

EXTERNAL

AI Index: AFR 44/36/95

24 November 1995

Further information on UA 219/95 (AFR 44/19/95, 15 September 1995) - Death in detention / Health concern / Legal concern and new concern: Fear of execution after unfair trial

NIGERIAAt least 17 supporters of the Movement for the Survival of the Ogoni People (MOSOP) detained since mid-1994 and four other prisoners arrested in October 1995

Following the execution of Ken Saro-Wiwa and eight other Ogoni activists on 10 November 1995, Amnesty International fears that up to 21 other Ogoni activists could be unfairly tried, sentenced to death and executed without right of appeal to a higher court.

At least two of those executed, Ken Saro-Wiwa and Dr Barinem Kiobel, were believed by Amnesty International to be prisoners of conscience who had not used or advocated violence. They and seven others were executed less than two weeks after their conviction for murder after grossly unfair and politically motivated trials (see UA 200/94, AFR 44/03/94 and follow-ups).

At least 17 Ogoni activists were arrested in mid-1994 in the wave of arrests of MOSOP supporters following the murder of four Ogoni leaders in May 1994.

They were detained incommunicado and without charge from mid-1994 until June 1995, when they were brought before a Magistrate's Court in Port Harcourt on a "holding charge", believed to be for murder. In June 1995 they were transferred from detention in police cells in Port Harcourt to the prison, apparently because the police cells were not sufficiently secure. A further four men - whose identities are not known - were reportedly arrested on 24 October 1995 and charged with murder, also in connection with the May 1994 murders. They too are believed to be held in Port Harcourt prison.

The Ogoni detainees have been held in harsh and insanitary conditions in military custody and denied all proper medical treatment. Clement Tusima, held without charge since 26 May 1994, died on or around 14 August 1995, apparently after months of serious illness and medical neglect. No inquiry is known to have been carried out into his death. Conditions in Nigeria's prisons are also very poor, with high rates of malnutrition, disease and death from insanitary conditions, inadequate food and practically no medical care. (See original Urgent Action of 15 September for further information).

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

- urging the release of at least 21 Ogoni activists unless they are to be tried promptly and fairly with full rights of defence and without imposition of the death penalty;
- seeking clarification of the legal status of the prisoners;
- seeking assurances that the prisoners are being safeguarded from ill-treatment, health-threatening prison conditions and are granted access to lawyers, medical care and family visits;
- asking whether an inquiry has been held into the death in detention of Clement Tusima, and requesting that the results of any inquiry be made public.

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

COPIES TO:

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

Lieutenant-Colonel Dauda Musa Komo
 State Military Administrator
 Government House
 91000 Port Harcourt
 Rivers State, Nigeria

The Editor, *The News*, PMB 21531, Ikeja, Lagos, Nigeria
 The Editor, *Tell*, PMB 21749, Ikeja, Lagos, Nigeria
 The Editor, *Vanguard*, PMB 1007, Apapa, Lagos, Nigeria
 The Editor, *The Guardian*, PMB 1217, Oshodi, Lagos, Nigeria
 The Editor, *Nigerian Tide*, PMB 5072, Port Harcourt, Rivers State, Nigeria
 The Editor, *Point*, 222 Aba Road, Port Harcourt, Rivers State, Nigeria
 The Editor, *Sunray*, 220 Aba Road, Port Harcourt, Rivers State, 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 9 January 1996.