

# £NIGERIA: @A SUMMARY OF HUMAN RIGHTS CONCERNS IN 1990

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Over 120 people were executed in 1990, including 69 soldiers sentenced to death after secret, unfair trials for alleged involvement in a coup attempt in April 1990. At least 106 prisoners were sentenced to death during the year: 72 after being convicted of involvement in the attempted coup, and the rest after being convicted of murder or armed robbery. Over 60 civilians, detained without charge or trial following the coup attempt, were prisoners of conscience: most were released but at least nine were still held at the end of the year. Harsh prison and detention conditions continued to be reported.

Hundreds of soldiers and civilians were detained following an attempt on 22 April 1990 to overthrow the government, the Armed Forces Ruling Council (AFRC). At least nine soldiers and an unknown number of civilians were reportedly killed in the coup attempt, which was led by Major Gideon Orkar. In a radio broadcast before his capture, he claimed to represent the interests of people from central and southern Nigeria against domination by northerners.

Following the coup attempt, the government said that 863 soldiers and civilians had been tried by a special military court between May and July 1990 and that 764 of them had been acquitted and released. A further 38 people were tried and convicted in September. Of the 72 people sentenced to death, 42 were executed on 27 July, including Major Orkar and nine other officers; 27 more were executed on 13 September. The executions were carried out the day after the court's verdicts were submitted to the AFRC for approval. On both occasions, the sentences were not announced until after the executions had been carried out. The AFRC was believed to have commuted three death sentences. The military court sentenced 18 defendants, including three civilians, to prison terms; the AFRC subsequently reduced some of the sentences and ordered the release of two people sentenced to life imprisonment.

The trials were unfair. The defendants were detained incommunicado prior to the trial and there were allegations that some were tortured or ill-treated. Defendants were not permitted defence counsel of their choice, but were represented by military officers. It was not clear whether they had sufficient time to prepare their defence. The Special Military Tribunal, a court

set up in 1986 following a previous coup attempt, tried the cases *in camera*, and details of the proceedings were not available. The court could not be considered independent: it was composed of senior military officers and presided over by members of the government, in most cases by Major-General Ike Nwachukwu. A member of the AFRC, he had been Minister of External Affairs until December 1989, and was reappointed to this position in September 1990. Defendants had no right of appeal. Their only recourse after conviction was to apply for clemency to the Joint Chiefs of Staff, whose recommendations would be considered by the AFRC.

Journalists, academics and religious leaders were among at least 60 civilians who were detained without charge or trial following the attempted coup. Many were detained after publishing articles or speaking publicly about the coup attempt, in one case apparently after calling for the rebels not to be executed. Most were released uncharged within six weeks. However, three university lecturers - Omotoye Olorode, Idowu Awopetu and Obaro Ikime - were held uncharged for three months and subsequently dismissed from their posts, although their interrogation in detention apparently focused on their political views rather than any involvement in the coup attempt. (See Appendix.)

At least nine relatives of people sought by the authorities in connection with the coup attempt were reportedly still detained without charge or trial at the end of 1990. They included two sisters of a business executive who was wanted by the authorities for allegedly financing the coup attempt. They appeared to be detained solely because of their family ties and were believed to be held under the 1984 State Security Decree. This decree had been amended in January 1990 to empower the Chief of General Staff to order the indefinite detention without charge or trial of anyone suspected of threatening national security, and to provide for review of all detentions within six weeks by a committee headed by the Minister of Justice.

There was an increase in the number of people reported to have been sentenced to death or executed for criminal offences. During 1990 at least 34 people were sentenced to death for murder or armed robbery and at least 52 criminal prisoners were executed. Most executions were carried out in public by firing-squad. All of the executed criminal prisoners appeared to have been convicted by Robbery and Firearms Tribunals, special courts from which there is no right of appeal and whose procedures do not ensure fair trial.

Death sentences continued to be passed on defendants under the age of 18 at the time of the offence. Five men aged between 17 and 21 when they were arrested in 1983 were reportedly sentenced to death in December 1990 for murder and armed robbery.

