

£NIGERIA

@Trade unionists in Nigeria; A state of crisis

Nigerian trade unionists have been the targets of human rights violations in the past year because they have called strikes in protest against military rule. At least four oil union leaders have been held in incommunicado detention without charge or trial since August and September 1994. These detentions have occurred within the context of political turmoil in Nigeria which reached crisis point in June 1994.

Political background

Nigeria has spent 24 out of the 34 years since independence from colonial rule under military governments. With most of its economic wealth in the south, armed forces officers from the mainly Muslim north have retained power over the last ten years through constant military coups. The failure of the present and last military governments to bring Nigeria back to democracy has brought closer the collapse of the federation than at any time since the 1967-70 civil war.

Presidential elections in June 1993 were supposed to end military rule in Nigeria. However, the military government of General Ibrahim Babangida annulled the elections which were widely acknowledged to have been fairly won by **Bashorun (Chief) Moshood K.O. Abiola**. The military government appointed an interim government to hold fresh presidential elections. On 17 November 1993, following widespread strikes over fuel prices and a High Court ruling that the interim government was illegal, **General Sani Abacha**, former Chief of General Staff and Defence Minister, seized power in a coup, thereby halting the lengthy and expensive process begun in the mid-1980s - costing an estimated US \$20 million - of returning Nigeria to civilian rule. He appointed a predominantly military Provisional Ruling Council, disbanded federal and state elected legislative bodies, replaced elected state governors with military administrators and banned all political activity.

As the anniversary of the 1993 presidential elections approached in 1994, the newly-formed National Democratic Coalition (NADECO), comprising former civilian and military political leaders as well as pro-democracy activists, demanded that the military government hand over power to the elected President by the end of May. NADECO leaders were arrested and charged with treason and, after Moshood Abiola had declared himself the rightful head of state, he too was arrested and charged with treason; hundreds of pro-democracy activists were arrested in protests and as many as 200 died in circumstances suggesting they were victims of unlawful killings by the security forces.

Amnesty International considers that Moshood Abiola and others still imprisoned on treason charges to be prisoners of conscience, held solely on account of their non-violent political activities, and is calling for their immediate and unconditional release. Some of those charged with treason or treasonable felony have been released to await trial; Amnesty International believes that they would become prisoners of conscience if convicted and sentenced to prison terms, and is calling for the charges against them to be withdrawn.

The oil unions' strike

On 4 July 1994 workers in the oil industry came out on strike in protest at the arrests of Abiola and NADECO leaders. They were soon joined by senior oil staff and employees in other businesses, mostly in the southwest. The strike began to disrupt domestic fuel, electricity and water supplies immediately. It also caused the closure of oil refineries and eventually disrupted oil exports; Nigeria's main foreign currency earner. The Nigerian Labour Congress (NLC), representing 40 unions and 3.5 million workers, called a general strike on 3 August which was called off the next day when the government promised to release Moshood Abiola. On 18 August the government replaced oil union and NLC leaders with appointed administrators and ordered strikers back to work. On 28 August the military government of Rivers State announced the arrest of saboteurs attempting to blow up oil pipelines and flow stations; 15 people were reportedly detained. Under threat of dismissal and without financial backing, the strike effectively collapsed and on 4 September it was called off. Oil union and NLC leaders were later detained.

Many of the government's actions were declared illegal by the courts. In response, the government legitimised its illegal actions against the opposition by issuing eight backdated decrees on 6 September 1994. The decrees extended already draconian powers of detention, formally proscribed 15 newspapers and journals, dissolved the executives of the oil unions and NLC, and removed the jurisdiction of the courts to challenge government authority and actions.

