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# £NIGERIA

## @Military government clampdown on opposition

### 1.Introduction

Since May 1994 Nigerian government forces are reported to have been responsible for at least 50 extrajudicial executions in Ogoniland, southeast Nigeria, and scores of Ogoni detainees have been held for months without charge or trial in harsh conditions. The government has restored harsh detention powers, detained further government critics and used excessive lethal force as it tries to halt pro-democracy protests which have brought parts of Nigeria to a virtual standstill in recent months. It continues to deny appropriate medical treatment to prisoner of conscience **Moshood Abiola**, the winner of the 1993 presidential elections currently awaiting trial on treason charges, although government doctors have confirmed that he risks permanent paralysis without surgery.

The detention of people on account of their non-violent political views and activities, and the prominence of some of those detained, together with the extrajudicial executions and other unlawful killings by government forces, have precipitated one of the most serious human rights crises which Nigeria has experienced in the past 34 years. With contempt for the rule of law, the military government of **General Sani Abacha** has silenced the opposition not only in the press and the streets but also in the courts. Moreover, it is clear that the political repression is doing nothing to resolve the country's acute political crisis. It is vital that both Nigerians and the international community insist that violations of human rights should stop.

Furthermore, since 1990 hundreds of civilians in the oil-producing Niger delta have been killed - some extrajudicially executed by the security forces, most in inter-ethnic clashes apparently instigated by the security forces - as the government attempts to stifle the growing protests of communities still marginalized and impoverished after decades of oil production on their land.

The leader of one such protest - **Ken Saro-Wiwa**, an internationally-renowned writer - has been detained without charge or trial since May 1994, chained hand and foot for long periods, incommunicado and without medical care. He is reported to have recently been on hungerstrike. Although he and other members of his Ogoni ethnic group have been accused of responsibility for the mob killing of four leading members of the community, they have not been charged with any offence and Amnesty International considers him to be a prisoner of conscience, detained as on many previous occasions in 1993 and 1994 primarily because of his environmental campaign against the oil companies - in particular Shell - which provide the government with a substantial part of its income.

Amnesty International is urging the Nigerian government to halt the extrajudicial execution and imprisonment of its critics, to release all prisoners of conscience immediately and unconditionally and to abolish its draconian powers of detention. Amnesty International is also calling on other governments to use their influence with the Nigerian authorities to end the killings, political imprisonment and other human rights violations.

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## 2. 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 through constant military coups. The failure of the present and last military governments to bring Nigeria back to democracy has brought it closer to the collapse of the federation than at any time since the 1967-70 civil war.

### a) 1993 presidential elections and coup

The results of the June 1993 presidential elections, widely acknowledged to have been fairly won by **Bashorun (Chief) Moshood K.O. Abiola**, were annulled by the military government of General Ibrahim Babangida, which then handed over power to an appointed interim government to hold fresh presidential elections. A millionaire business magnate and member of the Yoruba ethnic group from the southwest, Moshood Abiola is Vice-President of the Nigerian Supreme Council for Islamic Affairs and had won support throughout the country, including the largely Muslim north. 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.

Hundreds of people were arrested during protest demonstrations in July 1993 and over 100 - and possibly as many as 200 - died in protests and clashes with the security forces. Leading human rights campaigners were held for periods of several weeks in administrative detention; some were subsequently charged with sedition, unlawful assembly and disturbing the peace but were not tried. In August 1993 a government decree proscribed several newspapers forcibly closed in July, although the ban was lifted in November.

### b) 1994 political crisis

General Abacha's promises of a future return to democracy were widely disbelieved, despite the establishment of a consultative Constitutional Conference to discuss yet another constitution for Nigeria, its elected members mandated in May 1994 by only a small minority of Nigeria's disillusioned electorate. As the anniversary of the 1993 presidential elections approached, 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 killed unlawfully by the security forces (see chapter 4 below).