In July 1990 the Military Governor of Lagos State refused to commute the death sentences on 12 young men convicted of armed robbery in 1988, although one was revealed after the trial to have been 14 years old at the time of the offence and Lagos State's own Justice

Department had said that an appeal court would have overturned the convictions (see *Amnesty International Report 1989*). One of the prisoners, Mohammed Ibrahim, died in December 1990 from pulmonary tuberculosis, apparently as a result of harsh prison conditions and medical neglect.

There continued to be a high incidence of prison deaths due to malnutrition and lack of medical care, particularly among prisoners awaiting trial. In March 1990 the judge in a Robbery and Firearms Tribunal in Oyo State expressed concern that seven of the 29 defendants in one case, most of whom were in their twenties, had died in Agodi Prison, Ibadan, before they could be brought to trial.

In November 1990 President Ibrahim Babangida ordered the release of 11 senior electricity employees serving sentences imposed for conspiring to interfere unlawfully with power generating equipment and inducing others to do so during a strike in 1988 (see *Amnesty International Report 1989 and 1990*).

Amnesty International expressed concern to the government about the use of the death penalty and appealed for the commutation of all death sentences. The organization was particularly disturbed by the speed with which prisoners sentenced in connection with the coup attempt were executed after having been tried unfairly and denied any right of judicial appeal. Amnesty International also pressed for the release of prisoners of conscience and for all other political detainees to be brought to trial promptly and fairly on recognizably criminal charges or released, and urged that all deaths of prisoners be officially investigated.

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## APPENDIX: DETENTION OF CIVILIANS FOLLOWING THE APRIL 1990 COUP ATTEMPT

Amnesty International was concerned that many of the civilians detained without charge after an unsuccessful coup attempt in April 1990 were prisoners of conscience, held for the non-violent expression of their political views. Although most were released within weeks or months, a few remained held at the end of 1990 - the female relatives and children of men suspected of involvement in the coup attempt.

Over 60 civilians were arrested following the coup attempt - including journalists, lawyers, religious leaders and academics. Although some were released uncharged shortly afterwards, many were held for several weeks or months without charge. Most appeared to be detained because of the non-violent expression of their political views or because of their personal connections with people suspected of involvement in the coup attempt. In particular, the government appeared to have tried to stifle public comment about the factors motivating those who took part in the coup attempt, notably religious divisions. The long-term political tensions between the predominantly Muslim north and mainly Christian south had been exacerbated by the demotion of leading Christian members of the government and by rumours, circulated in forged letters, of corruption at the highest levels of government and of secret plans to "Islamize" the country.

No reasons were given for the detention of civilians and the authorities did not announce under what legislation they were held. They were probably detained under the State Security (Detention of Persons) Decree, No. 2 of 1984, but the authorities do not always confirm that a detainee is held under this decree except where the individual detention is challenged in court. In such cases, the court is specifically precluded from investigating the detention by the terms of the decree. The decree empowers the Chief of General Staff to order the administrative detention, for an indefinitely renewable period of six weeks, of any person suspected of threatening the security of the state or the national economy. No information is made available about such detentions by the authorities; there is no announcement in the government gazette for example. Political detainees have in the past been held incommunicado and in very harsh conditions.

On 21 June 1990 the government announced that 61 civilians had been released without charge. It was not clear whether they had been released on the recommendations of the military investigation panel which was apparently reviewing all detention cases, or whether their cases were reviewed by the civilian review panel authorized to review all detentions under the State Security Decree. Under an amendment to the Decree in January 1990, a review committee was

set up to examine every detention after six weeks and to advise whether the detainee should be released. The nine-member committee is headed by the Minister of Justice and includes among its members two religious leaders, the Archbishop of the Church of Nigeria and the Secretary General of the National Council for Islamic Affairs, as well as a retired judge, a senior police officer, the director of the prison service and a lawyer.

