

EXTERNAL

AI Index: AFR 44/34/96

26 November 1996

Further information on UA 21/96 (AFR 44/02/96, 31 January 1996, AFR 44/06/96, 16 February) - Prisoner of conscience / Legal concern / Health concern

NIGERIA Chief Gani Fawehinmi, aged about 57, lawyer, human rights activist, President of the National Conscience Party (NCP)
Femi Falana, lawyer, human rights activist, President of the National Association of Democratic Lawyers
Femi Aborisade, leading member of the NCP, human rights activist

On 20 November 1996 the three prisoners of conscience named above were released unconditionally from detention. The authorities have given no explanation for their detention, incommunicado and without charge or trial, for nearly a year.

Chief Gani Fawehinmi was arrested at his home in Lagos on 30 January 1996, Femi Falana and Femi Aborisade on 14 February. They have been detained under the State Security (Detention of Persons) Decree, No. 2 of 1984, which provides for the indefinite detention, incommunicado and without charge or trial, of any person deemed to have threatened the security of the state. Their release has been just as arbitrary -- timed to coincide with the visit to Nigeria of the Commonwealth Ministerial Action Group (see below), apparently to convey the impression that the human rights situation in Nigeria has improved. However, such political releases underline how prisoners of conscience have effectively been used as hostages. Decree 2 and other decrees which exclude the jurisdiction of the courts to question or challenge any action by the military government have undermined the rule of law in Nigeria and encouraged government agencies to flout the law with impunity.

Following their release, the three men were provided with no assistance to return to their homes and families. This took some time -- Gani Fawehinmi had been held in Bauchi Prison in northern Nigeria, more than 800 kilometres from his home in Lagos. The released detainees complained about the harsh conditions and lack of adequate medical care while they were in detention.

FURTHER BACKGROUND INFORMATION

The Commonwealth Ministerial Action Group (CMAG) was set up in the international outcry following the Ogoni executions in November 1995 when Nigeria was suspended from the Commonwealth. In June 1996, at the time of a ministerial meeting between Nigeria and CMAG governments, the Nigerian authorities announced the release of some prisoners of conscience. CMAG delayed sanctions it had agreed to impose on Nigeria. However, the minor concessions made by the Nigerian authorities leave intact legal provisions allowing the arbitrary detention, grossly unfair trial and execution of prisoners of conscience, and the Nigerian authorities have continued to deny access to a fact-finding mission by the Commonwealth. There has been criticism of CMAG's decision to send Commonwealth ministers to Nigeria for government talks without any assurances that they would be able to meet political prisoners or groups critical of the government. The mission visited Nigeria from 18 to 20 November 1996. Canada, the only member of CMAG which has been consistently critical of Nigeria's human rights record and which in August imposed sanctions unilaterally on Nigeria, withdrew its delegate when the Nigerian authorities refused visas to its security officials.

FURTHER RECOMMENDED ACTION: Please send airmail letters in English or in your own language:

- welcoming the unconditional release of prisoners of conscience Chief Gani Fawehinmi, Femi Falana and Femi Aborisade on the occasion of the Commonwealth Ministerial Action Group visit to Nigeria;
- expressing concern that the Nigerian government's failure to revoke the State Security (Detention of Persons) Decree, No. 2 of 1984, which poses a continuing threat to the three men and other human rights defenders who dare publicly to criticize the government, even following their release, and calling for its revocation;
- expressing concern also that, while in detention, they were held in harsh and life-threatening conditions, and denied proper medical care and all access to their families and lawyers in contravention of court orders;
- calling for an end to medical neglect of prisoners and life-threatening prison conditions, and the introduction of safeguards to prevent them in future which should include immediate access for all prisoners to lawyers, families and medical care of their own choice.

PLEASE ORGANIZE APPEALS FROM LAWYERS AND HEALTH PROFESSIONALS

APPEALS TO:

General Sani Abacha
 Chairman, Provisional Ruling Council
 State House
 Abuja, Federal Capital Territory, Nigeria
Telegrams: General Abacha, Abuja, Nigeria
Faxes: + 234 9 523 2138
Telexes: (0905) 91529 or 91530 EXTNAL NG
Salutation: Dear General

Lieutenant-General D. Oladipo Diya
 Vice-Chairman, Provisional Ruling Council and Chief of General Staff
 State House
 Abuja, Federal Capital Territory, Nigeria
Telegrams: Lieutenant-General Diya, Abuja, Nigeria
Salutation: Dear Lieutenant-General

Alhaji Ibrahim Coomasie
 Inspector General of Police
 Nigeria Police Force Headquarters
 Garki, Abuja
Telegrams: Inspector General Coomasie, Police Headquarter, Garki, Abuja, Nigeria
Salutation: Dear Inspector General

COPIES TO:

Chief Tom Ikimi
 Minister of Foreign Affairs
 Maputo Street
 PMB 130, Abuja
 Federal Capital Territory, Nigeria

The Editor, *National Concord*, POB 4483, Ikeja, Lagos, Nigeria

The Editor, *The Punch*, PMB 21204, Ikeja, Lagos, Nigeria
The Editor, *Tempo*, PMB 21531, Ikeja, Lagos, Nigeria
The Editor, *Theweek*, PO Box 11333, Ikeja, Lagos

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 31 December 1996.