The government forcibly closed down three leading newspapers for criticizing the government and briefly detained members of their staff: in June the *Concord* press group and *Punch* newspapers, owned by Moshood Abiola, and in August the *Guardian* press group. *Punch* started publishing again in August

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after the Federal High Court in Lagos ordered police to pay damages and leave its premises, and then subsequently found the Attorney General and the Inspector General of Police guilty of contempt of court for ignoring its orders. On 18 August Justice Babatunde Belgore, Chief Judge of Lagos State, awarded damages against the police and ordered them to vacate the *Concord's* premises, promising to ensure the government's compliance with the court's order. However, on 6 September the government issued six-month banning orders on all three newspaper groups, backdated respectively to June and August.

On 4 July 1994 workers in the oil industry came out on strike in protest at the arrests, and were soon joined by senior oil staff and employees in other businesses, mostly in the southwest, resulting in immediate disruption of domestic fuel, electricity and water supplies as well as the closure of oil refineries and eventual disruption of 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 (see page 15 below).

There have been attacks by mobs on the homes of government ministers, including those of Yoruba origin criticized for remaining in the government. In late August and September soldiers or other government agents were suspected of firebomb attacks on the homes of government critics: **Chief Olusegun Osoba** and **Air Commodore (retd) Dan Suleiman**, both awaiting trial for treason (see page 12), **Chief Godwin O.K. Ajayi**, Moshood Abiola's defence lawyer, **Dr Muyiwa Oladimeji**, a Constitutional Conference delegate briefly detained in August for organizing a demonstration in Osun State, **Dr Wahab Dosunmu**, a NADECO member detained in July at a demonstration in Abuja, and **Ayo Opadokun**, NADECO's Secretary General who was later detained (see page 16). On 26 August 1994 armed men shot and seriously wounded guards at the law chambers of **Gani Fawehinmi**, a prominent human rights lawyer later arrested (see page 16). Reporters from Cable News Network (CNN), the US television company, who interviewed some of the victims, were deported on 26 August. On 30 August unknown assailants petrol-bombed the home of **Beko Ransome-Kuti**, awaiting trial on various political charges (see page 12), which is also the headquarters of the Campaign for Democracy, an umbrella group for pro-democracy and human rights activists, and the Committee for the Defence of Human Rights.

### c)Arbitrary rule by decree

On 6 September 1994 the government issued eight backdated decrees, effectively "legalizing" actions it had already taken which had flouted the rule of law against the opposition. 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.

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 six weeks. There has never been any legal

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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. Eleven soldiers are currently detained under the State Security Decree at Kirikiri Prison in Lagos for their alleged involvement in a coup attempt in 1990, although some have not been charged or tried and others who had been convicted by a special tribunal should have been released following a presidential pardon. 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.

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. After local human rights groups and Wole Soyinka, the writer and Nobel prizewinner, initiated legal challenges to the legitimacy of General Abacha's government, the authorities seized Wole Soyinka's passport on 22 September to prevent him from leaving the country to address international conferences.

On 12 September General Abacha dismissed the Attorney General and Minister for Justice, Dr Olu Onagoruwa, after he publicly said that the decrees swept away Nigerians' liberties and had been promulgated without his knowledge. On 28 September General Abacha dropped the pretence that civilians had any power within his government and increased the size of the Provisional Ruling Council to include more senior military commanders, excluding all civilian government ministers and allowing observer status only to the Secretary to the Government and the new Attorney General. The next day the Minister of Foreign Affairs, Baba Gana Kingibe, continued to proclaim the government's commitment to democracy in a speech to the United Nations General Assembly in which he confirmed Nigeria's bid for permanent membership of the UN Security Council. On 17 October General Abacha dismissed the Minister of Finance, Kalu Idika-Kalu, who had apparently opposed fixed and unrealistic exchange rates for the Nigerian naira, the military government's lack of financial discipline and a 300 per cent fuel price increase.

### 3.Ogoniland: extrajudicial executions and detentions

In Ogoniland the government's suppression of its critics has led to some of the most serious human rights violations. At least 50 people were extrajudicially executed by the security forces and an estimated 600 people detained during raids on about 60 villages in Ogoniland, mostly between May and June 1994. The Nigerian authorities have failed to provide any evidence to justify the continued detention and ill-treatment of **Ken Saro-Wiwa** and other prisoners of conscience from the Ogoni ethnic group. Most have been tortured or ill-treated and all are held in harsh conditions.

