners to decongest the prisons. The security forces in the Niger Delta killed people and razed communities with impunity to prevent disruption to oil production and in response to community protests. Violence against women, including in the family, was still widespread. Although some states introduced legislation on violence in the home, the federal government did not review discriminatory laws or amend national law to comply with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa. Outrage over six extrajudicial executions by the police in Abuja, the capital, prompted investigation and the prosecution of suspect officers. However, few human rights abuses were investigated or their perpetrators held to account. The findings of a judicial commission of inquiry into human rights violations between 1966 and 1999 were finally made public, but the government did not announce plans to implement its recommendations. Human rights defenders and journalists continued to face harassment and unlawful detention. Over 3,000 people were made homeless without adequate prior notice, alternative accommodation or compensation in a mass forced eviction. Killings increased throughout the country in violence between and within political parties.

Death penalty

No executions were carried out. However, at least four death sentences were handed down by Sharia (Islamic law) courts in northern Nigeria. Appellate courts overturned one death sentence passed by Sharia courts.

Trials by Sharia courts -- since 1999 empowered across northern Nigeria under new Sharia penal legislation to impose floggings and the death penalty on Muslims for *zina* (sexually related offences) -- were in general grossly unfair. They frequently denied the poor and vulnerable basic rights of defence such as the right to a lawyer.

Two men in Katsina State were arrested and charged with "sodomy" in June, and faced death by stoning if convicted. On 6 December a Sharia court acquitted the two men for lack of evidence.

On 24 May the Bauchi State Sharia Court of Appeal upheld an appeal filed by Umar Tori

after he was sentenced to death by stoning for *zina*, and ordered his retrial before the Upper Sharia Court in Kobi. He had been convicted by the Upper Sharia Court in Alkalere on 29 December 2004.

On 10 November the Upper Sharia Court of Yankaba district, Kano State, sentenced two men to death by hanging for murder under the state Sharia Law of 2000.

The government did not make public its response to recommendations for a moratorium on the death penalty by the National Study Group on the Death Penalty, which submitted its report in October 2004. In July a committee of the National Political Reform Conference, whose representatives met from February onwards to debate a new Constitution, recommended that minors should be executed when they committed "heinous offences such as armed robbery and cultism". A presidential committee set up in March 2004 to review death row prisoners reportedly recommended that they could be executed to decongest Nigeria's prisons. In March the UN Special Rapporteur on freedom of religion or belief, during a fact-finding mission to Nigeria, raised human rights concerns about the introduction of legal systems and a mandatory death penalty based on religion. The UN Special Rapporteur on extrajudicial, summary or arbitrary executions, whose mandate includes the death penalty, also visited Nigeria in June and July.

Injustice, oil and violence

The exploration and production of oil continued to result in deprivation, injustice and violence in the oil-producing Niger Delta region. The proliferation of small arms -- reportedly part-financed by oil thefts -- and the government's inadequate disarmament programmes compounded the violence. The security forces razed communities and killed and injured people with impunity. Community activists who protested in pursuit of rights and resources, sometimes against oil companies, faced violence and arbitrary detention. The security forces often responded with disproportionate, including lethal, force. Whole communities were targeted for allegedly hindering oil production or harbouring criminal groups.

Oil spills and gas flaring continued to contribute to environmental degradation and affect health and livelihoods. In a historic judgment, all oil companies were ordered to stop gas flaring by the High Court in Benin state on 14 November, on the grounds that it contravened human rights including the right to life. However, access to justice for the victims of most human rights abuses remained out of reach because of expensive and lengthy litigation processes.

On 4 February soldiers fired tear gas and later live ammunition to disperse as many as 300 protesters at the Chevron Nigeria-operated Escravos oil terminal in Delta State. One demonstrator, fisherman Bawo Ajeboghuku, was shot and later died, and at least 30 others were injured. The protesters from the Ugborodo community said that Chevron Nigeria had not provided the jobs and development projects promised in return for a "non-disruptive operating environment" in a 2002 agreement between the company and the community. No thorough or independent investigation was known to have been conducted by the federal government or Chevron Nigeria.

On 19 February soldiers invaded the community of Odioma in Bayelsa State, killing at least 17 people and razing about 80 per cent of the buildings. Two women were reportedly raped

and community leaders said they were beaten and forced to eat sand. The purpose of the raid was to arrest leaders of an armed vigilante group allegedly responsible for killing 12 people in January. The findings of a state-level judicial commission of inquiry was not made public .

Violence against women

Women were raped and subjected to other forms of sexual violence by government agents as well as partners, employers and others. In some communities, female genital mutilation and forced marriages were still practised. The numbers of women killed, injured, raped and beaten by their partners remained high. Despite the lack of official statistics, nearly two-thirds of women in certain groups in Lagos State, for example, were estimated to be victims of violence in the home. Discriminatory laws and practices, dismissive attitudes within the police, an inaccessible justice system and the lack of shelters for victims contributed to violence against women being widely tolerated and underreported.

"Folake" was remanded in prison after accusing her former employer of rape. Although medical examination supported her case, she was charged with slander. The material evidence of the crime, handed over to the police, was later said to have disappeared. The alleged perpetrator was not brought to justice.

By the end of 2005, national law had not been amended in line with the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, which had been ratified by Nigeria in December 2004. A committee set up to review discriminatory legislation had its first meeting at the end of 2005.

The first state-level laws on domestic violence were passed by state legislators in Ebonyi State and Cross River State. In Lagos State, a draft domestic violence law made slow progress, despite pressure from human rights organizations.

Impunity

Protests at police killings of five Igbo traders and one female companion, allegedly suspected of being armed robbers, on 8 June in Abuja prompted an investigation and the prosecution of eight officers on murder charges. However, in most cases, the security forces continued to commit human rights violations with impunity.

Where abuses were the subject of commissions of inquiry, the findings were generally not made public. The report of investigations into human rights violations between 1966 and 1999 by the Human Rights Violations Investigation Commission, known as the Oputa Panel, was published by civil society organizations before it was made available to members of the National Political Reform Conference.

Charles Taylor

Resolutions by the European Parliament in February and by the US House of Representatives in July called on the Nigerian government to hand over former Liberian President Charles Taylor to the Special Court for Sierra Leone to face charges of crimes against humanity, war crimes and other serious violations of international law. The government neither handed over Charles Taylor nor brought charges against him in the Nigerian courts.

In November a federal High Court ruled admissible a legal challenge to the Nigerian

government's decision to grant asylum to Charles Taylor in 2003. The case had been brought in 2004 by two Nigerian nationals who had had limbs amputated by an armed group backed by the Liberian government during the conflict in Sierra Leone.