The decree removing the jurisdiction of the courts - the Federal Military Government (Supremacy and Enforcement of Powers) Decree, No. 12 of 1994 - effectively blocked the legal challenge by the NLC and oil union executives against their dismissal by the government: on 23 August Justice Mamman Kolo in the Federal High Court, Lagos, ordered them reinstated until their case was heard; on 31 August Justice Roseline Ukeje said that the dissolution of the union executives contravened international labour conventions but on 7 September said she could make no ruling because the court no longer had jurisdiction.

Another effect of the new decrees was to extend arbitrary detentions. Under the State Security (Detention of Persons) Decree, No. 2 of 1984, as amended in September 1994 by Decree No. 11 of 1994, the Chief of General Staff and - now in addition - the Inspector General of Police may order the detention without charge or trial of any person considered a threat to the security of the state for an initial period of three months - doubled from a previous maximum of six weeks. There has never been any legal requirement for this initial period to be followed by any independent or judicial review of the detention, and military governments have routinely treated the initial period as indefinitely renewable, detaining people incommunicado for months or years without charge or trial. Although such detentions are "legal", they remain arbitrary in that they allow no formal procedure for challenging them through the courts and, as such, are incompatible with Nigeria's international human rights commitments. A further measure which removes the most fundamental protection against arbitrary detention, *habeas corpus*, was introduced in a new decree. The decree, which lawyers first learned about on 29 November, prevents the courts from ordering detainees to be produced before them or from challenging detentions by the security forces.

Since June 1994 hundreds of demonstrators and protestors have been arrested in sporadic demonstrations and clashes with police, and it is estimated that as many as 200 may have been shot dead by the security forces. Many of those arrested are believed to have been released, but there have been no investigations into the circumstances in which protestors have been killed. Arrests and detentions of pro-democracy and human rights activists have continued sporadically, with some being held for a few days before being released uncharged. Most of those arrested are being held in administrative detention under the 1984 State Security Decree, although some have been charged with offences and released to await trial.

Several trade union leaders are being held in incommunicado detention without charge or trial because of their involvement in the strikes. **Chief Frank Ovie Kokori**, Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG), was arrested in Lagos on 20 August, refused necessary medication and transferred to detention in Abuja. The Nigerian authorities have confirmed that he is being detained, however, his current whereabouts are unknown. On 24 August **Olu Aderibigbe**, Chairman of the Edo State branch of the Nigerian Labour Congress (NLC) was arrested in Benin City. Also reported to have been detained were **Francis A. Addo**, a Vice-President of the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN) and Chairman of the Port Harcourt branch of PENGASSAN and **Fidelis Aidelomon**, Chairman of the PENGASSAN branch of the Pipeline and Products Marketing Company, in August, and **Wariebi Kojo Agamene**, President of NUPENG, in September. NUPENG officials in Port Harcourt are also reported to have been detained: **Chief Amadi**, **G.A.B. Paschal** and **Akpabi Okorowanta**.

On 28 September Justice C.O. Idahosa, in the High Court in Benin City, ordered the release of **Olu Aderibigbe** and 30 other detainees. Olu Aderibigbe has since been released.

In December 1994 Amnesty International delegates visiting Nigeria were refused access to visit the four trade unionists and other prisoners of conscience. Their place of detention still has not been disclosed by the authorities.

On 1 May 1995, **Frank Ovie Kokori, Francis A Addo, Fidelis Aidelomon** and **Wariebi Kojo Agamene** will have been held without charge or trial for at least eight months.

AI is calling on the Nigerian government to:

- Ensure no individual is imprisoned solely for their peaceful trade union activities;
- Either to release **Frank Ovie Kokori, Francis A Addo, Fidelis Aidelomon** and **Wariebi Kojo Agamene**, or to give them a fair trial immediately;
- Give assurances of the detainees' physical safety and guarantee that they are not being subjected to torture or ill-treatment;
- Make the whereabouts of the detainees in custody public and grant immediate and regular access to their families, legal counsel and any necessary medical attention;
- Hold the detainees in conditions which conform to the UN Standard Minimum Rules for the Treatment of Prisoners.

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