#### a)Background

The Ogoni are a marginalized and impoverished community of about 500,000 people in Rivers State, the  
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Niger delta area of southeast Nigeria. Since 1990 they have been seeking more political autonomy and compensation for environmental damage to their land by oil companies, in particular Shell, which has extracted an estimated US \$30 billion of oil from Ogoniland since 1958. The Ogoni suffer air, soil and water pollution at a level that would be considered intolerable in countries where governments and oil companies are more accountable, and have received totally inadequate compensation for the damage to their health and farming economy. They are still without piped water, electricity, adequate roads, schools or medical services, despite 36 years of oil exploration and production in Ogoniland.

The military government has attempted to stifle the growing complaints within the Niger delta that decades of oil production - which accounts for 80 per cent of government revenue and over 95 per cent of foreign exchange earnings - have not benefited local populations, only central government and the ruling élite. In the context of the wider political crisis, the authorities fear that the Ogonis' well-organized protests could be emulated by others among Nigeria's 250 ethnic groups, potentially leading to inter-communal conflict or even civil war and the break-up of the federation. Other ethnic groups in the delta have protested against pollution by the oil companies and have set up pressure groups: the Etche - 80 of whom were extrajudicially executed by the Mobile Police Force in **Umuechem** in October 1990 - and the Igbide, Ijaw (or Izon), Irri, Ogbia and Uzere. There are fears that plans to construct a gas pipeline across Ogoniland will go ahead now that Ogoni opposition has effectively been crushed.

## b) Extrajudicial executions

The soldiers and police who have committed human rights violations in Ogoniland are members of the Internal Security Task Force sent into Rivers State in April 1994 following clashes between the Ogoni and Ndoki ethnic groups in which about 20 people were reportedly killed. As in 1993, there were allegations implicating government forces in unprecedented inter-ethnic clashes in which hundreds reportedly died, homes were destroyed and thousands of refugees fled; an inquiry into attacks by the neighbouring Andoni community in 1993 found no obvious cause for dispute. Soldiers were said to have instigated and assisted the attacks and then followed the attackers into Ogoni villages, destroying houses and detaining people.

Following the murder of four Ogoni leaders on 21 May 1994, the task force was reinforced. It arrested several hundred people, mostly youths suspected of supporting the Movement for the Survival of the Ogoni People (MOSOP), ostensibly searching for those directly responsible for the killings but in fact deliberately terrorizing the whole community, assaulting and beating indiscriminately. In late May and June the task force is reported to have attacked at least 30 towns and villages in Gokana, Khana and Tai-Eleme local government areas. Troops fired at random, destroyed and set fire to homes, killing, assaulting and raping, and looting and extorting money, livestock and food. On 24 May most houses on the east side of the village of **Lewe** were destroyed, with between five and 10 people reported to have been killed. The twin villages of **Uegwere** and **Bo-ue** were reportedly attacked at night several times between 4 and 8 June, with soldiers smashing doors and windows; **Nbari Vopnu**, **Lebari Eete** and eight others, including a 10-year-old boy, were reportedly shot dead and **Soko Gbinee** killed when his house was set on fire. In the village of **Buan**, a pregnant woman, **Leyira Piri**, was apparently shot dead and six others critically wounded. Other villages reported to have been attacked included **Yeghe** on 1 June where two people were shot dead and **Okwali** on 12 June where five were killed and others wounded. **Kesiop Gboro**, a teacher from **Barako** village was reportedly shot dead on the road to Yeghe.

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Many villagers who have fled are unable to return home while the security forces are still in occupation, continuing to extort money and goods, but have sought refuge in other villages or in other parts of the country with relatives and friends, or are still in hiding in the bush. Some of those who hid in the bush are reported to have died from sickness, starvation or neglected bullet wounds. The only relief available is from one church charity; the government has provided no assistance in feeding or housing those who have had to flee. The security forces continue to raid villages in the middle of the night, firing into the air, searching houses, detaining young men on suspicion of involvement in the 21 May murders and taking them to the military base in Kpor. In September such raids were reported at villages in the Gokana local government area, including **Nweol**, near Giokoo, where the bodies of the four murdered men were found and where most houses were destroyed by soldiers following the murders, as well as the villages of **Baira** and **Bo-ue**.

