

# NIGERIA

## DEMOCRACY DERAILED

### Hundreds Arrested and Press Muzzled in Aftermath of Election Annulment

For us [General Babangida] is an artist trying to chisel a beautiful sculpture out of a granite stone and at every juncture in his work he pauses back indeed to see whether he is going in the right direction.

Information Minister Col. Uche Chukumerije  
Interview with British Broadcasting Corporation (BBC)  
June 30, 1993<sup>1</sup>

#### Table of Contents

Introduction .....	1	
Background and the June 12 Election .....	2	
The Pre-Transition Coup .....	4	
Attacks on Pro-Democracy Activists.....	10	
Assault on the Press .....	13	
The Empty Universities .....	15	
International Response.....	15	Conclusion 18
Recommendations .....	19	

#### INTRODUCTION

Today, Nigerians should have been celebrating the end of military dictatorship. Instead, they are faced with a new and more dangerous phase of military rule as Nigerian ruler General Ibrahim Babangida and his cronies, in a flimsy attempt to disguise the perpetuation of their

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<sup>1</sup> BBC, "Network Africa," June 30, 1993 in Foreign Broadcast Information Service FBIS *Daily Report*, July 1, 1993.

regime, seek to implement a so-called interim national government. Two months ago, General Babangida annulled the presidential election and for the fourth time postponed the military's exit from politics. His latest maneuverings have not only betrayed citizens, who in the June 12 elections had overcome ethnic and regional rivalries in an effort to rid themselves of military rule, but, tragically, have brought such rivalries back to the political foreground. The recently reported participation of government forces in ethnically based attacks in the southern delta region demonstrates the military's willingness to foment ethnic conflict for its own gain. The danger of such practices is all too evident from events elsewhere in Africa and the world.

That General Babangida and his cronies have no intention to allow civilians a significant voice in government was proven by the brutal reaction of military and security forces to the outcry which followed the election's annulment. Over a hundred demonstrators are believed to have died in pro-democracy demonstrations in July of this year. Hundreds of human rights and pro-democracy activists, labor leaders, journalists, students and workers were arrested in July and August. Many are still detained in abysmal conditions, including three pro-democracy leaders who have been detained for nearly two months without access to their families, defense counsel or doctors, despite court orders granting their release on bail. Six media houses are currently proscribed, a number of journalists are detained and others have been declared wanted by security agents. New restrictive press regulations have been decreed. Continuing opposition to the military, including strikes, which have been called by a number of unions and other organizations, will likely be met with similar hostility by the government.

## **BACKGROUND AND THE JUNE 12 ELECTION**

Nigeria is made up of more than 250 ethnic groups, the three largest of which are the Hausa-Fulani, who comprise the majority the population in the northern region, the Yoruba, who form the majority in the southwest, and the Ibo, who are the largest group in the southeast. The Hausa-Fulani, and therefore the northern part of the country, are mainly Muslim and have traditionally controlled Nigerian politics. The Yoruba and Ibo, who dominate the southern regions, are largely Christian. Ethnic and regional conflict has been a constant factor in Nigerian politics, most devastatingly during the civil war which broke out in 1967 and claimed over a million lives.

Nigeria has enjoyed civilian rule for only ten of its thirty-three years of independence. No southerner has ever held office as an elected president. The June 12, 1993, election of Moshood Abiola in which a southern Muslim won a majority of the vote in all regions of the country, represented a break with past traditions of ethnic, regional and religious conflict and all too briefly raised hopes for unifying the nation to confront the serious economic and social problems that have grown more severe under military rule.

Since coming to power in a palace coup eight years ago today, General Babangida has--through the combined effects of a barrage of military decrees, the brutal behavior of security forces, a disregard for the rule of law, and repeated attacks on civil institutions--brought the country to the edge of ruin.<sup>2</sup> In the period leading up to the June 12 elections, many Nigerians were not optimistic that the new civilian government would represent a significant change. The transition program, since its inception in 1987, has

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<sup>2</sup> See previous reports by Africa Watch, including *On the Eve of Change, A Transition to What*, October 1991, *Contradicting Itself*, April 1992 and *Threats to a New Democracy*, June 1993.

been tightly controlled by the government, which created and manipulated the two parties contesting the presidency, the Social Democratic Party (SDP) and the National Republican Convention (NRC).<sup>3</sup> At election time, the two presidential candidates, Bashir Tofa of the NRC and Moshood Abiola of the SDP, were both widely perceived to be close friends of the military who would be unwilling to alter the status quo. Tofa, a Hausa-Fulani millionaire businessman from Kano State, was relatively unknown to voters. Abiola, a Yoruba Muslim from Lagos, is Nigeria's best known millionaire and philanthropist. In the final days of the campaign, he had sought to distance himself from the military's unpopular policies. Despite the general lack of faith in the new civilian government, the elections were believed to represent a crucial step in the nation's moves toward democracy.

In the months leading up to the elections, many Nigerians believed that the military would find another excuse to cling to power. One reason for their skepticism was a campaign by the Association for a Better Nigeria (ABN), a shadowy group headed by Arthur Nzeribe, a former presidential candidate, calling on General Babangida to remain in office. Although the government denied links with the ABN, many remained convinced of the connection, which was later proven (see below).

