

EXTERNAL

AI Index: AFR 44/06/96

16 February 1996

Further information on UA 21/96 (AFR 44/02/96, 31 January 1996) - Prisoner of conscience / legal concern and new Health concern

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

Since the arrest of Chief Gani Fawehinmi, two more human rights defenders have been arrested in Nigeria and detained incommunicado and without charge. All three are former prisoners of conscience, Gani Fawehinmi and Femi Falana having been detained on numerous occasions because of their criticisms of the governments. Amnesty International believes that they are once again prisoners of conscience.

Chief Gani Fawehinmi is still detained incommunicado and without charge, and has been transferred to Bauchi Prison in northern Nigeria where it is feared that he may be held in harsh conditions. On 5 February 1996 the Federal High Court in Lagos ordered that he be allowed to receive required medication from his family, but his wife has continued to be denied access or allowed to deliver drugs for him. In 1989 he became seriously ill and required hospital treatment after being detained in harsh conditions in Gashua, northern Nigeria, and denied his necessary diet and medication. Political and other prisoners in Nigeria are routinely detained in harsh and insanitary conditions and there is a high rate of deaths from malnutrition and medical neglect. On 14 February 1996, in response to a legal application for his release, the Federal High Court ordered the authorities to produce him before the court on 23 February. On many previous occasions, the military government has ignored such attempts by the High Court to safeguard prisoners from arbitrary and indefinite detention.

No reason has been given for Gani Fawehinmi's arrest but it appears to be because of his professional actions in defence of human rights and his pro-democracy activities. He has challenged, before the Federal High Court, the constitutionality of the Civil Disturbances Special Tribunal which sentenced to death Ken Saro-Wiwa and eight other Ogoni prisoners in October 1995 and which is due to try 19 further Ogoni on the same murder charges; on 12 February 1996 the Federal High Court in Lagos adjourned its ruling on his legal challenge.

Femi Falana has been detained incommunicado since 14 February 1996. No reason has been given for his arrest but he too has been involved in legal challenges against the government. The security police seized files from his chambers, including those relating to a claim for damages against the National Drug Law Enforcement Authority which detained Fela Anikulapo-Kuti, one of Nigeria's leading musicians, incommunicado and without charge for five days; he and 27 others were held from 8 to 12 February 1996 on suspicion of possession of marijuana. His brother, Dr Beko Ransome-Kuti, is a prisoner of conscience serving a 15-year prison term for treason after a secret and grossly unfair military trial in 1995.

Femi Aborisade, acting head of the National Conscience Party (NCP) following Chief Gani Fawehinmi's detention, was also arrested on 14 February 1996. The

NCP has been campaigning for the release of its leader and in protest at the local government elections to be held on a non-party basis on 25 March. On 13 February the government announced that it had promulgated a military decree making into a criminal offence the "undermining, preventing, forestalling or prejudicing" of the government's much-criticized three-year transition to civilian rule programme; the decree empowers the head of state, General Sani Abacha, to set up a special tribunal outside the normal judicial system to try offenders.

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

- calling for the immediate and unconditional release of Chief Gani Fawehinmi, Femi Falana and Femi Aborisade, on the grounds that they are prisoners of conscience, imprisoned for the non-violent expression of their political beliefs;
- urging that, while in detention, they be granted immediate access to family, lawyers and medical care;
- expressing particular concern for the health of Chief Gani Fawehinmi, who might again become seriously ill if he is denied his required diet and medication, and urging that he be granted immediate access to his doctor.

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, *NewsWatch*, PMB 21499, Ikeja, Lagos, 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 15 April 1996.