**Major Paul Okuntimo**, commander of the task force, is reported to have boasted openly of his proficiency in killing people and of payments made to himself and his men by Shell to protect oil installations. At a press conference on 2 August 1994, he and the Rivers State military administrator, **Lieutenant-Colonel Dauda Komo**, justified the use of terror - driving people into the bush and intimidating Ogoni youths - to force the Ogoni into submission.

At least 50 people - and possibly as many as 100 - are believed to have been killed and many more wounded in attacks by the security forces in May and June 1994. Major Okuntimo has reportedly acknowledged that his men have killed six youths, but there has been no judicial inquiry into these deaths nor into the many others alleged to have occurred in Ogoniland in 1993 and 1994. The authorities failed to prosecute members of the security forces even after a judicial commission of inquiry named officers in the Mobile Police Force responsible for the extrajudicial execution of 80 villagers from the Etche ethnic group in **Umuechem**, Rivers State, in October 1990. The authorities kept the inquiry's findings secret but they were leaked in 1992.

### c)Administrative detention

The Ogoni have been targeted as a community because of their support for the Movement for the Survival of the Ogoni People (MOSOP), founded in 1990, and for its leaders who are currently held under administrative detention without charge or trial.

**Kenule Saro-Wiwa**, the 53-year-old author, poet and playwright and President of MOSOP, and **Ledum Mitee**, a lawyer, Vice-President of MOSOP and Chairman of the Rivers State branch of the Civil Liberties Organization, were arrested on 22 May 1994. Ken Saro-Wiwa was accused of inciting young supporters, the day before on 21 May, to murder four leading members of the Ogoni community who had opposed his confrontational tactics. Hundreds of other Ogoni were detained in May and June. Most have reportedly been released after having to pay bribes or sign statements denouncing MOSOP and its youth wing, the National Youth Council of Ogoni People (NYCOP), which is alleged to have carried out the murders. Three of those murdered had reportedly been among seven people "sentenced to death" by NYCOP members at a public meeting in Giokoo, Gokana local government area, in November 1993: Chief Edward N. Kobani, ousted as MOSOP Vice-President in 1993, Albert T. Badey and Chief Samuel N. Orage, all senior officials in previous Rivers State administrations.

However, other detainees are reportedly still held solely for being MOSOP supporters, including **Dr**

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**Barinem Kiobel**, a recently-appointed Rivers State commissioner. No charges have been brought against the detainees and the legal status of their detention is unclear. They are probably held under the powers of arbitrary detention provided by the State Security Decree, 1984. In July a writ of *habeas corpus* on behalf of Ken Saro-Wiwa and Ledum Mitee was referred by the Federal High Court, Port Harcourt to the Federal Court of Appeal in Port Harcourt which was due to give its ruling in November. In September the Rivers State military administrator was quoted as saying that investigations into the murders were almost completed and that a directive was awaited from the federal government.

In April 1994 the Rivers State authorities set up a special court - the Civil Disturbances Tribunal - with the power to impose the death penalty, not only for capital offences committed in connection with the unrest but also apparently for previously non-capital crimes such as "attempted murder". The tribunal was established under the Special Tribunal (Offences Relating to Civil Disturbances) Edict, 1994. Although chaired by a retired judge, its other members are not required to have legal training and may include armed forces officers of as low a rank as captain. Those convicted may appeal to the High Court. However, trials before other special courts, set up in recent years in Nigeria to try civil unrest and other political cases, have been grossly unfair. It is feared that this special court might be used to try **Ken Saro-Wiwa** and any others who might be charged in connection with the murders.

#### d) Harsh conditions of detention

The detainees are reportedly held at various places in Rivers State. In September 1994 at least 20 were held at Bori military camp in Port Harcourt, the capital of Rivers State, with as many as 40 believed to be still held at the State Investigation and Intelligence Bureau headquarters in Port Harcourt and an unknown number at the airforce base at Kpor, Gokana local government area, about 70 kilometres from Port Harcourt. Most detainees were reportedly beaten at the time of their arrest and have been held in harsh, life-threatening conditions ever since - with inadequate food, over-crowded and insanitary cells, no washing facilities, exercise or fresh air. They have been denied visits from families, lawyers or doctors.

