

EXTERNAL

AI Index: AFR 44/25/95

31 October 1995

Further information on UA 200/94 (AFR 44/03/94, 24 May 1994) and follow-up (AFR 44/07/94, 27 June 1994) - Prisoners of conscience / Legal concern / Health concern and new concerns: Unfair trial / Death penalty

NIGERIA Ken Saro-Wiwa, writer and environmentalist, President of the Movement for the Survival of the Ogoni People (MOSOP)
Dr Barinem Kiobel, former Rivers State Commissioner (minister)

and new names: Saturday Dobe
 Paul Levura
 Nordu Eawo
 Felix Nuate
 Daniel Gbokoo
 John Kpuinen, student
 Baribor Bera, farmer

On 30 and 31 October 1995, after what Amnesty International believes to have been politically-motivated and unfair trials, the nine people named above were convicted of murder and sentenced to death by hanging. Amnesty International considers at least two of them - Ken Saro-Wiwa and Dr Barinem Kiobel - to be prisoners of conscience, imprisoned for the non-violent expression of their political views.

The nine were convicted in connection with the murder of four Ogoni leaders by an angry crowd in May 1994, for which the leadership of the Movement for the Survival of the Ogoni People (MOSOP) was pronounced responsible by the authorities the day after the murders. MOSOP, a non-governmental organization in Rivers State, southeast Nigeria, has been targeted by the government in recent years for its non-violent campaign against environmental damage by oil companies and for more autonomy for the Ogoni ethnic group.

The defendants were detained incommunicado and without charge for at least eight months before being charged; several were alleged to have been tortured or ill-treated in military custody. They were convicted in two trials conducted simultaneously by a Civil Disturbances Special Tribunal in Port Harcourt, Rivers State. This court, which falls outside the normal judicial system, was appointed by the military government especially to try these cases.

The trials contravened Nigerian and international standards for fair trial to which the Nigerian government is committed, in particular the right to fair trial by an independent court and the right of appeal to a higher and independent jurisdiction. The Tribunal has shown itself to be neither independent of government control nor impartial. The Federal Military Government has controlled every aspect of the case: the arrests, investigations, prosecution, appointment of the tribunal and the progress of the trial itself. Two key prosecution witnesses alleged that they were threatened and bribed to give false evidence. The defence lawyers withdrew from the trials in June and July 1995 in protest at continued bias by the Tribunal in favour of the prosecution.

Ledum Mitee and four other defendants in the two trials were acquitted.

BACKGROUND INFORMATION

Following the death in detention in August 1995 of detainee **Clement Tusima**, apparently after months of serious illness and medical neglect (see UA 219/95, AFR 44/19/95, 15 September), at least 17 other Ogoni detainees arrested in mid-1994 remain imprisoned without trial. They were detained incommunicado and without charge until June 1995 when they were transferred from police detention to prison custody on a "holding charge", but it is not clear whether they too are to be tried by the Civil Disturbances Special Tribunal in connection with the same murders.

For further information, please refer to *Nigeria: the Ogoni trials and detentions*, 15 September 1995 (AFR 44/20/95).

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

- expressing concern at the imposition of death sentences by the Civil Disturbances Special Tribunal on the nine prisoners named above, particularly since the defendants have no right of appeal to a higher or independent court;
- stating unconditional opposition to the death penalty in all cases, and appealing for the death sentences in these cases to be commuted as an act of executive clemency;
- calling for the immediate and unconditional release of Ken Saro-Wiwa and Dr Barinem Kiobel as prisoners of conscience, imprisoned for the non-violent expression of their political views;
- calling for the release of the other defendants unless their convictions and sentences are to be reviewed by a higher and independent judicial body;
- urging the release of at least 17 untried detainees imprisoned in connection with this case unless they are to be charged and tried promptly and fairly with full rights of defence and without imposition of the death penalty.

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

COPIES TO:

Chief Tom Ikimi
 Minister of Foreign Affairs
 Ministry of Foreign Affairs
 Maputo Street
 PMB 130, Abuja, Federal Capital Territory, Nigeria

Lieutenant-Colonel Dauda Musa Komo

State Military Administrator
Government House
91000 Port Harcourt
Rivers State, Nigeria

The Editor, *The News*, PMB 21531, Ikeja, Lagos, Nigeria
The Editor, *Tell*, PMB 21749, Ikeja, Lagos, Nigeria
The Editor, *Vanguard*, PMB 1007, Apapa, Lagos, Nigeria
The Editor, *The Guardian*, PMB 1217, Oshodi, Lagos, Nigeria
The Editor, *Nigerian Tide*, PMB 5072, Port Harcourt, Rivers State, Nigeria
The Editor, *Point*, 222 Aba Road, Port Harcourt, Rivers State, Nigeria
The Editor, *Sunray*, 220 Aba Road, Port Harcourt, Rivers State, 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 12 December 1995.