The government appeared to take action to thwart any attempt to obtain judicial review of the detainees' cases by the courts or to procure their release through legal action. In May 1990 it promulgated the Constitution (Suspension and Modification) Decree, No. 9 of 1990, which conferred immunity from prosecution on the President, the Chief of General Staff and State Military Governors. This apparently forced the withdrawal in early June 1990 of a legal action by the family of one group of detainees. **Turner Ochuko Ogboru** and three other members of the Ogboru family were detained without charge after the coup attempt; they were related to a businessman suspected of financing the coup attempt who had fled the country. Relatives sought to obtain an injunction to restrain the authorities from charging or trying the detainees unless they were represented in court by a lawyer from the Nigerian human rights group, the Civil Liberties Organisation. The special military court which tried those accused of involvement in the coup attempt has powers to try civilians as well as members of the military; defendants appearing before it were not allowed to choose their own defence counsel, who were all armed forces officers and employees of the government. Turner Ogboru was one of three civilians convicted of involvement in the coup attempt; he was sentenced to life imprisonment. Some of the relatives of Turner Ogboru and other men suspected of involvement in the coup attempt were not among those released in June 1990 (see below).

Although some detainees were released shortly after arrest, those whose cases are described below were believed to have been held for up to six weeks without charge. They included two lawyers, one of whom was apparently arrested because of his professional activities on behalf of detainees held following the coup attempt. **Olatunji Braithwaite**, a lawyer and former presidential candidate in the 1983 elections, was arrested on 25 April 1990 after giving an interview to *The Punch* newspaper in which he apparently said that the coup plotters' grievances should not be ignored and that their execution would only exacerbate an already explosive situation. In response to a legal challenge to his detention, on 2 May the Lagos High Court ordered that he be produced in court. However, it was decided to withdraw the action in late May, reportedly following threats from security officials.

The lawyer who represented Olatunji Braithwaite in his legal action, **Dr Olu Onagoruwa**, was detained on 4 June 1990 as he left Lagos High Court. He was allegedly detained because he ignored security police warnings not to represent another detainee, **Paul Unongo**, a psychopathologist and former government minister, who was arrested on about 24 April 1990. Earlier, charges of theft had been brought against Dr Olu Onagoruwa, but he was subsequently released on bail, and it is feared that this charge and the subsequent detention were attempts by the

authorities to stop his defence of political detainees. In response to a legal action initiated on behalf of Dr Olu Onagoruwa, the Lagos High Court subsequently ordered the security police to produce him in court on 21 June. On 7 June the same court ordered Paul Unongo to be brought before the court on 19 June. They are both believed to have been released before their cases came to court.

Other lawyers were harassed by security police after taking up the cases of political detainees. Two lawyers with the Civil Liberties Organisation, Olisa Agbakoba and Chief Mike Ozekhome, were briefly detained for questioning in connection with their legal work on behalf of members of the Ogboru family.

At least 20 journalists and other newspaper employees, such as drivers, were detained. Some were only held for short periods, such as newspaper journalists **Sam Amuka-Pemu** and **Chris Okojie** of the *Vanguard* and **Lawal Ogienagbon** of *The Punch*. However, others were held for several weeks and, in some cases their offices were sealed by the authorities. **Tolu Olanrewaju**, a radio journalist working at the offices of the Federal Radio Corporation of Nigeria when it was briefly seized by the rebels on 22 April, was apparently detained that day.

At least five other broadcasters were reportedly arrested, some of them apparently because their regional radio stations carried a national broadcast by Major Gideon Orkar, leader of the coup attempt, before his arrest on 22 April.

On 27 April 1990 **Chris Mammah**, deputy editor of *The Punch* newspaper, was detained, and the paper subsequently closed down by the authorities, after publication of the text of Major Orkar's broadcast on national radio. **Bassey Ekpo Bassey**, a journalist and former leading official of the Nigerian Union of Journalists, was arrested on 27 April in Calabar. He was reportedly suspected of trying to organize a student demonstration in favour of the coup but he was not charged with any offence.

**Banji Ogundele**, editor of the *Sunday News*, was arrested on 3 May and held for several weeks without charge, although the paper's publisher, **Alhaji Lateef Jakande**, former governor of Lagos State, was only briefly detained. His three newspapers - the *Daily News*, *Sunday News* and *Lagos Evening News* - were closed. These actions by the authorities may have been related to a *Sunday News* editorial which called on the government to address the complaints made against it in Major Orkar's broadcast. On 8 June 1990 the authorities closed down *Newbreed* magazine and arrested its publisher and editor-in-chief, **Chris Okolie**, after it published a letter from a businessman alleged to have financed the coup attempt.