One case reported was that of **Benjamin Bere**, 26, who was detained without charge for five weeks by soldiers after being rounded up in the street in Bori, the main town in Ogoniland, with other youths on 3 June 1994. He said that he was held at a military camp in Bori in an overcrowded cell with other Ogoni detainees where there was no room to lie down, that they were beaten daily with a cane and fed only every three days, and that there were no toilet facilities at all. Friends had to pay soldiers to obtain his release and he apparently required hospital treatment for the injuries to his back and chest from the beatings.

In late June at least 60 boys and youths were being held in two small cells for Ogoni detainees at Bori military camp in Port Harcourt. They had apparently been arrested in early June, some on the road from Port Harcourt to Bori, and initially flogged every day. The children among them under the age of 12 had later been released. The cells measured about four by five metres and had no protection against mosquitoes. The detainees slept on the cold cement floor; some had scraps of polystyrene to sit on. There were no toilet facilities; they had to empty plastic bottles and soiled newspaper out of a high window.

**Ken Saro-Wiwa** was severely beaten following his arrest and had his legs chained for 10 days, causing one leg to swell. In June he was diagnosed by a military doctor as requiring hospital care for high blood

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pressure and a heart complaint, treatment which has reportedly been refused. **Ledum Mitee**, who suffers from asthma, has also been denied medical treatment for a chest infection and fever. In early June Ken Saro-Wiwa was removed from Bori camp to an unknown place of detention, possibly a guest house in Afam, about 30 kilometres east of Port Harcourt, and in July was apparently put in both leg-irons and handcuffs after smuggling out a letter to the Nigerian *Guardian* newspaper. Major Okuntimo is reported to have said that he ordered Ken Saro-Wiwa to be denied food and bound hand and foot.

#### e)Government blocks human rights investigators

The government has prevented investigation by independent observers of human rights violations and environmental concerns in Ogoniland. The security forces detained journalists from the Nigerian *Guardian* and the United States *Wall Street Journal* in April 1994, and in May detained and assaulted the editor and journalists from the local *Daily Sunray* newspaper in Port Harcourt. In June 1994 soldiers detained two lawyers from Nigerian organizations, **Oronto N. Douglas** of the Civil Liberties Organization and **Uche Onyeagucha** of the Democratic Alternative, and **Nick Ashton-Jones**, a British environmentalist from the Brazilian-based group, Pro-Natura, after they tried to visit detainees at Bori camp in Port Harcourt. They and their driver provided by Shell, **Femi Durotoye**, were kicked and flogged with electric cable, suffering severe lacerations, and were detained for three days by the security police in Port Harcourt. In September 1994 the security forces detained *Daily Sunray* editorial staff after a photographer accompanied Nigeria's Ambassador to the United States on a visit to Ken Saro-Wiwa in detention.

#### f)Amnesty International's concerns

Amnesty International is concerned at the extrajudicial execution by government forces of at least 50 civilians and at the destruction of villages and homes in Ogoniland between May and June 1994, human rights violations carried out to suppress political opposition and to punish or intimidate the whole Ogoni community because of their alleged connection with offences. It is calling on the Nigerian authorities to take urgent and effective measures to end such human rights violations and to declare publicly that they will not be tolerated under any circumstances. It is also urging the government to establish an independent and open judicial inquiry into extrajudicial executions by the security forces, which will make public its findings and recommendations, with a view to bringing to justice those responsible.

Amnesty International is also concerned at the continued administrative detention without charge or trial of **Ken Saro-Wiwa**, **Ledum Mitee**, **Barinem Kiobel** and other prisoners of conscience in Ogoniland. The organization believes that the accusations against Ken Saro-Wiwa are unfounded and that his detention, as on previous occasions in 1993 and 1994, is politically motivated. Amnesty International is calling for the immediate and unconditional release of these and other prisoners of conscience from the Ogoni community held solely on account of their non-violent political activities. Other political detainees should be released immediately if they are not to be charged promptly and brought to trial before an open, independent court with full rights of defence and without imposition of the death penalty.

