

28 April 1998

Further information on UA 406/97 (AFR 44/30/97, 22 December 1997, AFR 44/06/98, 13 March 1998) - Fear of execution/ torture or ill-treatment / Legal concern / Death penalty

NIGERIA

Five convicted of treason and conspiracy, sentenced to death:

Lieutenant-General D. Oladipo Diya, 54, former Vice-Chairman, Provisional Ruling Council, Chief of General Staff

Major-General Abdulkarim Adisa, 50, former Minister of Works and Housing

Major-General Tajudeen Olanrewaju, 51, former Minister of Communications

Major Olusegun Fadipe, chief security officer to General Diya

Lieutenant-Colonel Olu Akinyode, former aide-de-camp to General Olarewanju

One convicted of treason, sentenced to death:

Bola Adebajo, engineer, associate of General Diya

Four convicted of "information gathering" and implication in the alleged coup plot, sentenced to life imprisonment:

Colonel Edwin Jando Isaiah Adebawale

Niran Malaolu Shola Shoide (f)

Two convicted of theft and sentenced to 14 years' imprisonment:

Lieutenant-Colonel I.E. Yakasai

Major Biliaminu Mohammed

One convicted of importing arms, sentenced to 10 years' imprisonment:

Colonel Yakubu Bako

Three convicted of theft and handling stolen goods, sentenced to prison terms:

Ojeniyi Ademola (two years) Michael Maidamino (five years)

(new name) Galadima Tanko (two years)

14 acquitted on unspecified charges:

Major Yusuf Isiaku Navy Captain B. A. Shoetan

Warrant Officer Coker Oladosu Staff Sergeant Moses Eni

Corporal I. Kontagora Corporal Eddy Egbunu

Bawa Machido Omatimehin Abimbola

Halima Bawa (f) Eliyasu Mohammed

Professor Femi Odekunle Chief Yomi Tokoya (new name)

Moussa Adede (new name) brahim Moussa Orgar (new name)

Colonel Daniel Akintonde) **released uncharged according to**

Colonel Emmanuel Shoda) **government 20 April 1998**

Major-General Lawrence Onoja, aide to General Diya, **reportedly detained without charge or trial**

On 28 April 1998 the Nigerian Special Military Tribunal announced that it had sentenced to death six defendants on trial on treason charges since 14 February 1998. They include deputy head of state **Lieutenant-General Oladipo Diya**, and two other senior members of the military government of General Sani Abacha which came to power in a coup in November 1993. There is no right of appeal to a higher court; all convictions and sentences have to be confirmed or disallowed by the Provisional Ruling Council, the military government. Executions could therefore be imminent.

The accused were charged in connection with a coup plot which the government announced that it had uncovered in December 1997. Apart from the opening and closing days of the trial, when journalists were allowed to attend, all evidence has been heard in secret. Unofficial reports suggest that senior military officers may have devised the coup plot in order to entrap General Diya and other senior officers, mostly from

the Yoruba ethnic group. However, the Special Military Tribunal, in its announcement of the sentences, reportedly said that it had not enquired into who had initiated the conspiracy. At the start of the trial, there were 26 defendants; by the end there were 30.

Amnesty International opposes the death penalty in all cases. This trial was grossly unfair, denying the defendants most of the fundamental rights guaranteed under Nigeria's own Constitution and under human rights treaties to which Nigeria has a legally-binding commitment, in particular the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights.

The 1986 Treason and Other Offences Decree allows the military head of state to establish an *ad hoc* military tribunal, the Special Military Tribunal, outside the normal judicial system and composed of armed forces officers. It is not an independent or competent court of law. The defendants were denied practically all rights of defence, including the right to choose independent and not military lawyers. They had no right of appeal to a higher or independent court. Since 1986, 79 people have been executed following treason trials by Special Military Tribunals.

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

- urging that no executions be carried out;
- expressing concern at the grossly unfair nature of trials by Special Military Tribunals, in contravention of the human rights standards of Nigeria's own Constitution and its international treaty commitments;
- calling for those convicted to have their convictions and sentences reviewed on appeal before a higher and independent court of law.

APPEALS TO:

General Sani Abacha

Chairman, Provisional Ruling Council

State House, Abuja, Federal Capital Territory, Nigeria

Telegrams: General Abacha, Abuja, Nigeria

Faxes: c/o Ministry of Foreign Affairs + 234 9 523 0394/0210 ("please forward")

Salutation: Dear General

Dr Auwalu Hamisu Yadudu

Special adviser to the Head of State on legal matters

State House, Abuja, Federal Capital Territory, Nigeria

Telegrams: Dr Yadudu, State House, Abuja, Nigeria

Salutation: Dear Dr Yadudu

Major-General Abdulsalam A. Abubakar

Chief of Defence Staff

Provisional Ruling Council, State House

Abuja, Federal Capital Territory, Nigeria

Telegrams: Chief of Defence Staff, Abuja, Nigeria

Salutation: Dear Major-General

COPIES TO:

Chief Tom Ikimi

Minister of Foreign Affairs

Ministry of Foreign Affairs, Maputo Street

PMB 130, Abuja, Federal Capital Territory, Nigeria

Fax: +234-9-523 0394 / 0210

Mr Justice P.K. Nwokedi, Chairman
National Human Rights Commission
National Assembly Complex, Maitama
PMB 444, Garki
Abuja, Federal Capital Territory, Nigeria

The Editor, *National Concord*, POB 4483, Ikeja, Lagos, Nigeria
The Editor, *This Day*, PO Box 54749, Ikoyi, Lagos, Nigeria
The Editor, *Daily Sketch*, PMB 5067, Ibadan, Oyo State, Nigeria
The Editor, *Daily Times*, PMB 21340, 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 9 June 1998.