Journalists under threat

Newspaper editors and journalists were harassed by the security police, and sometimes detained incommunicado for several days, after criticizing the federal government, exposing corruption, or reporting the activities of secessionist or armed opposition groups. Activists faced arrest and violence when trying to investigate oil spills and human rights violations in the Niger Delta.

On 2 May police arrested Omo-Ojo Orobosa, publisher of the weekly *Midwest Herald*, in Lagos, and detained him incommunicado and without charge until 13 May at an interrogation centre. He appeared to have been detained because his paper had reported allegations that relatives of President Obasanjo would benefit from the sale of government-owned flats.

On 1 and 2 August, three men were arrested and detained without charge until 4 August. The reason for their arrest appeared to be that they were printing materials for the international Campaign Against Impunity coalition of human rights groups, and had copies of the Interpol arrest warrant for Charles Taylor.

On 11 October, Owei Kobina Sikpi, publisher of the *Weekly Star* newspaper, was arrested and charged with "false publication" after an article in his paper accused the Governor of Rivers State of money laundering.

Following a visit to Nigeria in May, the UN Special Representative on human rights defenders said that the return to civilian rule in 1999 had given human rights defenders greater freedom to operate, but that access to official information and to sensitive sites -- of forced evictions, oil spills or intercommunal violence, for example -- remained too restricted.

Forced evictions

In a number of mass forced evictions, thousands of people were made homeless without adequate notice, compensation or the provision of alternative housing.

During three days in April approximately 3,000 residents were evicted from Makoko in Lagos. The Lagos State administration engaged police officers to execute a court order to restore the area to its owners, but failed to give adequate notice or provide alternative accommodation to people living on the land. The police reportedly used tear gas, and beat and kicked residents, including five young children, to force them from their homes. The many buildings demolished included a church and a medical centre.

AI country visits

AI delegates visited Nigeria in April and May to conduct research and meet government officials, and in June to launch a report on violence against women.

2007 ANNUAL REPORT

Head of state and government: **Olusegun Obasanjo**

Death penalty: **retentionist**

International Criminal Court: **ratified**

Politically motivated violence increased ahead of elections scheduled for 2007. Several candidates for political office were attacked during primary elections and at least four were reported to have been killed. The security forces in the Niger Delta committed human rights violations with impunity. Violence against women, including rape by state employees, remained widespread. Human rights defenders and journalists continued to face intimidation and unlawful detention. Death sentences continued to be handed down.

Background

A proposed Constitutional amendment that would have allowed President Obasanjo to remain in office for a third term was defeated in May. However, media speculation that the President was still intent on securing a third term remained widespread.

Primary elections ahead of the 2007 elections took place amid heightened political violence. Investigations by the Economic and Financial Crimes Commission (EFCC) of 31 of Nigeria's 36 state governors and the impeachment of four state governors exacerbated political tensions. Two impeachments were overturned by the courts in December. In September Vice-President Atiku Abubakar, who opposed the third term amendment, was suspended from the ruling party because of allegations of corruption. He later confirmed he would stand for the presidency in 2007 as a candidate for the opposition Action Congress party. In December President Obasanjo instituted proceedings to replace Atiku Abubakar as Vice-President, a process which could leave him open to arrest. Atiku Abubakar instituted a legal challenge to his removal as Vice-President.

In March Liberian President Ellen Johnson-Sirleaf asked the Nigerian government to hand over former Liberian President Charles Taylor to face trial at the Special Court for Sierra Leone. Charles Taylor subsequently escaped but was recaptured by Nigerian security forces, and on 29 March was surrendered to the Special Court.

In June the Inspector General of Police inaugurated human rights desks in police stations in Lagos. However, according to human rights defenders, these mechanisms, where they existed, lacked adequate resources and were inefficient.

Death penalty

Approximately 500 prisoners were estimated to be on death row. No executions were reported. However, at least 18 death sentences were handed down during 2006. In a report published in January, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions (who visited Nigeria in 2005) highlighted three main concerns related to the death penalty. He noted widespread procedural irregularities, including the use of torture

by the police to extract confessions and a lack of legal representation in capital cases. He criticized death row conditions as atrocious and stated that the average 20-year stay on death row was unacceptable. He also criticized the imposition of death by stoning for adultery or sodomy in 12 states, in contravention of Nigerian and international law.

On 1 October, 107 death row inmates reportedly had their sentences commuted to life imprisonment as part of the country's Independence Day celebrations.

Oil, injustice and violence

Human rights violations by the security forces were a frequent occurrence in the Niger Delta. Violations included extrajudicial executions, torture and destruction of homes.

2006 saw a rise in attacks on oil installations by militants in the Niger Delta. Dozens of oil workers were kidnapped. A newly emerged group - the Movement for the Emancipation of the Niger Delta (MEND) - claimed responsibility for several kidnappings as well as attacks that resulted in the deaths of more than 10 members of the security forces. The attacks in the Niger Delta resulted in oil production dropping by approximately 25 per cent.

Armed groups in the Delta were reported to be forging links with politicians ahead of elections in April 2007, leading to fears of increased violence. Local non-governmental organizations reported that dozens of people died during political violence and several primary elections were postponed as a consequence of violence.

- No action was known to have been taken to bring to justice members of the security forces suspected of being responsible for grave human rights violations in Odioma in February 2005, when a raid by members of the Joint Task Force resulted in at least 17 people being killed and acts of torture, including rape of women. The report of the Judicial Commission of Inquiry established in the aftermath of the Odioma incident was not made public. Members of the security forces reportedly remained in Odioma and further human rights violations were reported in February. No subsequent reports of violations were received.
- The report of the Judicial Commission of Inquiry into an incident on 4 February 2005, during which soldiers fired on protesters at Chevron's Escravos oil terminal killing one man and injuring at least 30 others, had not been made public by the end of 2006.

Extrajudicial executions

Extrajudicial executions by members of the police and security forces continued to be widespread. These included civilians being killed by police during routine road checks or for refusing to pay a bribe, shootings of suspected armed robbers on arrest, and extrajudicial executions of detainees. Despite the alarming number of such killings, the government took very little action to address the problem.

- In August, 12 suspected armed robbers, including a boy under the age of 18, were reportedly extrajudicially executed by police in Abia State. The victims had been arrested during a raid in which four other suspects were killed. On 10 August Abia police displayed the suspects to journalists and other spectators. An eyewitness stated that some of the suspects appeared to have gunshot wounds. On 11 August the dead bodies of the 12 suspects were seen dumped outside the morgue at a government hospital, reportedly taken there by police. No action was taken to investigate the deaths or bring the perpetrators to

justice.