Amnesty International is also concerned at the beating and ill-treatment of political detainees, the harsh conditions under which they are held, and that **Ken Saro-Wiwa** and others have been denied appropriate medical treatment and care, at the risk of serious damage to their health. All should be given immediate access to lawyers, families and appropriate medical treatment, and none should be held in conditions

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which violate international standards such as the United Nations' Standard Minimum Rules for the Treatment of Prisoners.

#### 4. The political crisis - detentions and killings

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.

##### a) Political leaders charged with treason

**Moshood Abiola** and other political leaders have been charged with the capital charge of treason or with "treasonable felony" which is punishable by life imprisonment. Under Article 37 of the Criminal Code, any person who levies war against the head of state is guilty of treason and liable to the death sentence. Under Article 41(a), any person who intends to depose the head of state "and manifests such intention by an overt act, is guilty of a felony and is liable to imprisonment for life". In 1993 the definition of treason was broadened: under the Treason and Treasonable Offences Decree, No. 29 of 1993, anyone whose actions or views were deemed "capable of disrupting the general fabric" of Nigeria could be sentenced to death. Promulgated on 5 May 1993, the decree was suspended on 21 May 1993 following national and international protest; it was not, however, repealed.

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.

##### *iFormer Senators and others*

In early June 1994 six former members of the disbanded Senate were arrested: **Ameh Ebute**, former President of the Senate, **Abu Ibrahim**, **Chief Polycarp Nwite**, the **Reverend Dr Maconyemechi O. Nwulu**, **Onyeka A. Okoroafor** and **Bola Ahmed Tinubu**. On 14 June they were charged with treasonable felony and conspiracy for organizing a meeting of former members of the Senate and publishing a statement on 1 June calling for the military government to stand down and the restoration of democratic institutions. Initially denied bail, it was granted on 21 July and the six were released to await trial. However, all but Bola Ahmed Tinubu were re-arrested in September. On 31 October, in response to a challenge to their detention, the authorities told the Federal High Court in Lagos that they were suspected of involvement in the sabotage of oil installations; the case was adjourned until 19 November. They are held at the headquarters of the Federal Intelligence and Investigation Bureau in Lagos.

Members of the former House of Representatives and former civilian State Governors were also arrested in June 1994; most were released uncharged or to await trial on political charges. Founding members of the National Democracy Coalition (NADECO) were arrested in early June, charged on 9 June with

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treasonable felony for forming an illegal organization and released on bail pending trial: **Chief Olusegun Osoba**, former Ogun State Governor, **Air Commodore (retd) Jonah Jang**, former Benue State Governor, and **Air Commodore (retd) Dan Suleiman**, former Plateau State Governor. Others reportedly charged with treason or treasonable felony and released on bail include **Yajubu Babaji**, a former Senator arrested on 4 June in Lagos, and two NADECO members arrested in Ibadan on 8 June - **Ola Oni**, a university lecturer, and **Taiwo Akeju**.

**Beko Ransome-Kuti**, President of the Campaign for Democracy and the Committee for the Defence of Human Rights, was detained incommunicado from 9 to 28 June when he was released on bail to await trial on charges of treasonable felony, accused of publishing a pamphlet declaring the military government to be illegal. He was detained again on 14 September 1994 and charged on 21 September with writing letters to the Shell and Agip oil companies allegedly to compel them to support the oil workers' strike; he was released on bail to await trial. A prominent human rights campaigner, he has previously been detained as a prisoner of conscience on many occasions.

*iiMoshood Abiola*

**Bashorun (Chief) Moshood K.O. Abiola**, the undeclared winner of the June 1993 presidential elections, is still detained, having been charged with treason and treasonable felony for declaring himself head of state. Medical examination by the Nigerian Medical Association and two government-appointed medical teams in September and October 1994 confirmed that he is seriously ill with high blood pressure and neurological and muscular-skeletal problems, aggravated by an injury to his back caused when a police officer removed reading materials from him by force. However, the authorities have continued to deny him the hospital tests and surgery advised by all the doctors, as well as exacerbating his condition by depriving him of painkillers and a wheelchair. The Nigerian Medical Association has warned that his right leg could be permanently paralyzed and that he could suffer a stroke or brain damage.