Doubts about the election increased dramatically just two days prior to the election. On June 10, the High Court in the capital of Abuja stunned the nation by its ruling in a case brought by the ABN, which argued for the cancellation of the election on allegations of corruption. Justice Bassey Ikpeme ordered the government not to conduct the elections until the charges had been investigated. The next day, the government reassured the nation that elections would go ahead the following day, citing a military decree which ousted the authority of the High Court to adjudicate on election-related matters.<sup>4</sup> Lawyers of the National Electoral Commission (NEC) said they would appeal the court's ruling.

On election day, more than thirty percent of registered voters went to the polls, a significant turnout in a country where many potential voters had become disillusioned by years of the government's discouragement of popular participation and incessant manipulation of the transition. With minor exceptions, monitors reported that the voting went fairly and smoothly. The Nigerian Election Monitoring Group (NEMG) issued a release commending Nigerians for the "visible, high degree of political maturity and patience in the conduct of the presidential election."<sup>5</sup> NEMG president Okon Asuquo Osung said the commendation was particularly relevant in light of comparison with previous elections.

The victor was required to gain one-third of the vote in at least twenty of the thirty states. On June 14, on the billboard outside its headquarters in Abuja, NEC published results from fifteen states, showing Abiola well ahead in all regions of the country, including in Tofa's home state of Kano. Regionalism appeared to have been, at least temporarily, an irrelevant factor in Nigerian politics.

## **THE PRE-TRANSITION COUP**

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<sup>3</sup> The government chose the symbols of these parties, wrote their party platforms and banned candidates it found unfit.

<sup>4</sup> According to Decree 13 of 1993, no court ruling can "affect the date or time of the holding of the election."

<sup>5</sup> *West Africa*, June 28, 1993.

After the initial posting on June 14, no additional election results ever appeared on the NEC board. On June 16, Radio Nigeria announced that NEC was suspending the announcement of election results because of "developments and actions pending in courts."<sup>6</sup> It cited a restraining order granted the day before by Justice M.D. Saleh, the chief judge of Abuja, which prohibited NEC from publishing the results. The order had been issued in response to a motion filed by Abimbola Davies of the ABN, who charged that the elections had been plagued by corruption. Judge Saleh ruled that he would consider ordering the elections annulled, pending further investigation of the charges by ABN.

Nigerians and foreigners were stunned by the announcement, particularly since NEC had ignored the High Court's order of less than a week earlier. A flurry of additional suits brought before the High Courts in Benin City, Lagos, Ibadan, Jos and Oka, Anambra State, contradicted the Abuja court's decision and resulted in orders for NEC to release the election results.

On June 18, in defiance of Decree 13's threat of a five-year jail sentence and fine for publishing unauthenticated voting figures, CD made good its threat of the previous day and published the results, showing that Abiola had won a majority of the vote in nineteen of the thirty states, with a total of 58.4 percent of the vote to Tofa's 41.6 percent. Calls for recognition of the results came from individuals and organizations including unions, politicians, and prominent Nigerians, such as the writer Wole Soyinka who called "any further delay in making the people's verdict official ... a deliberate cultivation of chaos."<sup>7</sup> Abiola claimed victory.

On June 21, NEC filed an appeal against the Abuja court's order, and a hearing was scheduled for June 23. The same day, Justice Saleh ruled that the elections were illegal because of NEC's decision to ignore the June 10 court order not to conduct the elections until allegations of bribery were investigated. As noted above, the government had previously reassured the nation that the court lacked jurisdiction in the matter.

On June 23, the government made the announcement that had the nation had feared: The election was annulled. In addition, NEC and Decrees 13 of 1993 and 52 of 1992 were cancelled.<sup>8</sup> The same day, Nduka Irabor, press secretary to the Vice President, said that the government would not hesitate to declare an emergency in any state where disturbances occurred.

The government stated that such a drastic step was necessary in order to remove the confusion created by the conflicting rulings from the various courts. According to Babangida's statement, the election was annulled "to save our judiciary from being ridiculed and politicized locally and internationally."<sup>9</sup> He could not have chosen a more incredible excuse. Beyond the obvious contradiction posed by the recent swearing in of an Election Tribunal to handle election-related controversies, the

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<sup>6</sup> BBC *Summary of World Broadcasts*, June 18, 1993.

<sup>7</sup> Associated Press (AP) dispatch, June 19, 1993.

<sup>8</sup> Decree 13 granted NEC wide-ranging powers to oversee elections. Decree 52 outlined the transition timetable, including the swearing-in of an elected president on August 27.

