

13 March 1998

Further information on UA 406/97 (AFR 44/30/97, 22 December 1997) - Fear of torture or ill-treatment / Legal concern / Death penalty

NIGERIA

Lieutenant-General D. Oladipo Diya	Major-General Abdulkarim Adisa
Major-General Tajudeen Olanrewaju	Colonel Edwin Jandu
Lieutenant-Colonel Olu Akinyode	Major Biliaminu Mohammed
Major Olusehun Fadipe	Major Yusuf Isiaku
Professor Femi Odekunle	
Colonel Daniel Akintonde (detained without charge)	
Colonel Emmanuel Shoda (detained without charge)	
Colonel Femi Peters (reportedly not under arrest)	
<u>New names:</u>	
Colonel Yakubu Bako	Lieutenant-Colonel I.E. Yakasai
Lieutenant-Commander B.A. Shoetan	Sergeant-Major Coker Oladosu
Staff Sergeant Moses Eni	Corporal I. Kontagora
Corporal Eddy Egbunu	Bawa Machido, police officer
Shola Shoide (F)	Halima Bawa (F)
Bola Adebajo	Michel Maidamino
Ajeniyi Ademola	Omatimehin Abimbola
Isaiah Adebawale	Eliyasu Mohammed
Niran Malaolu, editor-in-chief, <i>The Diet</i> newspaper	
Major-General Lawrence Onoja, aide to Gen. Diya (detained without charge)	

Scores of people have been arrested and questioned following the Nigerian government's announcement that a coup plot had been discovered in December 1997. Of those arrested, 26 have been charged with treason, a capital offence, or related offences. Amnesty International fears that some of those 26 could soon face execution following a grossly unfair trial.

On 14 February 1998 the 26 defendants were brought before a Special Military Tribunal in a military barracks in Jos, central Nigeria. Journalists were allowed to attend the first day of the trial but no observers have since been allowed in. The defendants have been held in incommunicado detention throughout, and were told they could choose military lawyers to defend them.

Lieutenant-General Oladipo Diya, the former deputy head of state, protested to the Tribunal that he had been "set up" by the government; he asked why the senior armed forces officers who devised the plot were not also on trial.

In an attempt to convince people that there really was a coup plot, the Nigerian government has shown videotapes to selected people, including diplomats and journalists, which allegedly show defendants confessing to a conspiracy to overthrow the government. However, the tapes reportedly also indicate that the plot may have been devised by senior army officers to entrap General Diya and other senior officers.

Special Military Tribunals can impose death penalties after secret trials which contravene the human rights provisions of Nigeria's own Constitution as well as every international human rights treaty to which Nigeria is committed by law. The 1986 Treason and Other Offences Decree allows the military head of state to establish an *ad hoc* military court, outside the normal judicial system; defendants are denied practically all rights of defence, including the right to choose independent and not

military lawyers. They have no right of appeal to a higher or independent court. Since 1986, 79 people have been executed following treason trials by such Tribunals.

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

- urging that no death sentences be passed;
- expressing concern at the grossly unfair nature of trials by Special Military Tribunals
- appealing for those accused of treason to be tried in public, by an independent and competent court of law, with full rights of defence, including the right to choose independent and civilian lawyers, and with the right of appeal to a higher and independent court;
- appealing for the defendants to be granted immediate access to independent defence lawyers of their own choice, to independent medical care and to their families
- appealing for all defendants to receive fair and open trials by competent courts in accordance with the fundamental rights guaranteed by Nigeria's own Constitution and the international human rights treaties to which Nigeria is committed by law;

APPEALS TO:

General Sani Abacha

Chairman, Provisional Ruling Council
State House, Abuja, Federal Capital Territory, Nigeria

Telegrams: General Abacha, Abuja, Nigeria

Faxes: c/o Ministry of Foreign Affairs + 234 9 523 0394/0210 ("please forward")

Salutation: Dear General

Dr Auwalu Hamisu Yadudu

Special adviser to the Head of State on legal matters
State House, Abuja, Federal Capital Territory, Nigeria

Telegrams: Dr Yadudu, State House, Abuja, Nigeria

Salutation: Dear Dr Yadudu

COPIES TO:

Chief Tom Ikimi

Minister of Foreign Affairs
Ministry of Foreign Affairs, Maputo Street
PMB 130, Abuja, Federal Capital Territory, Nigeria

Fax: +234-9-523 0394 / 0210

Mr Justice P.K. Nwokedi, Chairman

National Human Rights Commission
National Assembly Complex, Maitama
PMB 444, Garki
Abuja, Federal Capital Territory, Nigeria

The Editor, *National Concord*, POB 4483, Ikeja, Lagos, Nigeria
The Editor, *This Day*, PO Box 54749, Ikoyi, Lagos, Nigeria
The Editor, *Daily Sketch*, PMB 5067, Ibadan, Oyo State, Nigeria
The Editor, *Daily Times*, PMB 21340, Ikeja, Lagos, Nigeria

and to diplomatic representatives of Nigeria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 April 1998.