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NIGERIA: FEARS THAT SECRET AND UNFAIR
MILITARY TRIAL MAY END IN HASTY
EXECUTIONS

The secret and grossly unfair military trial of 23 army officers and civilians charged with treason and related offences in Nigeria may end in hasty executions without the right to appeal, according to Amnesty International.

"The Nigerian Government has announced that the trial will end by 30 June. This means there can be no serious consideration of the evidence against the defendants," Amnesty International said.

"In 1990 a total of 69 officers were executed after similar trials. The death sentences were not announced until after the executions had taken place, so we have good reason to fear that this trial too could end in secret and sudden executions."

There are fears that former head of state, retired General Olusegun Obasanjo, may be among six other people reported to have also gone on trial in Lagos before the Special Military Tribunal in connection with an alleged coup attempt in March 1995. Amnesty

International believes that many of the defendants may be prisoners of conscience.

On 5 June journalists and diplomats were allowed to attend the opening of the trial of 18 armed forces officers and five civilians. The defendants and their military lawyers were given less than two days to examine the charges against them.

Since then, the trial has been held in secret. Most of the defendants had been detained incommunicado since March 1995, and one since January. Yet the military boards of inquiry which then interrogated them are said to have found no evidence of a coup plot and the accused are said to have denied involvement in any attempt to overthrow the government by force.

"It is widely believed that the coup plot was fabricated to justify the detention and possible execution of certain government critics, particularly those within the armed forces," Amnesty International said.

Amnesty International is urging that the trial should immediately be opened to public scrutiny and that defendants should be allowed full rights of defence, including being allowed civilian lawyers of their own choice, appropriate time to prepare their defence and the right of judicial appeal to a higher and independent court. The organization, which opposes the death

penalty in all cases, is also urging that any death penalties passed by the tribunal be commuted.

Amnesty International is also calling for the immediate and unconditional release of any of the defendants who are prisoners of conscience, imprisoned solely for their non-violent political opinions, and of all others detained in connection with the alleged coup plot who are not to be promptly charged and fairly tried according to international standards.

Details of those arrested:

Two of the military defendants, Brigadier-General Gwadabe and Lieutenant-Colonel Bulus, seem to have been arrested because they supported a return to civilian democracy. It appears Colonel Bello-Fadile, the armed forces Director of Legal Services, may have been arrested because he has been critical of the military government, in particular about recent government inaction over corruption investigations.

Former Major Akinola Akinyemi, arrested on 2 January, appears to have been arrested because his brother, Bolaji Akinyemi, a former Minister of Foreign Affairs, is currently leading a pro-democracy campaign in exile.

Among others arrested and not yet known to have been charged and brought before the tribunal are retired General Olusegun Obasanjo -- the only Nigerian military head of state (1976-9) to have handed over power voluntarily to an elected civilian government, and former deputy head of state, retired Major-General Yar'Adua.

On 13 June General Obasanjo -- who had been under house arrest for three months and was only questioned in late May -- was transferred to military custody. He has been a prominent critic of military rule and a pro-democracy activist whose arrest provoked

protests from foreign governments. On 20 June 1995 a Defence Ministry official said he was unable to provide any information about General Obasanjo or confirm whether or not he was among six further detainees reportedly charged before the Special Military Tribunal in addition to the initial 23 defendants.

As a member of Nigeria's consultative Constitutional Conference, Major-General Yar'Adua had played a leading role in its initial recommendation to the government to hand over to civilians by January 1996. Since his detention, the conference has withdrawn this recommendation, reportedly under government pressure.

Civilian detainees include 78-year-old Chief Adisa Akinloye -- who has reportedly been denied medication for high blood pressure in detention -- and Chief Titilayo Ajanaku. They appear to have been arrested because of their support for General Obasanjo's National Unity Organisation of Nigeria (NUON), which had initiated discussions about Nigeria's political future with representatives of the main ethnic groups in the country. Mallam Shehu Sanni, Vice-Chairman of the Campaign for Democracy, appears to have been detained because of his activities for one of Nigeria's leading pro-democracy organizations whose leaders have routinely been harassed and arrested.

"The Special Military Tribunal is not an independent and impartial court, and cannot guarantee the right to a fair trial to which Nigeria is committed by its own Constitution and international human rights treaties," Amnesty International said.

The tribunal is headed by a member of the military government (the Provisional Ruling Council) who sits with six other armed forces officers appointed by the government. It can try any person, whether military or civilian, on charges of treason or other offences relating to an attempt to overthrow the government by force, and may hand down any penalty under criminal or military law but is not bound to follow the procedures of civilian or military courts. Its verdicts and sentences have to be confirmed by the military government but defendants have no right of judicial appeal.

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