<sup>9</sup> *West Africa*, June 28, 1993.

statement was belied by the regime's eight-year history of contempt for the rule of law and the independence of the judiciary. Many of the numerous and often retroactive military decrees promulgated by the government have contained clauses that exclude judicial inquiry. Military officials have regularly and with impunity flouted court orders. Special tribunals lacking due process guarantees have been established to try many cases of particular importance to the government, including those concerned with public disturbances, corruption, and drug-related offenses.<sup>10</sup>

An immediate outcry arose from all sectors of the society. Demonstrations were held in cities including Ibadan—Nigeria's second largest city and the former Yoruba political capital, Lagos, Ile-Ife, Modakeke and Oshogbo. At least one protestor was killed in Ibadan and others were seriously injured.

Individuals and organizations announced protests. The Lagos State branch of the Nigerian Bar Association (NBA), which accounts for sixty percent of the nation's lawyers, called a boycott of the courts to begin June 30. International organizations, labor unions, religious organizations and politicians all made statements calling for the recognition of the election.

Members of the military also protested. Many middle-ranking members of the army had voted for Abiola and were not happy with the military's continued involvement in politics. At least thirty officers holding the rank of colonel and above said they would retire from the armed forces because of the recent events.

The CD called for one week of nationwide protests to begin on July 5. At a June 30 news conference announcing the protests, CD chairman Dr. Beko Ransome-Kuti urged workers to stay home, traders and market women to close stalls and cars to stay off roads. Students and youths were urged to organize themselves into civil defense groups and to form and man barricades and make bonfires.

On the first day of the protests, thousands of youths closed major roads in Lagos and the Campaign for Democracy led thousands of marchers to Abiola's home compound. Protests were also held in other cities, including Ibadan, Ilorin, Akire and Kano.

Unfortunately, the Lagos protests turned violent when they were overtaken by local thugs known as area boys, who looted shops and rampaged through the streets. Violent gangs were reported to have engaged in ethnic attacks aimed at Hausa-Fulanis in Lagos. Police fired tear gas from helicopters and on the ground but were unable to contain mobs.

Police and military forces were deployed on July 6 to contain the violence, and, in the process, turned their weapons on peaceful protestors and innocent passers-by. The protests ended on July 7, when army tanks were sent into Lagos streets. CD estimates that more than 100 demonstrators were killed by security forces throughout the country. Many more were arrested (see below).

Unmoved by the protests, on July 5, Babangida ordered the parties to agree to join an unelected civilian government or to face new elections. It was unstated but understood that Abiola would not be

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<sup>10</sup> See *On the Eve of Change*, op. cit.; *Human Rights in Retreat* the Civil Liberties Organisation, Lagos, 1993; *The Constitutional Rights Journal*, vol. 1, issues 1 and 2, the Constitutional Rights Project, Lagos. See also *Military Injustice*, March 1993, Africa Watch, for a discussion of a recent trial before a special tribunal.

allowed to hold office. On July 7, SDP national chairman Tony Anenih indicated that he was willing to sacrifice Abiola in order to preserve the SDP's share of National Assembly seats and governorships, and both parties agreed to the plan. However, an outcry by Abiola and his many supporters within the SDP forced the party leadership to back away from this deal, and the party agreed to press ahead with the demand for Abiola to head the new government.

Babangida's support continued to erode. On July 8, the spiritual leader of Nigeria's Muslims, Sultan Ibrahim Dasuki, a former friend of Babangida, threw his support behind Abiola, saying "There is no other route away from the national catastrophe than the swearing in of Moshood Abiola come August 27, 1993."<sup>11</sup> Former military ruler General Olesegun Obasanjo, who in May 1993 had founded the Association for Democracy and Good Governance, had, since the previous postponement of the transition last year, become one of Babangida's fiercest critics. On July 12, after Obasanjo met with General Buhari (who had been ousted by Babangida's coup in 1985), and ten former generals to discuss ways to force Babangida from power, the group issued a statement which included a demand "that the Babangida administration be terminated forthwith."<sup>12</sup>

That day, Babangida once again reversed himself and announced his demand for a new election. The reason cited for his change of heart was a recognition that an unelected government would lack legitimacy and stability. Elections were scheduled for August 14.

Predictably, Nigerians, who were still demanding that the results of the June 12 election be respected, opposed the move. The SDP said it would boycott the elections. Fourteen of the thirty state governors said they would block the new elections. A statement by the Nigerian Labor Congress on July 15 summed up the feelings of many Nigerians who opposed "another presidential election and its attendant wastage, apathy, controversy, lack of faith."<sup>13</sup> Nigerians of all ethnic groups began leaving the cities for their home villages, fearing that a new election would result in violence. Over the next month, tens of thousands left Lagos, Kaduna and other cities where the threat of violence was greatest.

Shortly before the announcement of new elections, Abiola's supporters had filed court papers asking the Lagos High Court "to restrain the military government from handing over in any manner whatsoever, the executive powers of the federation to any person or persons other than the person duly elected as the president..."<sup>14</sup> A hearing was scheduled for July 21 and judgment was ordered for July 23. In a related case, the Supreme Court agreed to hear a suit brought by fourteen state governors seeking to reverse the election annulment.

Once again the government stepped in to block the actions of the courts, presumably forgetting its recently avowed concern for the judiciary. On July 19, the government issued a number of decrees, one of which barred all courts from hearing cases related to the June election. The other decrees gave

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<sup>11</sup> AP dispatch, July 9, 1993.