Political violence

There was widespread violence linked to state and federal elections due to be held in April 2007, including political assassinations and violent clashes between supporters of different candidates during the primary elections, particularly within the ruling People's Democratic Party (PDP). The government failed to take effective action to deal with the violence or to address the role of politicians in fomenting it. Police investigations and arrests following some assassinations and political violence were criticized as politically tainted.

In August the Inspector General of Police was reported in the independent media as saying that politicians were recruiting students to engage in political violence. In the same month the Commissioner of Police of Ebonyi State claimed that a number of political candidates had reportedly started to train "thugs" in preparation for the elections. The Commissioner warned all candidates for political office to cease such activities, but no further action was reported. There were similar allegations that politicians were endorsing and encouraging political violence in several states during 2006.

- On 27 July Chief Funsho Williams of the PDP, candidate for Governor in Lagos State, was killed at his home. The Inspector General of Police stated that 244 suspects were arrested in connection with his murder, including his political associates, personal aides and four policemen. By the end of the year, 209 suspects had been released for lack of evidence, while 35 remained in police custody. The specific charges against those who remained in detention were unclear.

- On 14 August Dr Ayo Daramola, a candidate for Governor in Ekiti State, was fatally stabbed at his home. Police arrested eight people in connection with the murder, including an aide to the former Ekiti State Governor, Ayo Fayose, who was impeached in October in connection with an unrelated matter. One other suspect was reportedly shot evading arrest.

Violence against women

Violence against women, including domestic violence and sexual violence by state officials and private individuals, remained pervasive. Underlying factors included the entrenched culture of impunity for human rights violations committed by the police and security forces, and the authorities' consistent failure to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors.

In August a Bill to incorporate the UN Women's Convention in domestic law was presented to the Senate. No further progress was made by the end of the year. The Domestic Violence and Other Related Matters Bill, which was debated by the Lagos House of Assembly, had not become law by the end of the year.

In December the Federal Government announced the introduction of a Bill on reform of discriminatory laws against women and a Bill on elimination of violence from society, which would cover all forms of violence including domestic violence.

Prisoner releases, pre-trial detention

In January the Federal Government announced an initiative aimed at speeding up the trial or unconditional release of up to 25,000 inmates out of a prison population estimated by the government at 45,000. However, no tangible results were seen by the end of the year. In

November the government announced a case-by-case review of the prison population. Again, no action was evident by the end of the year.

An estimated two-thirds of all people held in prisons were awaiting trial, and the average pre-trial detention period was estimated to be at least five years, with many people detained for 10 years or more without going to trial.

Impunity

A Judicial Commission of Inquiry established to investigate the killing by police of five Igbo traders and one woman in June 2005 submitted its report to the government in August 2005. The report was published by a civic organization, the CLEEN Foundation. Eight police officers were charged with murder. The trial had not concluded by the end of the year. On 14 August the Abuja High Court granted bail to two of the accused, a Deputy Commissioner of Police and a constable.

Journalists and human rights defenders

Human rights defenders and journalists critical of the government, and in particular of President Obasanjo, continued to face intimidation and harassment.

In June Bukhari Bello was dismissed as Executive Secretary of the Nigerian National Human Rights Commission, four years before the expiry of his contract. The termination of his tenure appeared to have been related to his comments on the repression of the media by security agencies and his criticism of the government.

- On 8 November the managing editor of The News newspaper, Babafemi Ojodu, was detained overnight in Abuja reportedly on the orders of the Inspector General of Police. He was not formally charged, but was questioned about an allegation by a murder suspect that he had tried to generate false allegations about an impeached state governor.
- On 22 December the head of the editorial board of the privately owned Thisday newspaper, Godwin Agbroko, was found shot to death in Lagos in suspicious circumstances.

Forced evictions

Several incidents of forced evictions were reported as well as frequent threats of forced eviction. Nigeria was named one of the three worst violators of housing rights by the Centre on Housing Rights and Evictions.

Development under the Abuja Master Plan resulted in several incidents of forced evictions. In November the Minister of the Federal Capital Territory reportedly stated that some 80 per cent of the houses demolished in Abuja city centre and its environs did not qualify for compensation because they had been built illegally.

Bill outlawing same-sex relationships

In January the Minister of Justice presented to the Federal Executive Council a Bill outlawing same-sex marriages, involvement in same-sex marriages and same-sex relationships in public or in private. The draft bill provided five years' imprisonment for any person involved in a same-sex marriage or who aided or abetted such a union. The draft bill also prohibited the registration of gay organizations. The Bill was presented to the Senate in April. No further progress on the bill had been made by the end of the year.

AI country reports/visits

Reports

- Nigeria: Rape - the silent weapon (AI Index: AFR 44/020/2006)
- Nigeria: Oil, poverty and violence (AI Index: AFR 44/017/2006)
- Nigeria: Government interference with the independence of the National Human Rights Commission (AI Index: AFR 44/012/2006)
- Nigeria: Same Sex Bill negates Nigeria's obligations to fundamental human rights (AI Index: AFR 44/013/2006)
- Nigeria: AI statement for the public hearing on the domestic violence and related matters bill (AI Index: AFR 44/010/2006)
- Nigeria: Open Letter to President Obasanjo (AI Index: AFR 44/008/2006)
- Nigeria: Making the destitute homeless - forced evictions in Makoko, Lagos State (AI Index: AFR 44/001/2006)

Visits

AI delegates visited Nigeria in January/February and in November/December.

2008 ANNUAL REPORT

Head of state and government: **Umaru Musa Yar'Adua (replaced Olusegun Obasanjo in April)**

Death penalty: **retentionist**

Population: **137.2 million**

Life expectancy: **46.5 years**

Under-5 mortality (m/f): **193/185 per 1,000**

Adult literacy: **69.1 per cent**

After elections marred by widespread violence and widely criticized by observers, Umaru Musa Yar'Adua was declared winner of presidential elections in April. The security forces continued to commit human rights violations in the oil-rich Niger Delta with impunity, and few among the local population benefited from the region's oil wealth. The police and security forces extrajudicially executed hundreds of people. Religious and ethnic tensions persisted.

Background

The Independent National Electoral Commission (INEC) disqualified Vice-President Atiku Abubakar as presidential candidate, but the Supreme Court ruled shortly before the 21 April election that he could stand. The presidential, governorship, and state and national assembly elections were widely criticized: the ECOWAS observation mission said there were gross irregularities and the EU observation mission said the elections fell short of basic international and regional standards for democratic elections. Nigerian organizations including the Nigerian Bar Association and the Transition Monitoring Group stated that the elections were not credible. In the months following the elections, five governors were removed from office by the Supreme Court.

The new President's agenda focused on development, power and energy, food, security -- including in the Delta -- wealth, transport, land and education. He expressed his intention to reform the election process. Mike Okiro was appointed as acting Inspector General of Police (IGP), and confirmed in post in November.

