

£NIGERIA

@Detention of hostages

The detention of relatives of people suspected of involvement in the April 1990 coup attempt

At least eight people have been detained without charge or trial in Nigeria for nearly 18 months. Most are the female relatives of men suspected of involvement in an unsuccessful coup attempt in April 1990. No official reason has been given for their detention.

Amnesty International believes that they may be prisoners of conscience, and is concerned that they are effectively being held as hostages by the government because of their family relationships with people sought by the authorities. Their imprisonment appears to be arbitrary and as such to violate the Universal Declaration of Human Rights, as well as international treaties guaranteeing human rights which have been ratified by Nigeria.

Following the failed coup attempt in April 1990, hundreds of soldiers and civilians were detained without charge or trial. Most were released uncharged within weeks or months, but 69 soldiers were sentenced to death and executed after secret and unfair trials. All those detained following the coup attempt were held in administrative detention authorized by the State Security (Detention of Persons) Decree, No. 2 of 1984. This empowers the Vice-President 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. The courts are specifically precluded from investigating any detention under the decree. Although a 1990 amendment to the Decree¹ set up a Review Committee to review all such detentions every six weeks, this procedure does not appear to have been effective in preventing the lengthy detention of prisoners of conscience. Therefore, although such detentions have a basis in law, they nevertheless appear to be arbitrary because the law allows no formal procedure for challenging them through the courts. The detainees whose cases are described below have not been

¹ The State Security (Detention of Persons) (Amendment) Decree, No. 3 of 1990, promulgated in January 1990, provided for a review committee 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.

accused of any involvement in the April 1990 coup attempt, nor with misprision of treason, in which case the correct procedure would have been to try them before a civilian court.

Gloria Anwuri and **Rhoda Heman-Ackah**, sisters of a businessman suspected of financing the coup attempt who fled the country, were detained on 8 May 1991. Another brother, Turner Ogburu, was convicted in connection with the coup attempt and sentenced to life imprisonment in July 1990 after a secret trial by a special military court. Both sisters were held at the Directorate of Military Intelligence (DMI) premises in Apapa, Lagos, until August 1991 when they were moved to Kirikiri Women's Prison near Lagos, where conditions are known to be harsh. It is thought that they were transferred to Kirikiri following the escape from detention of another civilian hostage, **Dorah Mukoro**, whose case is described below.

Legal action by the Lagos-based Civil Liberties Organisation (CLO) for the release of Gloria Anwuri and Rhoda Heman-Ackah was thwarted in December 1990 when the Lagos High Court ruled that their detention was a matter for the Armed Forces Ruling Council (the military government), the Council of State and the Federal Executive Council, and not within the jurisdiction of the High Court. Nevertheless, on 2 February 1991 the High Court ordered the government to produce their detention warrants in order to establish whether the warrants had been renewed after six weeks. Mr Justice Kessington maintained that it would be illegal to hold the two women in detention if their detention warrants were not formally renewed after 19 November 1991. The government's lawyer responded that the court had already received copies of the relevant detention documents, and in June 1991 Mr Justice Kessington finally dismissed the suit, saying that the High Court lacked jurisdiction. However, he appealed for the release of the two women on humanitarian grounds.

Gloria Mowarin, girlfriend of another businessman suspected of involvement in the coup attempt who had also fled the country, was detained on 28 April 1990. According to some reports, the 14-year-old son of the same businessman (who is not related to Gloria Mowarin) is also in detention, although Amnesty International has not been able to confirm this information. Gloria Mowarin was detained at the DMI in Apapa, and has now also been transferred to Kirikiri Women's Prison. After her arrest, the Civil Liberties Organisation filed a suit challenging her detention. In June 1990 the Lagos High Court ordered that she be produced in court. Government lawyers informed the court that the 1984 State Security Decree provided legal grounds for her continued detention and she was not produced in court. In his final ruling on the case in February 1991, Mr Justice Owobiyi ordered her release on the grounds that her detention was illegal and unconstitutional. However, the authorities have refused to accede to this court order (while not formally appealing against it) and Gloria Mowarin has not been released.

Charles Mukoro, brother of an armed forces officer suspected of involvement in the coup attempt, whose whereabouts are not known, was detained shortly after the coup attempt and is being held in the Maximum Security Prison at Kirikiri. His uncle, **David Mukoro**, has

also been held in detention without charge or trial since April 1991. They are both alleged to have been beaten following arrest and to have been denied access to their families and lawyers. According to reports, legal action taken on their behalf was also thwarted by the High Court ruling that the cases were outside its jurisdiction.

Dorah Mukoro was arrested at the same time as her brother-in-law, Charles Mukoro. She is the wife of the armed forces officer mentioned above, who is sought by the authorities. She was held together with her three children, her niece and **Alice Atehere**, a housemaid, at the Ikeja military cantonment in Lagos, where she gave birth to her fourth child. In February 1991 the Lagos High Court ordered the release of the five children and Alice Atehere, who were subsequently restricted under a form of house-arrest. However, on 20 August 1991 the High Court ruled that it did not have jurisdiction to order Dorah Mukoro's release. On or around 11 August 1991 she escaped from military custody, together with the five children and Alice Atehere, and is believed to have fled the country.

Other detained relatives of people suspected of involvement in the coup include **Christine Osamede Oziegbe, Pat Obahor** and **Mrs Edojah**, all wives of armed forces officers believed to have fled after the coup attempt. On 18 September 1991 the High Court dismissed a legal action seeking the release of Christine Osamede Oziegbe and Pat Obahor, on the grounds that the action had not been brought within 12 months of their arrest.

There is no indication that any of the detainees described above have had their cases examined by the Review Committee established in 1990, and attempts by the High Court to challenge the government's powers of indefinite detention without charge or trial have been thwarted or ignored. In May 1990 the Constitution (Suspension and Modification) Decree, No. 9 of 1990, conferred immunity from prosecution on all the leading military members of the government - 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 Gloria Anwuri and Rhoda Heman-Ackah. Two lawyers working on the case were themselves briefly detained. The detention powers of the military government appear to have remained absolute, despite claims that the State Security Decree was reformed in 1990². In the absence of any public announcement of administrative detention orders, the legal basis (or lack of it) of particular cases of detention without charge or trial is not apparent, and the conditions have been created in which arbitrary and unlawful detention can occur without being apparent and without being challenged.

² Under the State Security (Detention of Persons) (Amendment 2) Decree, No. 24 of 1990, the power of detention was transferred from the Chief of General Staff to the newly-created civilian post of Vice-President. The post of Vice-President was established in September 1990, when the then Chief of General Staff, Admiral Augustus Aikhomu, retired from his military post and was subsequently appointed Vice-President.

Amnesty International is concerned that the eight people whose cases are described above may be prisoners of conscience and is appealing to the Nigerian authorities to release them, and any others held in similar circumstances, immediately and unconditionally if they are not to be charged with recognizably criminal offences and tried fairly before open, civilian courts.