<sup>12</sup> AP dispatch, July 13, 1993.

<sup>13</sup> Reuters dispatch, July 16, 1993.

<sup>14</sup> AP dispatch, July 11, 1993.

**retroactive backing to the annulment of the election and called for new voting, but gave no date for transferring power.**

**On July 16, evidence that the military had engineered the political crisis for its own ends was confirmed by an inside source. Abimbola Davies, the ABN member who had filed the ABN's suits in the Abuja High Court that resulted in orders first to halt the election and then to prevent the announcement of its results, held a news conference at which he told reporters that the government had secretly organized the Abuja lawsuits in order to derail the transition. His statement read:**

**Nigerians, we are guilty, but forgive us...It is important and urgent that I speak to the world and to Nigerians concerning the political crisis through which our country is currently going and in which I have played an important role. With the aim of prolonging the military administration's stay in power [we were used] in order to create an organized confusion.**

**All of us who participated in this racket never imagined that we would end up in this situation and that blood could be spilled.<sup>15</sup>**

**At the conclusion of his remarks, reporters were required to remain on the premises for 40 minutes in order to permit Davies and his family to flee the country.**

**Faced with continuing opposition to a new election, the government indicated that it would consider another arrangement. On July 27, SDP national chairman Tony Anenih announced that he was again ready to sacrifice Abiola and make a deal with the NRC and the military to form a new government. A few days later, General Babangida announced his agreement with the interim government plan. He said that the interim administration would specifically oversee local council elections scheduled for December 1993 and, at some unnamed future date, a new presidential election. Details of the plan were to be worked out by a committee headed by Vice President Aikhomu. In his statements, Babangida continued to portray his erratic moves as reasonable steps in the transition process. In his words:**

**The option of an interim national government should ... be seen for what it is. It is an interim measure, and must, to that extent, be seen as part of the overall conception of the transitional agenda of this administration. The option seems to us a welcome strategic device to provide our political system with a cooling-off period.**

**...Sooner or later, elections would have to be held to determine the true wishes of the people of Nigeria.<sup>16</sup>**

**Citing the same reasons the government had used earlier in disparaging the idea of unelected civilian government, Abiola quickly responded that the new plan was unworkable because of its inherent lack of legitimacy.**

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<sup>15</sup> Agence France Presse (AFP) dispatch, July 17, in FBIS *Daily Report*, July 19.

<sup>16</sup> AFP dispatch, August 1, 1993 in FBIS *Daily Report*, August 2, 1993.

Popular reaction to the plan was again quick and vocal. A group of thirty senators signed a joint motion asking the government to declare the winner of the June 12 election.<sup>17</sup> All but six of thirty SDP state chairmen indicated they supported Abiola and rejected the interim government proposal.<sup>18</sup> Seven prominent citizens, including a former chief justice, a former central bank governor, the first health minister and two pioneer business leaders, later issued a joint statement saying the interim government plan was an attempt to sidetrack the issues of morality, justice and fair play.<sup>19</sup> The Constitutional Rights Project, a Lagos-based human rights organization, said: "The idea of an interim government appears to us to be a ploy by the military dictatorship to further cause confusion and precipitate once again an extension of General Babangida's stay in power." Nigerians continued to leave the cities, and the government continued to insist that there was no danger.

On August 2, CD said it would press on with civil disobedience campaign. It called "for renewed nationwide protests on 12th-14th of August to oppose Babangida's latest manipulation to prolong military rule, the continued detention of our leaders as well as to back our democratic proposals." It said the Abiola government "should be defended by the Nigerian people and take office on 27th August." This time, the CD stressed the need for non-violence and urged protestors to stay close to home to avoid bloodshed.

The Committee on the Interim National Government submitted its report on August 5. At this writing, the government has not revealed the details of its plans.

On August 4, Abiola left Nigeria unannounced in his private plane and flew to London and Washington to drum up international support for his cause. After his departure, the government made a number of unsubstantiated allegations against him, including that he was involved in a plot to bomb various strategic locations, a charge that Abiola termed "ridiculous." On August 8, Information Secretary Chukwumerije stated that Abiola had left the country without required documents, but neglected to say whether or not he would be prosecuted on his return. In mid-August, Abiola reported that he planned to return to Nigeria before the end of the month.

Various industrial unions, including the powerful oil workers union and textile and banking unions, announced plans to embark on strikes if the military did not step down on August 27. Obasanjo's group, Association for Democracy and Good Governance in Nigeria, said on August 9:

**The national interim government schemes are no solution to the current political impasse facing the nation. Should the present administration not be terminated on August 27, we urge all Nigerians to embark upon peaceful and non-violent means of expressing their disapproval.<sup>20</sup>**

**As the impasse has continued, opposition to the military has weakened in some quarters,**

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<sup>17</sup> Reuters dispatch, August 2, 1993.

<sup>18</sup> *The Independent*(London), August 5, 1993.

<sup>19</sup> Reuters dispatch, August 2, 1993.