In June the UN International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights refused to renew Nigeria's membership because of the "irregular removal" of the former executive secretary of the National Human Rights Commission (NHRC), Bukhari Bello, who was dismissed four years before the expiry of his contract.

A Freedom of Information Bill was passed by the previous Senate, but was not signed into law by then President Obasanjo. In September, the new President of the Senate stated that

the Senate would re-examine the bill.

The first female speaker of the House of Representatives was elected, but she was forced to resign in October after a corruption scandal.

Seven former state Governors were prosecuted for alleged corrupt practices.

Election violence

Widespread political violence linked to the April elections led to the deaths of at least 200 people. Among those killed were candidates running for political office, their supporters, INEC officials and bystanders. The election period also saw attacks on journalists, intimidation and harassment of voters, and widespread destruction of property. There was also political violence around the local government elections in November and December.

Politicians used armed gangs in their electoral campaigns to attack their opponents and their supporters. The government failed to take effective action to deal with the violence or to address the role of politicians in fomenting it.

President Yar'Adua reportedly ordered the acting IGP to reopen the investigation into several unsolved political killings from previous years, including those of Chief Bola Ige, Marshall Harry, Chief Funsho Williams, Chief Barnabas Igwe and his wife, and Godwin Agbroko.

Death penalty

In December Amnesty International and Nigerian NGOs uncovered evidence of at least seven executions by hanging carried out in 2006 in Kaduna, Jos and Enugu prisons, although on 15 November 2007, a Nigerian government representative at the UN had stated "we have not carried out any capital punishment in recent years in Nigeria". After Amnesty International revealed its findings, a Kano state official confirmed to the BBC that the executions had taken place. Nigeria has not officially reported any executions since 2002.

At the end of 2007, 784 inmates were on death row, more than 200 of whom had been there for over 10 years. In 2007 at least 20 death sentences were handed down.

In May, the Presidential Commission on Reform of the Administration of Justice reiterated the conclusion of the National Study Group on the Death Penalty in 2004 and called for an official moratorium on executions until the Nigerian criminal justice system could ensure fair trials in death penalty cases.

The Minister of Information announced on 17 May that Nigeria had granted an amnesty to all prisoners over 70 and to those 60 or older who had been on death row for 10 years or more. According to the minister, they were to be released before the inauguration of the new President on 29 May. However, the government did not make public whether this had happened, and no reports of releases were received.

On 1 October, on the 47th anniversary of Nigeria's independence, four state governors announced pardons and commutation of sentences for 57 death-row prisoners.

The Niger Delta

The security forces continued to commit frequent human rights violations in the Niger Delta. Violations included extrajudicial executions, torture and destruction of homes. Militants kidnapped dozens of oil workers and their relatives, including children, and attacked many oil installations.

In the run-up to the April 2007 elections, violence in the Delta increased as politicians used armed gangs to attack their opponents. After the elections, the violence, rather than decreasing, increased yet further.

In August, rival gangs clashed in the streets of Port Harcourt, killing at least 30 people and injuring many more, including bystanders. More died when the Joint Military Taskforce (JTF) intervened using helicopters and machine-guns -- at least 32 gang members, members of the security forces and bystanders were killed. Following the clashes, a curfew was imposed. Many people with no connection to the gangs were reportedly arrested, although the commander of the JTF denied this. The violence continued and intensified towards the end of the year. By the end of 2007 the JTF was still deployed in the city and the curfew was still in place.

No action was known to have been taken to bring to justice members of the security forces suspected of being responsible for grave human rights violations in previous years. Reports of two judicial commissions of inquiry were not made public. The commissions examined events in February 2005 -- a raid by members of the JTF in Odioma, in which at least 17 people were killed, and a protest at the Escravosoil terminal, when soldiers fired on protesters.

People living in the Niger Delta lacked drinking water and electricity, and had few functioning schools or health care centres.

Extrajudicial executions

Members of the police and security forces extrajudicially executed hundreds of people. These included killings by police during routine road checks or for refusing to pay a bribe, shootings of suspected armed robbers on arrest, and extrajudicial executions of detainees in police stations. The military were also frequently involved in extrajudicial executions, especially in the Niger Delta. On 27 March, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions stated at the Human Rights Council that Nigeria must end extrajudicial executions by police.

The acting IGP stated that in the first 100 days he was in office, 1,628 armed robbers were arrested and 785 were killed by the police. NGOs alleged that the number of killings was higher. Despite the alarming number of such killings, the government took very little action to address the problem. On the contrary, the police were encouraged to shoot armed robbers. On 23 October, the Commissioner of Police of the Federal Capital Territory, for example, ordered his men to shoot on sight armed robbers caught in the act of committing a crime.

Torture and other ill-treatment

The culture of impunity for torture and ill-treatment by the police continued. The UN Special Rapporteur on torture concluded in March that torture and ill-treatment were widespread in police custody, and particularly systemic in criminal investigation departments.

Violence against women

In January, the Federal Minister of Women's Affairs expressed the government's intention to promote gender equality as well as the welfare and rights of Nigerian women and children. However, violence against women remained pervasive, including domestic violence, rape and other sexual violence by state officials and private individuals. The underlying factors included the entrenched culture of impunity for human rights violations committed by the police and security forces, and the authorities' consistent failure to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors.

In May a bill to implement the UN Convention on the Elimination of All Forms of Discrimination against Women failed to pass in the National Assembly. Nigeria ratified the Convention in 1985.

The Domestic Violence and Other Related Matters Bill was passed by the Lagos House of Assembly. At federal level, a bill addressing domestic violence failed to become law.

The Nigeria Law Reforms Commission proposed in August that rape should carry a 15-year jail term.

Justice system

Despite several announcements by the government that it would reform prisons, no action was evident.

Of a prison population estimated by the government at 45,000, approximately 25,000 were awaiting trial, many for over five years.

On 10 January, the chairman of the Presidential Committee on Prisons Reform and Rehabilitation made public that N7.8 billion (approximately

US\$ 67 million) had been reserved for the first phase of a prison reform program. However, no action to implement the program was reported during the year.

In May the Presidential Committee published a list of 552 inmates recommended for release. They included detainees who had spent over 10 years awaiting trial or whose case files had been lost; inmates with life-threatening diseases; inmates older than 60; and inmates who had spent more than 10 years on death row. The federal government did not follow this recommendation, but announced the release of all inmates older than 70. However, no such releases were reported.

Long delays in the justice system, appalling conditions and severe overcrowding contributed

to growing despair and frustration amongst inmates. There were riots in at least three prisons -- Kuje, Kano central and Agodi -- in which at least 20 inmates died and many were injured.