Two journalists appeared to have been arrested solely because of family connections or personal associations with people suspected of involvement in the coup attempt; they were not charged with any offence. **Onoise Osunbor**, a senior staff writer with *African Concord* magazine, was arrested on 24 April 1990, reportedly because he shared accommodation with

an armed forces officer suspected of involvement in the coup attempt. **William Bozimo**, deputy general manager of the News Agency of Nigeria, the government press agency, was detained on 30 April, apparently because of connections with a businessman alleged to have funded the coup attempt.

Christian leaders were also arrested; the government said that they were not suspected of involvement in the coup attempt and were not detained because of their religion. It appeared that they were suspected of distributing, or making reference to, documents accusing the government of favouring Muslims, but they were not charged with any offence.

Northern leaders of the Christian Association of Nigeria (CAN) were arrested in Kaduna on 28 April 1990: **Jolly Tanko Yusuf**, CAN's 62-year-old National Vice-President and a former ambassador, and **Samuel Salifu**, Secretary of CAN's Northern Zone and a lecturer at Kaduna Polytechnic. Another CAN official, **Saidu Dogo**, was arrested on 4 June after a demonstration on 30 April to protest against the arrests and charged in early June, together with CAN's legal advisor, Rosemary Ichie, with unlawful assembly.

Three university lecturers were not among the detainees released on 21 June 1990, but remained in detention without charge for three months. **Obaro Ikime**, 53-year-old Professor of History at the University of Ibadan and Chairman of the University Chapel, was arrested on 28 April 1990. He had apparently referred, in a sermon on 22 April, to documents in which accusations of bias in favour of Muslims were made against the government. He was reportedly held in very poor conditions, sleeping on a bare cement floor in a mosquito-infested cell, and denied medical treatment for malarial attacks. On 2 May two staff members at Obafemi Awolowo University in Ile-Ife were arrested and three others declared "wanted". Those arrested were **Omotoye Olorode**, Professor of Botany, and **Dr Idowu Apowetu**, a senior lecturer in zoology, both former officials of the banned Association of Staff Unions of Universities (ASUU) and known for their membership of a university group critical of government policies. Following their release in August 1990, all three were dismissed from their university posts, although their interrogation in detention reportedly focused on their political views rather than any involvement in the coup attempt.

A number of other detainees were still held without charge at the end of 1990. They had been among a group of detainees arrested apparently because of their family or other association with those suspected of involvement in the coup attempt. Some were believed to have been released fairly quickly. These included Major Gideon Orkar's brothers, **Joseph Targema Orkar**, a former Benue State official, and **David Orkar**, a lecturer at Ahmadu Bello University, Zaria. Major Orkar's step-mother, **Ubende Orkar**, was detained but subsequently released without charge. **Dr Tesemchi Makar**, a cultural leader of the Tiv ethnic group, to which Major Orkar belonged, and also a former Benue State official, was apparently arrested.

**Chief Simon Mukoro**, father of Major Saliba Mukoro, allegedly a leader of the coup attempt who escaped arrest, was arrested on 10 May 1990 and subsequently required hospital treatment for hypertension. **Edoreh Agbah**, the business partner of the alleged financier of the coup attempt, was also reportedly detained.

Those believed still held at the end of 1990 from this group included **Gloria Anwuri** and **Rhoda Heman-Ackah**, sisters of Turner Ogboru, convicted of involvement in the coup attempt (see above), and his brother a business executive wanted by the authorities for allegedly financing the coup attempt. **Christine Osamede Oziegbe**, the wife of an armed forces officer sought by the authorities was also still held in December 1990. In February 1991 the Lagos High Court ordered the release of five children under the age of 11 and a 15-year-old housemaid, **Alice Atechere**. They had been held with **Dorah Mukoro**, wife of Major Mukoro, in a military camp in Lagos.

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