<sup>20</sup> Reuters dispatch, August 10, 1993.



**allegedly due to bribes paid to former critics, including politicians, unions and other organizations. Human rights activists have reported that individuals of their organizations have been offered bribes at various times.<sup>21</sup> In mid-August, a majority of the Senate voted its approval for the interim government plan.**

**On August 10, confronted with the upcoming strike by CD, the government threatened to impose a state of emergency. Government employees were threatened with dismissal. Soldiers were posted on highway overpasses and bridges which had been seized by rock-throwers during previous riots. Merchants began shutting down shops. On August 12, the strike shut down business in Lagos, Ibadan and other southwestern cities as Nigerian workers stayed home. The following two days were also largely quiet in the southwest, but in the north, business reportedly took place as usual. The government response to the peaceful strike was brutal (see below).**

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<sup>21</sup> **Telephone interview with Olisa Agbakoba, CLO president, August 19, 1993.**

## **ATTACKS ON PRO-DEMOCRACY ACTIVISTS**

**Hundreds of human rights and pro-democracy activists, labor leaders, academics, students and workers have been arrested since the elections were cancelled. Some were released after brief detentions, but at this writing many are being held in unknown destinations without access to their families or defense counsel. Because of the deplorable conditions of Nigeria's prisons and detention facilities as well as the brutal tactics of security agents, there are serious concerns for the safety of all political detainees. In addition to the detentions, security agents have raided the headquarters of human rights organizations on several occasions, destroyed equipment and removed materials including membership lists.**

**Three leaders of the pro-democracy movement, who have been detained on numerous previous occasions, were arrested in early July and are currently detained at Kuje Prison in Abuja. They are:**

- o Dr. Beko Ransome-Kuti, CD chairman and president of the Committee for the Defense of Human Rights;**
- o Chief Gani Fawehinmi, a well known human rights lawyer;**
- o Femi Falana, president of the National Association of Democratic Lawyers.**

**On the night of July 6, Dr. Ransome-Kuti was arrested for the third time in seventy-two hours at his home by some twenty-five security agents who gave no reason for his arrest and did not produce a warrant. Chief Fawehinmi and Femi Falana were arrested the same week. The three were originally detained in Lagos but on July 10 were transferred to Kuje Prison in Abuja.<sup>22</sup>**

**On July 15, the three detainees were charged before a Magistrates Court with sedition and conspiracy to incite violence. The court refused them bail and ordered that they be detained until September 30. The next day, they were informed that, in addition to the criminal charges, they were also subject to detention under Decree 2, Nigeria's infamous administrative detention decree, according to which any person who poses a security risk may be detained for indefinitely renewable six-week periods. The Decree 2 orders were dated July 7. The three detainees have been denied access to their lawyers, families and doctors, despite serious medical concerns about both Dr. Ransome-Kuti and Chief Fawehinmi.**

**In an appeal for bail before the Abuja High Court on July 28, the three were granted bail at 100,000 naira each, which was paid, but the three were not released because of their Decree 2 detention orders. An application was filed in the Lagos High Court challenging their detention under Decree 2. The government was ordered to produce them in court, but at this writing it has not yet complied.**

**Many other activists were arrested in early July as well, including the following members of the Civil Liberties Organisation:**

- o Wale Shittu;**
- o Femi Adeluga; and**

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<sup>22</sup> Last year, the three were held in Kuje Prison for six weeks on charges of sedition.

**o Emma Nweke.**

**The three were arrested at the Lagos offices of the CLO-Lagos on July 2 for being in possession of CD leaflets. They were detained at Pantí Police Station, Lagos, for twenty-five days and were hospitalized upon their release. They have been charged with sedition and conspiracy to incite violence. Their case is scheduled for October.**

**Three days before the August 12-14 strike called by CD, police and security agents raided CD headquarters and the offices of Gani Fawehinmi. Eight people were briefly detained.**

**Beginning on August 12, some two hundred activists were arrested all over the country. At this writing, most of them are still being held, including the following:**

### **Kaduna**

- o Festus Okoye, an officer of the CLO and NBA;**
- o Salihu Lukman, CD Deputy Secretary General.**

**The two are being held at Kaduna State Security Service headquarters.**

### **Jos**

- o Titus Mann, Chair of CLO Jos branch and CD Zonal Coordinator;**
- o Dr. Oaje Iyewado, CD Jos branch Secretary; and**
- o Daniel Adamu.**

### **Elswhere**

- o Prof. Toye Olorode, of Obafemi Awolowo University, was arrested on the campus in Ile-Ife.**
- o Nnimmo Bassey, CLO chair of Edo State, was arrested in Benin City.**
- o Adebayo Ojo, CDHR member, was arrested in Ilorin.**
- o In Lagos, the residence of Chima Ubani, CD national secretary, who has been in hiding for months after being declared wanted by security agents, was raided and his valuables destroyed.**
- o Joseph Akinlaja, deputy national secretary of the largest oil workers union, was arrested in Kaduna on Thursday after warning that a strike by the union beginning on August 27 would paralyze the oil industry.**

## **Crackdown on the Ogonis**

Since oil was first pumped in their region in 1958, the Ogonis, one of many ethnic groups inhabiting Rivers State in the oil-producing delta of Nigeria, have suffered the near total destruction of their land and culture by the Shell and Chevron oil companies with the active assistance of the Nigerian police and military forces. Recently, they have been the victims of ethnically based attacks assisted by government troops. At least thirty-five Ogonis were killed in one such attack in early August 1993.