Freedom of expression

Human rights defenders and journalists critical of the government continued to face intimidation and harassment. Many were arrested by the State Security Service (SSS) and released after interview.

A US citizen and director of a Nigerian-based NGO, a Nigerian staff member and two German journalists were arrested by the SSS in September on suspicion of spying. They were later released without charge.

In September a journalist was beaten unconscious when he covered a prison riot in Ibadan.

The SSS arrested several journalists in October who had criticized the governors of Borno and Akwa Ibom states.

Forced evictions

Several incidents of forced evictions were reported as well as frequent threats of forced evictions. In July President Yar'Adua ordered that the arbitrary demolition of houses must be stopped and that due process should be followed. The Federal Capital Territory (FCT) however, continued demolishing houses in Abuja. By the end of 2007, there were more than 450 cases pending in the FCT courts objecting to demolitions.

Following the violence between armed gangs in Port Harcourt, the governor decided in August to demolish homes in the waterfront area of the city and replace them with 6,000 new housing units. This plan was suspended in October when the governor was removed.

Discrimination -- LGBT rights

A draft bill to punish with a five-year prison term anyone involved in a same-sex marriage, or who aided or abetted such a marriage, was discussed by the National Assembly in February. First introduced in 2006, it was not passed by the National Assembly before the change of government. A similar bill was discussed by the previous Lagos state House of Assembly; the bill did not pass.

In April, five women went into hiding in Kano after they were accused by the Hisbah, the Islamic police, of holding a lesbian marriage ceremony in a theatre. The women denied that they had married each other and emphasized that the ceremony was to raise money. Following this incident, the Hisbah demolished several theatres in the city.

In August, 18 men were arrested in Bauchi state and charged with belonging to an unlawful society, committing indecent acts and criminal conspiracy.

Amnesty International visits/reports

Amnesty International delegates visited Nigeria in January, March and July.

Nigeria: Joint statement on ending political violence and human rights abuses as April elections approach (AFR 44/002/2007)

Nigeria: Impunity for political violence in the run-up to the April 2007 elections (AFR 44/004/2007)

Nigeria elections: Attack impunity not human rights! (AFR 44/010/2007)

Nigeria: Are human rights on the political agenda? (AFR 44/013/2007)

Nigeria: Amnesty International delegates say prison conditions 'appalling' (AFR 44/019/2007)

Nigeria: Violence in Port Harcourt escalates (AFR 44/020/2007)

Nigeria: 47th Independence Day -- A new opportunity to abolish the death penalty (AFR 44/021/2007)

Nigeria: Local government elections -- No lessons learned (AFR 44/027/2007)

Nigeria: Stop executions -- Adopt a moratorium, joint public statement by Nigerian NGOs and Amnesty International -- 17 December 2007 (AFR 44/030/2007)

2009 ANNUAL REPORT

Head of state and government **Umaru Musa Yar'Adua**

Death penalty **retentionist**

Population **151.5 million**

Life expectancy **46.5 years**

Under-5 mortality (m/f) **190/182 per 1,000**

Adult literacy **69.1 per cent**

The situation in the Niger Delta deteriorated further, with clashes between armed groups and the security forces, inter-communal violence and violent crime including hostage-taking. Widespread pollution associated with the oil industry undermined human rights, including the right to an adequate standard of living and the right to health.

Human rights violations by the police included extrajudicial executions of detainees and people unable or unwilling to pay bribes and the frequent use of torture when interrogating suspects. More than 700 prisoners were on death row, hundreds of whom were sentenced after unfair trials. The justice system was in urgent need of reform, with detainees imprisoned in appalling conditions for many years awaiting trial.

The widespread poverty in Nigeria was attributed in large part to corruption. The maternal mortality rate was extremely high at about 1 per 100 live births. The right to adequate housing was also violated on a large scale with more than two million people forcibly evicted from their homes since 2000.

Background

In February an election tribunal upheld the 2007 election of President Umaru Musa Yar'Adua. An appeal was lodged against the tribunal's decision and in December the Supreme Court upheld Yar'Adua's election. Four state governors were removed by election tribunals and fresh governorship elections were ordered in six states due to irregularities during the 2007 elections.

In April President Yar'Adua gave assurances that his government would address impunity in relation to corruption. A New Partnership for African Development (NEPAD) report stated that poverty in Nigeria was primarily explained by corruption, and warned that Nigeria was unlikely to meet the Millennium Development Goals.

In August, the Nigeria Police Force demoted 140 police officers, including the former chairman of the Economic and Financial Crimes Commission (EFCC), Nuhu Ribadu. He had been effectively removed from the EFCC in December 2007, after the EFCC arrested and charged an influential former governor. Nuhu Ribadu was sent on one year's training. In September shots were fired at his car and he received death threats. In December he was dismissed from the Nigeria Police Force. During 2008, the EFCC prosecuted three former governors on corruption charges.

In November up to 400 people died in Jos, Plateau State, in three days of riots which broke out following local government elections. Before the elections, civil society groups had written to the Plateau State authorities expressing concern that violence could erupt. The State Governor issued a "shoot on sight" order to the security forces.

A Freedom of Information Bill, first presented in 1999 and passed by the previous National Assembly but not signed into law, was still pending before the National Assembly.

The Niger Delta

The situation in the Niger Delta deteriorated further in 2008. The inflow of weapons went virtually unchecked, fuelled by massive revenues generated from oil theft. The weapons were used by armed militias in clashes with the security forces, in inter-communal disputes, and for criminal activities. In 2008, dozens of oil workers and their relatives, including children, were kidnapped by armed groups and gangs; oil installations were also attacked.

The security forces, including the military, continued to commit human rights violations, including unlawful killings, torture and other ill-treatment, and destruction of homes. The Joint Task Force (JTF) frequently raided communities, particularly following clashes with armed militias, often resulting in the death of bystanders.

In August, four people – two elderly men, a young woman and an elderly woman – were reportedly killed when the military raided the village of Agge, Bayelsa State. According to the JTF, the action followed an armed militia attack.

In Port Harcourt, Rivers State, gang clashes resulted in the deaths of at least 15 people in July and August.

The Niger Delta Summit, intended to bring together all stakeholders to address the violence, was postponed several times then replaced in September by a Niger Delta Technical Committee. In November the Committee presented its findings. Its recommendations to the Federal Government included the payment of the outstanding funds to the Niger Delta Development Commission, an increase in funds paid to the Niger Delta states and the disarmament and rehabilitation of militants.

No known action was taken to bring to justice members of the security forces suspected of grave human rights violations. Two judicial commissions of inquiry examined events in February 2005 – a raid by members of the JTF in Odioma, in which at least 17 people were killed, and a protest at the Escravosoil terminal, when soldiers fired on protesters. The commission reports were not made public.

