

EXTERNAL (for general distribution)

AI Index: AFR 44/13/91

Distr: UA/SC

UA 354/91

Death penalty/legal concern

25 October 1991

NIGERIAEleven unidentified detainees, mostly members of the armed forces but reportedly including two civilians

Amnesty International is concerned that the Nigerian authorities may again execute political prisoners after unfair and secret trials before a government-controlled tribunal. The organization fears that executions may be imminent. In July and September 1990, 69 soldiers were executed for their alleged involvement in a coup attempt by members of the armed forces in April 1990. The Nigerian authorities have confirmed that 11 other people are now on trial in connection with the same coup attempt. Two are said to be civilians, and the group are reportedly facing charges of treason, a capital offence, and concealment of treason, which is punishable by life imprisonment.

Amnesty International is calling for the civilian defendants not to be tried by military courts, for defendants to be allowed defence counsel of their own choice, for them to have adequate time to prepare their defence, and for the public, the news media and independent observers to be allowed to attend the trials. Amnesty International, which opposes the death penalty in all circumstances, is also appealing for any death sentences passed by the court to be commuted.

Amnesty International believes that the two civilians on trial may be Charles Mukoro, the brother of an armed forces officer suspected of involvement in the coup attempt whose whereabouts are unknown, and David Mukoro, an uncle of the same officer. They have been detained without charge or trial since April 1990, and have allegedly been beaten and ill-treated to coerce them into making statements incriminating themselves and others.

BACKGROUND INFORMATION

Following a coup attempt in April 1990, hundreds of soldiers and civilians were arrested.

Most were released without charge after several weeks, but 96 were quickly brought to trial before a Special Military Tribunal headed by a member of the military government (the Armed Forces Ruling Council), of whom 42 were executed in July 1990, nine were sentenced to prison terms and 13 were acquitted. According to information received by Amnesty International, there was insufficient evidence to convict or sentence to death another 31 of the accused, but the government ordered their re-trial and brought in a different member of the military government to preside over the court. In September 1991, after re-trial with at least seven or more other defendants, a further 27 were convicted of treason and executed.

Amnesty International considers these trials to have been grossly unfair. They were presided over by members of the government, who sat *in camera* with no journalists or independent observers allowed to attend the hearings, and the defendants were allowed no right of appeal to a higher or independent jurisdiction. Amnesty International has been told that there was insufficient evidence to convict in some cases; in one, for example, a defendant was told by the court that his defence submission was "too legalistic". After the court's verdicts were submitted to the government for approval, executions were carried out immediately, the verdicts not being announced until after they had taken place. Amnesty International believes that the executions were carried out for political reasons, without adequate attention being given to the fairness or safety of the convictions or allowing the condemned to make judicial appeals or petition for clemency. Its calls for publications of the transcripts of these trials have met with no response from the authorities.

It is not known how many armed forces officers remain in detention following their arrest in April 1990. Several relatives of escaped suspects have been held, without charge or trial, many of them women and children. In August 1991 Dorah Mukoro, the wife of the armed forces officer mentioned above, escaped from detention with four children and Alice Atehere, a

housemaid. At least six other women are believed to be still held, the High Court having ruled that it has no jurisdiction to examine or challenge such detentions (see Nigeria: Detention of hostages, AFR 44/11/91, 8 October 1991).

page 2 of UA 354/91

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing concern at a further secret military trial of 11 people in connection with the April 1990 coup attempt and that civilian detainees Charles and David Mukoro may be among them;
- calling on the authorities to disclose the identities of the individuals on trial and for details of the charges against them;
- expressing concern that previous trials by secret and government-controlled military courts have not been fair, and urging that civilians should not be tried by military courts, that defendants be allowed defence counsel of their own choice, that adequate time be allowed to prepare their defence, and that the public, the news media, diplomatic and independent observers be allowed to attend the trial;
- urging that any death sentences passed by the court be commuted.

APPEALS TO

1.
General Ibrahim Babangida **Mr. President**
President and Commander-in-Chief
of the Armed Forces
State House
Ribadu Road
Ikoyi Island, Lagos
Nigeria
**Telegrams: President Babangida, Lagos,
Nigeria**
**Telexes: 21444 EXTNAL NG
or 21236 EXTNAL NG**
(via Ministry of Foreign Affairs)

2.
Admiral (Retd) Augustus
Aikhomu **Mr.**
Vice-President
Vice-President
State House
Ribadu Road
Ikoyi Island
Lagos, Nigeria
**Telegrams: Vice-President Aikhomu, Lagos,
Nigeria**
**Telexes: 21444 EXTNAL NG
or 21236 EXTNAL NG**
(via Ministry of Foreign Affairs)

3.
General Sani Abacha **Dear General**
Chief of Defence Staff
and Minister of Defence
Defence Headquarters
Ministry of Defence
Independence Building
Tafawa Balewa Square
Lagos, Nigeria
**Telegrams: Defence Minister Abacha,
Lagos, Nigeria**

4.
Prince Bola Ajibola **Dear Minister**
Attorney-General of the
Federation and Minister of Justice
Minister of Justice
The Old Secretariat
PMB 12517, Marina
Lagos, Nigeria
**Telegrams: Justice Minister Ajibola,
Lagos, Nigeria**

COPIES TO:

Major-General (Retd) Ike O.S. Nwachukwu
Minister of External Affairs
Ministry of External Affairs
Maputo Street
Abuja
Federal Capital Territory, Nigeria

The Guardian, PMB 1217, Oshodi, Lagos, Nigeria
The Punch, PMB 21204, Ikeja, Lagos, Nigeria
Nigerian Observer, PMB 1334, Benin City, Edo State, Nigeria
Nigerian Tide, PMB 5072, Port Harcourt, Rivers State, Nigeria
Nigerian Star, PMB 73, Port Harcourt, Rivers State, Nigeria
President, Nigerian Bar Association, PMB 12610, Lagos, Nigeria

and to diplomatic representatives of Nigeria in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 6 December 1991.