In October 1990, the group presented to the Nigerian government the *Ogoni Bill of Rights*, which outlined their concerns, including environmental devastation and the absence of electricity and clean water in their villages. The document contained a demand for political autonomy. The government ignored their demands. After their plight was brought to the attention of the United Nations Human Rights Commission in 1992, however, their spokesman, Ken Saro-Wiwa became the target of an harassment campaign. The Ogonis increased their calls for autonomy and compensation for the destruction of their environment, and they began staging protest demonstrations. The government stepped up its attacks and sought to portray the Ogonis as secessionists, a charge which they deny. In attacks waged from late April through July 1993, Ogonis were shot at by soldiers. At least one Ogoni man was killed; many more were injured. In May, the Nigerian government unveiled the Treason and Treasonable Offenses Decree, which, although never published, announced a prohibition on promoting "ideas that minimize the sovereignty of Nigeria." Those convicted under the decree would be subject to the death penalty. The decree was widely believed to have been directed in part at the Ogonis.<sup>23</sup> After an international outcry, the decree was suspended after two weeks, but it could be reactivated in the future.

The most recent assault on the Ogonis began on August 4, when bands of armed members of the Andoni ethnic group, backed by Nigerian military, raided the Ogoni town of Kaa. Homes were razed and crops hacked down. The market was burned. At least thirty-five Ogonis were killed and several hundred remain unaccounted for. According to the Movement for the Survival of the Ogoni People (MOSOP), Ogoni schools, churches, markets and homes have been destroyed in the last several weeks. On August 6, another Ogoni town, Tenama, was also destroyed. Attacks are reportedly continuing.

In early August, Ken Saro-Wiwa was released from a Port Harcourt hospital where he had been recovering from his detention during June and July 1993. On June 11, 1993, his passport was seized when he was en route to Vienna to attend the UN World Human Rights Conference. Despite a High Court injunction forbidding the government to restrict his movements or violate his constitutional rights, he was arrested on June 21. While in detention, he became critically ill with a heart condition and was denied access to medical treatment. On July 13, he was charged by a Port Harcourt magistrate with six counts, including unlawful assembly and sedition, relating to a boycott by the Ogonis of the June election. Two other members of MOSOP, N.G. Dude and Kobari Nwile, were also charged. On July 20, Mr. Saro-Wiwa was released on bail and transferred to a hospital in Port Harcourt.

## **ASSAULT ON THE PRESS**

Since June 1993, the Nigerian media has suffered the worst assault in its history. Five media houses were shut down in July; four of them were proscribed in August. Many journalists have been

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<sup>23</sup> The decree was also believed to be aimed at outspoken journalists and human rights activists.

arrested, some of whom are still detained. A recent decree stipulating various new restrictions, including the threat of a ten-year jail term for publishing "false information," signals a further erosion of press freedom.

Attacks on the press began to intensify in the pre-election period. At the time of the elections, *The Reporter*, a daily based in Kaduna, had been proscribed. *The News*, a weekly based in Lagos, had been shut down and its editorial staff declared wanted. In July *The News* changed its name to *Tempo* and continued to publish underground. *Tell*, another Lagos weekly that had started publishing in February 1993, had been repeatedly harassed by security agents and had numerous issues confiscated. It too went underground.<sup>24</sup>

Shortly after the elections, a resignation by the editor of a prominent government-owned paper suggested that the government was moving beyond its previous levels of interference in the media. Yakubu Abdulazeez, editor of the influential government-owned daily, *New Nigeria*, based in Kaduna, resigned because of a June 16 editorial that suggested the desirability for a new election and because of other ghost articles that had been planted in the newspaper by the government. Abdulazeez's resignation letter, which was printed in several Lagos dailies, said that he believed such articles could "lead to Nigeria's disintegration."<sup>25</sup>

In the aftermath of the election's annulment, the outspoken press became more vocal, and government stepped up its attacks. The consequences of this mounting confrontation include the following incidents:

- o Yinka Tella, the Abuja correspondent with *The News*, was arrested on June 22. He remains in police detention.
- o On June 29, the wife and three-month-old child of Dapo Olorunyomi, *The News* deputy editor in chief, were detained for twenty-four hours. They were thought to have been arrested in Olorunyomi's stead, following a common practice of the Nigerian police, and were reportedly released when the child became ill.
- o *The News* was proscribed.
- o The July 5 edition of *Tell* was confiscated.
- o R. K. Yusuf, editor of *The Herald* in Kwara State, was arrested on July 5. He was later released.

On July 21, Information Minister Chukwumerije claimed that a segment of the press was inciting violence and warned the media to stop publishing "negative" articles. Charging that they had accepted bribes to publish information intended to incite the public against the government, the government raided and sealed off the following five media houses over the next two days.