"...a 68-year-old man said that police had shot him in the leg, flogged him with electric cables and put a powdery substance in his eyes."

People living in the Niger Delta lacked adequate drinking water and electricity, and had few functioning schools and health care centres. Widespread pollution associated with the oil industry in the Delta undermined human rights, including the right to an adequate standard of living and the right to health.

Between January and June 2008, 418 oil spills were reported to the authorities. Despite a Federal High Court order to stop gas flaring in the Iwerekhan community, the practice continued unabated.

Unlawful killings and extrajudicial executions

There were consistent reports of the police unlawfully killing detainees, people unable or unwilling to pay bribes and people stopped during road checks. Some or all of these killings may have been extrajudicial executions. In May, the NGO LEDAP (Legal Defence and Assistance Project) estimated that in 2007 at least 241 people had been extrajudicially executed by state agents.

On 25 February, officers from the Police Mobile Force attacked Ogaminana community, in Kogi State, reportedly after a policeman was killed. According to witnesses, 15 people were killed, including two children, and cars, motorcycles and houses were burned. Following the attack, the Assistant Commissioner of Police, who reportedly directed the operation, was transferred. By the end of 2008, no investigation had been carried out.

Torture and other ill-treatment

The police frequently used torture and other ill-treatment when interrogating suspects and there was no standardized mechanism to prevent such practices. Confessions extracted under torture continued to be used as evidence in court, contrary to international law.

In Owerri prison, a 68-year-old man said that police had shot him in the leg, flogged him with electric cables and put a powdery substance in his eyes. He had been in prison awaiting trial for 10 years, despite a medical report confirming his allegations of torture, which were not investigated.

Justice system

Three out of five inmates in Nigeria's prisons were untried. Many awaited trial for years in appalling conditions. Few could afford a lawyer and the government-funded Legal Aid Council had only 91 lawyers for the whole country.

In July, both the Federal Ministry of Justice and the Prison Service assured Amnesty International that improvements had been made. The Federal Ministry of Justice claimed to have asked 2,000 lawyers to take up the cases of prisoners without legal representation. However, by the end of 2008 the impact of the scheme was not evident and prison congestion had not improved. The scheme did not address the causes of delay in the criminal justice system and the budget for the Legal Aid Council was not increased.

By the end of 2008, most justice sector reform bills were still pending before the National Assembly.

At state level, there were some improvements. In March, Lagos state amended its Criminal Procedures Act, prohibiting the arrest of third parties in lieu of suspects and requiring police interviews of suspects to be videotaped or conducted in the presence of a lawyer.

Several states set up legal aid services, such as the Ogun State Citizens' Rights Department and the Lagos State Office of the Public Defender. However, the capacity of such services was limited, funding was restricted and their independence was questionable.

At the end of 2008 Patrick Okoroafor was still imprisoned "during the pleasure of the governor of Imo State" in Aba prison, Abia State, despite a High Court judgement on 18 October 2001 which pronounced the death sentence against him to be illegal, null and void. He was 16 when he was sentenced to death by a Robbery and Firearms Tribunal in May 1997. He did not have the right to appeal and said he was tortured in police detention.

Death penalty

At the end of 2008, at least 735 prisoners were on death row, including 11 women. Hundreds did not have a fair trial. Approximately 140 had been on death row for longer than 10 years; some for over 20 years. Around 80 never had an appeal because they were sentenced to death before 1999 by a Robbery and Firearms Tribunal which denied defendants the right to appeal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death.

The Federal Government ignored the recommendation of the National Study Group on the Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) to adopt a moratorium. In July 2008, a bill to abolish the mandatory death penalty under the Robbery and Firearms Act and replace it with life imprisonment was defeated in the House of Representatives.

By the end of 2008, most prisoners whose forthcoming release was announced by the Federal Minister of Information in May 2007 were still on death row.

In 2008 at least 40 death sentences were handed down. Five men had their sentences commuted by the Ogun State governor. In November, the President pardoned a man who had spent 22 years on death row. No confirmed executions were carried out in 2008.

In December Nigeria voted against a UN General Assembly resolution calling for a worldwide moratorium on executions.

Prison conditions

Living conditions in prisons were appalling. Overcrowding, poor sanitation, lack of food and medicines and denial of contact with families and friends were damaging to the physical and mental well-being of inmates. Many inmates slept two to a bed or on the bare floor. In some prisons, no beds were provided, toilets were blocked or non-existent, and there was no running water. Disease was widespread. Children as young as 12 were held together with adults.

Violence against women and girls

Violence against women remained pervasive, including domestic violence and rape and other forms of sexual violence by state officials and private individuals. The authorities consistently

failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity.

With approximately 59,000 maternal deaths a year, Nigeria had the second largest number in the world. Nigeria's maternal mortality ratio was approximately one in every 100 live births. Contributing factors included lack of access to and ineffective health services, corruption, unsafe abortions, and diseases such as eclampsia and malaria.

In July, a Bill to Prohibit and Punish Public Nudity, Sexual Intimidation and Other Related Offences, which specified the appropriate length of women's clothing and gave wide powers of enforcement to the police, failed to pass its third reading in the National Assembly.

In January, Jigawa State passed a law prohibiting domestic violence. A similar bill remained before the Plateau state House of Assembly.

Freedom of expression

Human rights defenders and journalists critical of the government continued to face intimidation and harassment, and official intolerance of the media increased. At least eight journalists were arrested by the State Security Service (SSS) or police. Some were released after a few hours while others were detained incommunicado for up to 10 days. In addition, media offices were raided, Channels TV station was shut down and journalists were threatened and beaten by police and security forces. At least two journalists were killed in suspicious circumstances.

In the Niger Delta, there were at least three incidents in which foreign journalists or filmmakers were arrested by the SSS and detained before being released without charge after some days.

Housing rights

Nigeria continued to violate the right to adequate housing. More than one million people were living in slums in Lagos alone.

No compensation or alternative housing was provided by the authorities to people forcibly evicted from their homes. Some communities were facing their third forced eviction. In Lagos widespread forced evictions were carried out without following due process. Between May and July they took place on an almost weekly basis. Mass demolitions were carried out in communities in Gosa, along the Nnamdi Azikiwe airport road, Federal Capital Territory, in May and June. In Port Harcourt forced evictions were carried out along the waterfront despite earlier state government promises that no evictions would take place.

Emeka, his wife and their three children were forcibly evicted from an informal settlement in Lagos and were left stranded without any compensation or alternative accommodation. All the property they had was destroyed in this eviction. Emeka and his family settled in Makoko, another informal settlement.

Rights of lesbian, gay, bisexual and transgender people

Human rights abuses against individuals suspected of same-sex sexual conduct continued throughout 2008. Nigeria's Criminal Code penalizes consensual same-sex sexual conduct between adults with 14 years' imprisonment. Shari'a penal codes criminalize "sodomy", in some states with the death penalty.