On 11 June **Moshood Abiola** proclaimed himself President of Nigeria and went into hiding, but on 23 June was arrested at his home in Lagos by hundreds of armed police after addressing a rally of supporters. He was detained incommunicado and moved to several different places of detention; his family, lawyers and doctors were information about him. The government ignored two orders made on 24 and 30 June 1994 by the High Court in Lagos, to produce him before the court and justify his detention, and on 4 July the High Court ordered the Attorney General to appear before it on 7 July for contempt of court. On 6 July, the day before that court hearing, Moshood Abiola was brought before a Federal High Court in Abuja, the new capital in central Nigeria, and charged with treason: he is alleged to have tried to remove the head of state by unconstitutional means.

The Federal High Court in Abuja was created by the military government specially to try his case and cannot be considered independent of government influence. Under the Federal Constitution (Suspension and Modification) (Amendment) Decree, No. 5 of 1994, published on 24 August 1994 but backdated to 31 May 1994, treason, treasonable felony and certain other offences were brought within the jurisdiction of the Federal, as opposed to State, High Court.

On 14 July 1994 the Federal High Court in Abuja refused Moshood Abiola's release on bail, despite his appeal on health grounds. On 5 August, there was an unannounced offer by the court of conditional release, which Moshood Abiola refused because the terms imposed would have prevented him from

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political campaigning. On 16 August the judge appointed to try his case withdrew, on the grounds that the defendant did not consider him to be impartial. On 4 October the treason trial was adjourned indefinitely pending decisions by the Federal Court of Appeal in Kaduna: the defence is arguing that jurisdiction should lie not with the court in Abuja but with the Federal High Court in Lagos, where the alleged offences were committed, and is seeking Moshood Abiola's release on bail. On 6 October the Court of Appeal in Kaduna deferred decisions on jurisdiction and bail, adjourning the hearings indefinitely. On 21 October Justice Gbolahan Jinadu in the Federal High Court in Lagos ruled that both the arrest and continued detention of Moshood Abiola were illegal and ordered the authorities to pay damages of one million naira (US \$45,000); he said that he would have ordered the prisoner's immediate release if the case had not already been before the Court of Appeal in Kaduna. His ruling was made in response to a legal challenge to the arrest and detention filed in June by human rights lawyer Gani Fawehinmi.

Moshood Abiola, who is 57 years old, has been held in harsh conditions, often having to sleep on the bare ground and deprived of food. Moved around among various places of detention initially, he was at one stage held in Gashua prison in the far northeast where nutrition and sanitation are very poor; he was brought the 600 kilometres from Gashua to Abuja for his 6 July court appearance knocked about in a police van without seats. In Abuja, his conditions remained harsh and insanitary; he was allowed out of his cell only when he had visitors. On several occasions since 6 July the Federal High Court in Abuja ordered that he be given regular access to his family and lawyers; the authorities have complied with these orders only occasionally and grudgingly. His wife, Alhaja Kudirat Abiola, who has accused the police of rough-handling her husband, has been denied visits, apparently on the grounds that the police are preparing a case against her. In September Moshood Abiola was transferred to a government apartment in Abuja, but conditions remained poor and police continued to flout court orders that he be allowed reading materials, a radio and television.

## b) Further arrests and detentions

Of the hundreds arrested in pro-democracy protests, many of them children and young people, most are believed to have been released, either without charge or to await trial on public order charges. 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.

On 19 and 20 August 1994 there were further arrests of more than 20 pro-democracy supporters in Lagos and the northern city of Kaduna. Six in the north were reportedly released quickly but others remained in custody. They include **Chief Anthony Enahoro**, aged 71, Vice-Chairman of NADECO and a minister in the 1960 independence government. He was arrested in Lagos with **Chief Cornelius O. Adebayo**, NADECO founder member and former civilian Governor of Kwara State (1979-83), and has reportedly been transferred to detention in Port Harcourt. Two aides of Moshood Abiola, **Chief Alfred Eno** and **Prince Ademola Adeniji-Adele**, NADECO member and former Chairman of Lagos Island local government area, were among those detained. On 3 October, in response to a challenge in the courts to the detention of Chiefs Enahoro, Adeyinka and Eno, the government said they were being held for "economic sabotage" and acts prejudicial to state security. However, no charges have been brought against them.

