

AI INDEX : AFR 44/04/96
FOR IMMEDIATE RELEASE - 14 FEBRUARY 1996

NIGERIA: OGO NI 19 SPECIAL TRIBUNAL SHOULD BE URGENTLY REFORMED OR
DISBANDED

Amnesty International today called on the Nigerian government to ensure that the special tribunal due to try the Ogoni 19 conforms to international fair trial standards, or to permanently disband it.

The Federal High Court that was sitting to decide on the constitutionality of the special tribunal adjourned on Monday in Lagos. Meanwhile, the fate of the Ogoni 19 remains unclear.

“The Nigerian government should act now to clarify their fate,” Amnesty International said. “If the authorities are unwilling to quickly reform the special tribunal to meet in full the criticisms which have been heaped upon it, then they should permanently disband it.”

Amnesty International is concerned that the 19 Ogoni charged with murder in connection with the killings of four Ogoni in May 1994 may be hastily executed after an unfair trial.

“This special tribunal was responsible for the grossly unfair trials of Ken Saro-Wiwa and his eight co-defendants and their subsequent execution,” the human rights organization said.

“The Nigerian government is virtually alone in refusing to acknowledge that the trials were a travesty of justice, flagrantly violating international standards. Yet this is precisely what the 19 Ogoni still face.”

BACKGROUND

The Civil Disturbances Special Tribunal denied Ken Saro-Wiwa, President of the Movement for the Survival of the Ogoni People (MOSOP) and eight other prisoners crucial rights of defence, including their rights to be safeguarded from torture, ill-treatment or improper duress, to be able to prepare a proper defence and to have full and confidential access to their defence lawyers, to be tried by an independent and impartial court and to appeal against the court's decisions to an independent and higher court.

Following recent reports that the Ogoni 19 are suffering under a harsh prison regime in Port Harcourt Prison, Rivers State, Amnesty International today also called upon the Nigerian authorities to give assurances that the Ogoni 19 are being safeguarded from ill-treatment, health-threatening prison conditions, and are being granted full access to lawyers, medical care and family visit. One of their co-detainees, Clement Tusima, died in detention in August 1995, apparently from untreated diabetes.

Amnesty International also drew attention today to the fact that there is strong evidence to suggest that serious violations of international fair trial standards are endemic in many of the special tribunals which past and present military governments have created in Nigeria.

The military in Nigeria have created a vast edifice of special tribunals over the past fifteen years, ostensibly to speed up the process of justice. But many of them gravely undermine defendants' right to a fair trial in the way they operate.

The Civil Disturbances Special Tribunal which is due to try the Ogoni 19 is just one of its kind. Other special tribunals suffer from similar shortcomings. A Civil Disturbances Special Tribunal which sentenced Zamani Lekwot and others to death in Kaduna in early 1993 was widely criticized because their trials were unfair; their death sentences were subsequently commuted and the prisoners were released in September 1995. Last year a Special Military Tribunal convicted over 40 government critics and opponents to long prison terms after what were grossly unfair and politically motivated trials. In 1994 and 1995 at least 200 people have been executed following their conviction for armed robbery by Robbery and Firearms Tribunals which allowed no right of appeal.

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