In 2008, several men and women were detained on charges of engaging in consensual same-sex sexual practices. Homophobia regularly resulted in violence against lesbian, gay, bisexual and transgender people and the authorities proved unable or unwilling to provide sufficient protection.

In December, a bill providing criminal penalties for marriage ceremonies between people of the same sex, as well as for anyone witnessing or helping to formalize such a marriage, was introduced by members of the House of Representatives.

Amnesty International visits

Amnesty International delegates visited Nigeria in February/March, July and October/November.

Amnesty International reports

Nigeria: 'Waiting for the hangman' (21 October 2008)

Nigeria: Open Letter to His Excellency President Alhaji Umaru Musa Yar'adua, President of the Federal Republic of Nigeria (19 June 2008)

Nigeria: Amnesty International Submission to the UN Universal Periodic Review: Fourth session of the UPR Working Group of the Human Rights Council, February 2009 (1 September 2008)

Nigeria: Nigerian police and security forces: Failure to protect and respect human rights (16 May 2008)

Nigeria: Detention "during the pleasure of the governor" – NBA, Nigerian NGOs and Amnesty International urge the immediate release of Patrick Okoroafor (10 April 2008)

Nigeria: Prisoners' rights systematically flouted (26 February 2008)

2010 ANNUAL REPORT

Head of state and government **Umaru Musa Yar'Adua**

Death penalty **retentionist**

Population **154.7 million**

Life expectancy **47.7 years**

Under-5 mortality (m/f) **190/184 per 1,000**

Adult literacy **72 per cent**

The police continued to commit with impunity a wide range of human rights violations, including unlawful killings, torture and other ill-treatment, and enforced disappearances. Some people were targeted for failing to pay bribes. Several people were tortured to death in police detention. Prisoners were held in appalling conditions, many of whom had been awaiting trial for years. The government intimidated and harassed human rights defenders and journalists. Violence against women remained endemic, and abuses against people suspected of same-sex relationships continued. Forced evictions affected thousands of people across the country. At least 58 people were sentenced to death, bringing to more than 870 the number of prisoners on death row. Many were sentenced after unfair trials. However, the government announced a "self imposed moratorium" on executions. In the Niger Delta, clashes continued in the first half of the year between armed groups and the security forces, resulting in many deaths, including of bystanders. The security situation improved after the President offered an amnesty to members of armed groups in August.

Background

In February, Nigeria's human rights situation was examined by the UN Universal Periodic Review (UPR) Working Group. In June, Nigeria announced it accepted 30 of the 32 recommendations made by the UPR Working Group.

In July, Nigeria acceded to the International Convention for the Protection of All Persons from Enforced Disappearance, the Convention on the Prevention and Punishment of the Crime of Genocide, and the Optional Protocol to the Convention against Torture.

In March, the Executive Secretary of the National Human Rights Commission (NHRC), Kehinde Ajoni, was dismissed and subsequently replaced by Roland Ewubare. Her removal may have been arbitrary. By the end of 2009, a bill aimed at strengthening the effectiveness of the NHRC had still not been passed. Since November 2007, the NHRC had not had a governing council.

In July, more than 800 people, including 24 police officers, died during a week of clashes between members of the religious group Boko Haram and security forces in Borno, Kano, Katsina and Yobe states. On 26 July, members of Boko Haram attacked a police station in Bauchi state. Boko Haram's leader, Muhammad Yusuf, was arrested on 30 July in Maiduguri, Borno state. Later that day the police announced that he had been killed while attempting to escape. On 13 August, Michael Kaase Aondoakaa, the Attorney General of the Federation and

Minister of Justice, stated that Muhammad Yusuf had been killed in police custody. The government announced it would investigate all the killings, but no further developments were made public.

In November, the ECOWAS Community Court of Justice ruled that Nigerians have a legal and human right to education, following a case brought by the Nigerian NGO Socio-Economic Rights and Accountability Project.

President Umaru Musa Yar'Adua, who went to Saudi Arabia for medical treatment in November, had not returned to Nigeria by the end of the year nor handed over his powers to the Vice-President.

In December, a clash between a religious group and the police in Bauchi state resulted in the death of at least 65 people, including children.

Unlawful killings and enforced disappearances

Hundreds of people died at the hands of the police. Many were unlawfully killed before or during arrest in the street or at roadblocks, or subsequently in police detention. Others were tortured to death in police detention. A large proportion of these unlawful killings may have constituted extrajudicial executions. Many other people disappeared after arrest. The families of such victims rarely receive redress and are often left with no answers. Most perpetrators remain unpunished. Although the police have mechanisms to receive complaints from the public, these complaints are often unprocessed.

Police shot and injured Christian Onuigbo on 19 March while he was parking his car in Jiwa, Federal Capital Territory. He spent the night at Jiwa police station and was taken to hospital the next morning. Staff at the hospital refused to treat him without a police report, which was finally submitted at 4pm. Christian Onuigbo died the following day.

Aneke Okorie, an Okada (motorcycle taxi) rider, was shot after he failed to pay a bribe to the police at a checkpoint in Emene, Enugu state, on 15 May. He died on the way to hospital. An eyewitness told Amnesty International that the police officer shot Aneke Okorie in the stomach and then hung his gun around Aneke Okorie's neck to suggest that the police officer had been attacked by an armed robber. In September, the police officer was dismissed and prosecuted; he was awaiting trial at the end of the year.

Stanley Adiele Uwakwe and Faka Tamunotonye Kalio were arrested on 10 May and brought to Old GRA detention centre in Port Harcourt. After several days, they were transferred to another police station, but officers there told relatives that the men were not in detention. Unofficially, relatives were informed that the men had been killed by the police.

Torture and other ill-treatment

The police frequently used torture and other ill-treatment when interrogating suspects and there was no standardized mechanism to prevent such practices. Confessions extracted under torture continued to be used as evidence in court.

On 19 November, three Okada riders were accused by community members of theft and handed over to the police. The men said their motorbikes had been stolen by the community. They were held for seven days by the Special Anti-Robbery Squad (SARS) in Borokiri, Port Harcourt, and beaten every night with the butt of a gun and an iron belt. They also said they were given water mixed with chemicals to drink, which caused internal wounds. The same water was poured over their bodies, causing pain and a rash. After an NGO lodged a complaint, the men were released on bail.

Justice system Despite repeated government pledges to address the problems in the criminal justice system, little progress was made. A review of the Police Act (1990) started in 2004 had still not resulted in new law. The vast majority of recommendations made in previous years by two presidential commissions, the UN Special Rapporteur on extrajudicial, summary or arbitrary executions, and the UN Special Rapporteur on torture were not implemented.