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Several trade union leaders are believed to be detained incommunicado and 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. Reports in July of his detention subsequently proved to be false and the authorities have denied that he was detained in August. 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**. In late August the authorities detained **Stella Agbazuere** for two days when they were unable to find her husband, **Chief A.C.B. Agbazuere**, Chairman of the Abia State branch of the NLC; he was detained for a week in September before being released uncharged.

In late August at least 45 people, mostly students, were detained in Edo State following protests on 18 and 19 August by students from the University of Benin in Benin City and Edo State University in Ekpoma. Others detained included **Ekere Nkanga**, staff coordinator of the Civil Liberties Organization in Benin City; and **Faith Osadolor**, a law lecturer at Edo State University in Ekpoma. Held for several weeks at police stations in Benin City, the detainees were reportedly beaten on a routine basis. Some are believed to have been transferred to Oko Prisons in Benin City in early October, where conditions are apparently very harsh. On 28 September Justice C.O. Idahosa, in the High Court in Benin City, ordered the release of **Olu Aderibigbe** and 30 other detainees, but the authorities have ignored the order.

On 15 September former Senator **Emmanuel Ukpo** was arrested while visiting other detained former Senators at police headquarters in Lagos; the Federal High Court ordered his release on 21 October but it was not clear whether he had been released. **Baba Omojola**, a human rights activist, was arrested at his home in Lagos on 24 September and reportedly transferred to detention in Abuja. Previously detained in May 1992 with Beko Ransome-Kuti, Gani Fawehinmi and others, a case of treasonable felony against them was struck out by the courts in January 1994 for lack of evidence from the prosecution.

On 23 September **Dapo Olorunyomi**, deputy editor-in-chief of *The News* group of newspapers, which has been critical of the government, was reportedly arrested by soldiers from the Directorate of Military Intelligence, beaten and detained for a short period before being released uncharged. On 27 September **Bayo Onanuga**, editor-in-chief, was arrested, charged the next day with libelling senior government officials and released on bail.

In October there were further arrests. **Gani Fawehinmi**, prominent human rights lawyer acting for many current political detainees and himself a prisoner of conscience on several occasions in the past, was arrested on 1 October 1994. On 18 October he was charged with illegally forming a new political party, the National Conscience Party, in defiance of the ban on political parties, and with unlawful assembly; he was released on bail on 24 October. On 11 October security police detained **Ayo Opadokun**, Secretary General of NADECO, who has been in hiding since declared wanted in July.

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### c)Unlawful killings of protestors

Dozens of protestors - with estimates of as many as 200 - are reported to have been killed in the unrest. Amnesty International is concerned that those killed included people that were not involved in violent activities or posed a threat.

On 18 July 1994 at least 20 protestors were apparently shot dead by police during riots in Lagos and Ibadan. In late July **Deji Giwa**, a member of the Campaign for Democracy, was reportedly killed by police during a protest in Lagos. On 28 July police shot dead at least three demonstrators and assaulted others outside the Federal High Court in Abuja when they used tear-gas and live ammunition to disperse a crowd protesting the imprisonment of Moshood Abiola.

Following violent protests in Benin City and Ekpoma in Edo State in July and August in which the homes of a government minister and other government supporters were destroyed, at least 12 people, mostly students, were allegedly killed unlawfully by the security forces, five of them on 21 August when troops fired at protestors marching on the home of former Vice-President Augustus Aikhomu near Ekpoma. Others were reportedly killed or assaulted when the security forces searched student residences in the area; on 21 August **Godwin Ehiagwina**, a 21-year-old student at Edo State University in Ekpoma, was shot dead in unexplained circumstances by the security forces, and about 30 women students at the University of Benin in Benin City were reportedly raped by soldiers. Some reports suggested that as many as 180 had been killed but human rights investigators have been denied information or access to the mortuary to establish the identity or numbers of those who died.

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