- o Concord press, owned by Abiola and publisher of the *National Concord*, a daily, and *African*

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<sup>24</sup> See *Threats to a New Democracy*, Africa Watch, June 1993.

<sup>25</sup> Reuters dispatch, June 18, 1993.

***Concord*, a weekly, and at least six other titles;**

- o *Punch*, a Lagos-based daily;**
- o The *Sketch* group, publisher of the *Daily Sketch* and *Sunday Sketch*, based in Ibadan, owned by four state governments;**
- o *Newsday*, a daily based in Abuja;**
- o *The Observer*, a daily owned by the Edo State government and based in Benin City.**

The Ogun State Broadcasting Corporation was also shut, then re-opened the next day after the governor agreed to "supervise and closely monitor" the broadcasts.

A number of journalists were arrested, including two from *Newsday*, news editor Emman Udoaka and commercial manager Stanley Oppah. They have since been released. Security forces were later removed from Abuja *Newsday*, but the publication was told not to publish until further notice.

The next week's edition of *Tell* was confiscated, and on August 15, four of its editors were arrested at the magazine's headquarters. The four are:

- o Nosa Igiebol, editor-in-chief;**
- o Onome Osifo-Whiskey, managing editor;**
- o Kolawole Ilori, executive editor; and**
- o Kayode Akinkuotu, editor.**

At this writing, these journalists are still detained in an unknown location. Unconfirmed reports indicate that they have been taken to Abuja.

On August 16, the government issued two decrees. Decree 48 proscribed the Concord group publications, *Punch*, the *Sketch* publications, and *The Observer*. Decree 43 contains many restrictions on the press, including punishment by a 10-year prison term or \$11,000 fine, or both, for publishing "false information"; a requirement that all newspapers register annually with the government, which also requires a steep registration fee; the creation of a registration board, whose chairman will be appointed by government; the establishment of an office for each paper in Abuja within one year; and an order to submit all newspapers to the Information Secretary.

The financial burden imposed by the decree various requirements will undoubtedly mean the closure of most of Nigeria's independent presses. The risk posed to journalists, editors and publishers by the threat against publishing "false information" will mean more widespread self-censorship. The Nigerian Union of Journalists (NUJ) and others are protesting the decrees.

## **THE EMPTY UNIVERSITIES**

Many universities were closed for the majority of the past academic year. More recently, they have been idle since a strike declared on May 3 by the proscribed union of university teachers over funding for the universities and pay for academic staff. In July, the Nigerian University Commission (NUC) directed all university Vice Chancellors to fill all academic positions of striking teachers. In its directive, the NUC ordered that all vacancies deemed to have been created in accordance with Essential Services decree "must be advertised immediately."<sup>26</sup> The move was viewed as an empty threat because the academics were aware that the poor salaries and substandard working conditions at the universities would not attract outsiders to fill the positions. On August 3, the government rescinded the mass dismissal but has not yet attempted serious negotiations. Teachers have accused the government of postponing negotiations as a political ploy to keep the universities shut and thereby to forestall student protests over the political situation.

## **INTERNATIONAL RESPONSE**

The political crisis in Nigeria has taken a severe toll on its already poor economy. With external debt totaling approximately \$30 billion, the government is currently engaged in attempts to gain the approval of the International Monetary Fund (IMF) for a new loan facility. The IMF's approval is necessary in order to obtain an agreement with the Paris Club of creditors to write off a substantial portion of the roughly \$16.5 billion Nigeria owes to Paris Club members.

Nigeria's two largest trading partners, the U.S. and Britain, have been outspoken in their criticism of the election annulment, and have taken various additional steps to demonstrate their disapproval of the government's interference in the democratic process. The EC and British Commonwealth have also been vocal opponents of the government's actions.

### **U.S. Role**

Over the last several years, increasing criticism by the U.S. of Nigeria's human rights record has caused friction between the countries. Their relationship reached a new low on June 10, after the Abuja High Court's order to cancel the election, when Michael O'Brien of the U.S. Information Agency issued a statement that postponement of elections was "unacceptable" to the U.S. government. After the Nigerian government protested, the Embassy reworded its message to say that a postponement of the election would cause "grave concern" to the U.S. The damage had been done, however, and Nigeria reacted by expelling Mr. O'Brien, for his "blatant interference" in Nigeria's internal affairs and by withdrawing the accreditation of eight non-governmental observers from the U.S. to monitor the election.

Less than twenty-four hours after the election, the State Department sent a strong message of disapproval to Nigeria. It said:

**The United States deplores the outrageous decision of Nigeria's military regime to annul the results of the June 12th presidential election and cancel the transition to elected civilian rule.**

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<sup>26</sup>

The Essential Services decree, which reclassified teaching as an essential service and made strikes illegal was first announced, but not published, in May 1993. It was suspended two weeks later. The action by the NUC indicates that the suspension of this secret decree was merely temporary.