Seven out of 10 inmates in prison were pre-trial detainees. Many had been held for years awaiting trial in appalling conditions. Few could afford a lawyer and the government-funded Legal Aid Council had fewer than 100 lawyers for the whole country.

The Federal Ministry of Justice said it arranged lawyers to take up the cases of prisoners without legal representation. However, by the end of 2009 the impact of the scheme was not evident and prison overcrowding had not improved. The scheme did not address the causes of delays in the criminal justice system.

In July, the Lagos State Governor signed the Magistrates' Court Bill into law; suspects must be brought to court within 24 hours and only qualified legal practitioners can prosecute them.

In August, the new Interior Minister, Dr Shetima Mustapha, reiterated the commitment to reform prisons. At the end of 2009, most justice sector reform bills were still pending before the National Assembly.

Death penalty

At least 58 people were sentenced to death. At the end of the year, around 860 men and 11 women were on death row. Hundreds of them had not received a fair trial.

No steps were taken to implement the recommendations made in 2004 by the National Study Group on the Death Penalty and in 2007 by the Presidential Commission on Reform of the Administration of Justice to adopt a moratorium on executions. In February, however, at the fourth session of the UPR, the Minister of Foreign Affairs stated that Nigeria continued to exercise "a self-imposed moratorium" on executions.

In June, the Governor of Lagos state pardoned and released three death row prisoners. A further 29 prisoners in Lagos state had death sentences commuted to life imprisonment and eight others to various prison terms.

Kidnapping was made a capital offence in six states – Abia, Akwa Ibom, Anambra, Ebonyi, Enugu and Imo – and a bill to this end remained pending in Delta state.

Violence against women

Violence against women remained pervasive, including domestic violence, rape and other forms of sexual violence by state officials and private individuals. The authorities consistently failed to exercise due diligence in preventing and addressing sexual violence by both state and non-state actors, leading to an entrenched culture of impunity.

While some states in Nigeria have adopted state legislation to protect women from discrimination and violence, the UN Women's Convention had yet to be implemented at federal and state level almost 25 years after its ratification.

Rights of lesbian, gay, bisexual and transgender people

Human rights abuses against individuals suspected of same-sex sexual relations continued. Nigeria's Criminal Code penalizes consensual same-sex sexual conduct between adults. Islamic law in Nigeria criminalizes "sodomy" and in some states makes it punishable by death.

The Same Gender Marriage (Prohibition) Bill 2008, which would introduce criminal penalties for marriage ceremonies between people of the same sex and for people witnessing or helping to formalize such marriages, was debated by government but not passed into law.

Freedom of expression

Human rights defenders and journalists critical of the government faced increased intimidation and harassment. At least 26 journalists were arrested by the State Security Service or police. Some were released after a few hours while others were detained incommunicado for up to 12 days. In addition, media offices were raided, TV stations shut down and journalists threatened and beaten by police and security forces.

In September, Bayo Ohu, Assistant News Editor of The Guardian newspaper, was killed in his home in Lagos in suspicious circumstances. Apart from his mobile phone and laptop, nothing was stolen.

In November, three journalists were arrested in Port Harcourt after they published a story about a shooting incident in Bundu, Port Harcourt. One was released after two days, the other two after five days. They were charged with publishing false news.

In November, the African Commission on Human and Peoples' Rights urged the federal government to withdraw the Nigerian Press Council and the Practice of Journalism in Nigeria Bill 2009, which would restrict freedom of expression if passed into law.

By the end of 2009, the Freedom of Information Bill, first presented in 1999, remained pending before the National Assembly.

Niger Delta

In the first six months of 2009, armed groups and gangs kidnapped dozens of oil workers and

their relatives, including children, and attacked many oil installations. The security forces, including the military, continued to commit human rights violations in the Niger Delta, including extrajudicial executions, torture and other ill-treatment, and destruction of homes. According to reports, the Joint Task Force (JTF), which combines troops of the army, navy, air force and the mobile police, frequently raided communities. Such raids often happened following clashes between the JTF and militants, often resulting in the death of bystanders.

In May, a clash between the JTF and armed groups in Delta state led to two weeks of fighting between the two sides as well as land and air strikes by the JTF on communities and militants' camps across the Warri South and SouthWest local government areas in Delta state. The area was occupied by the JTF for several months, with residents only able to return in August. Most houses were destroyed. Amnesty International was told that at least 30 bystanders, including children, were killed and many more wounded as a result of the JTF intervention.

In October, most leaders and members of armed groups in the Niger Delta accepted an amnesty offered by the federal government in August. The amnesty covered "offences associated with militant activities in the Niger Delta". While the security situation subsequently improved, there appeared to be no plan to address the causes of the conflict.

Pollution and environmental damage caused by the oil industry continued to have a serious impact on people living in the Niger Delta. More than 60 per cent of residents depend on the natural environment for their livelihood. Communities in the Niger Delta frequently had no access to basic information about the impact of the oil industry on their lives.

The laws and regulations to protect the environment continued to be poorly enforced. Government agencies responsible for enforcement were ineffective and, in some cases, compromised by conflicts of interest.

The Petroleum Industry Bill, which would reform Nigeria's oil industry legislation, remained pending. However, it fails to address the social and human rights impacts of the oil industry.

Right to adequate housing – forced evictions

Forced evictions continued throughout Nigeria. The authorities failed to provide compensation or alternative housing to people forcibly evicted from their homes. Some communities faced their third forced eviction.

In Port Harcourt, capital of Rivers state, forced evictions were carried out throughout the year along the waterfront, affecting thousands of people.

On 28 August, thousands of people were forcibly evicted from Njemanze Community, Port Harcourt.

On 12 October in Bundu Community, Port Harcourt, at least three people died and 11 were seriously injured after combined troops of the JTF and police used firearms to disperse a crowd demonstrating against intended demolitions and blocking their entry into the community.

Amnesty International visits/reports

Amnesty International delegates visited Nigeria in June/July and November/December.

Nigeria: A new chance to commit to human rights – Implementation of the outcome of the Universal Periodic Review (15 May 2009)

Nigeria: Petroleum, pollution and poverty in the Niger Delta (30 June 2009)

Nigeria: Killings by security forces in Northern Nigeria (31 July 2009)

Nigeria: Thousands facing forcible eviction (28 August 2009)

Nigeria: Promoting and protecting human rights – A ten point national agenda (14 October 2009)

Killing at will – Extrajudicial executions and other unlawful killings by the police in Nigeria (9 December 2009)

Amnesty International
International Secretariat
Peter Benenson House
1 Easton Street
London WC1X 0DW

www.amnesty.org

AMNESTY
INTERNATIONAL