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**We remain concerned about the continuing repression of the press and democratic forces.**

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**The failure on the part of the military regime to respect the will of the Nigerian people and transition to democracy will have serious implications for US-Nigerian relations. We are now in the process of reassessing our relations with Nigeria...All aspects of our bilateral relations, including our \$22.8 million in bilateral assistance are currently under review.**

**The U.S. quickly responded by cutting off \$450,000 in aid for training military. The rest of the bilateral aid, which funds humanitarian programs through non-governmental channels, was left intact. Nigeria's military attache in Washington was ordered to leave and a U.S. Security Assistance Officer was withdrawn from Nigeria. Other U.S. actions included reducing military relations between the two countries and suspending arms sales. In July, the U.S. announced that it would review commercial military sales on a case-by-case basis with the presumption of denial. U.S. citizens were urged to defer travel to the country.**

**On August 4, the Africa Subcommittee of the House of Representatives held a hearing on Nigeria's political crisis, and Assistant Secretary of State for Africa George Moose re-stated the position of the United States in light of the plans for an interim government. He said:**

**We have put the Nigerian regime on notice that, should a civilian government not be in place in Nigeria on August 27, the United States may be obliged to take additional steps.**

**Nigeria's military regime must understand that any attempt to hold political power after August 27 – *no matter how it might be rationalized* – would raise fundamental questions about the future of our bilateral relations.**

**Unfortunately, in the midst of Nigeria's political crisis, the State Department announced that Ambassador Swing, who, in his brief tenure has strongly promoted observance for human rights in Nigeria, was being replaced. Africa Watch is concerned about the timing of such a disruptive move, which will likely weaken the influence of the U.S. at this crucial juncture in Nigeria's political development.**

## **U.K. Role**

**The British condemnation of the election annulment was the first expression of international disapproval. According to the statement made by British Foreign Secretary Douglas Hurd:**

**I deplore the decision of the Nigerian military government to annul the Nigerian presidential elections, suspend the National Electoral Commission and thereby to stop the transition to civilian rule. The UK will have no option but to reassess its own bilateral relations with that country.**

**Britain, which is Nigeria's largest foreign investor and second largest bilateral aid donor (\$21.3 million last year), announced that it would suspend all training courses for military personnel and that it would review all aid commitments. British measures also included a tightening of visas for Nigerian armed forces and their families. On July 1, Secretary Hurd said that Britain was freezing new aid. The sanctions reportedly do not affect the delivery of the last batch of an order for military weapons (72 Mark 3**



tanks), but officials have said that the option of suspending delivery will come under review if a handover is delayed beyond August 27.<sup>27</sup> On July 27, Britain summoned Nigerian High Commissioner Alhaji Abubakar Alhai to condemn the closure of the news organizations and to express concern at detention of civil rights activists.

### **Role of the European Community (EC) and the British Commonwealth**

On July 13, the EC suspended aid to Nigeria, which receives more EC aid than any other country in Africa, and banned visits from the Nigerian military. Under a five-year program started in 1991, Nigeria had been scheduled to receive \$412 million. The British Commonwealth, of which Nigeria is a member, also expressed its disapproval. Secretary-General Chief Emeka Anyaoku, a Nigerian, said the election annulment was "a severe setback to the cause of democracy." The Commonwealth Human Rights Advisory Commission, meeting in Nicosia, called for Nigeria to be barred from a summit in Nicosia scheduled for October 1993 because of the annulment of elections. It also called for release of Dr. Ransome-Kuti, a Commission member.

### **Nigeria's Reaction**

In a harshly worded statement released through the Vice President's office on June 25, Nigeria referred to the U.S. and Britain as "the enemy" and accused them of trying to destabilize the country. The statement said:

**The federal government has unearthed a plot by the governments of the United States and Britain not only to mobilize their European allies against Nigeria but also to incite peace-loving Nigerians against themselves and their government, and incite sections of the armed forces against the government.<sup>28</sup>**

The next day, Babangida said he regretted the actions of "foreign meddlers" and warned "this administration will take necessary actions against any interest groups that seek to interfere in our internal affairs." He also thanked other governments for their "patience and understanding," including Germany, Russia, Ireland and France, all countries with growing business interests in Nigeria who were relatively quiet about the government's actions.<sup>29</sup>

In late July, in response to additional criticism and sanctions from the U.S. and Britain, Nigeria again accused Britain and the U.S. of meddling. According to a government statement: "The government and the patriotic people of Nigeria reject the increasingly blatant and insensitive manner in which the USA and Britain are bent on interfering in our internal affairs."<sup>30</sup>

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<sup>27</sup> *Financial Times*, July 2, 1993.

<sup>28</sup> *The Independent*(London), June 25, 1993.

<sup>29</sup> AP dispatch, June 26, 1993.

<sup>30</sup> Reuters dispatch, July 28, 1993.

## **CONCLUSION**

**Rather than being a step towards democracy, the commencement of any form of interim government approved by Babangida and the ruling clique represents an extension of military control. For Nigerians, such an extension means the continued brutalization of opposition leaders, greater restrictions on the press and other forms of expression, further erosion of the rule of law, and more assaults on the universities, the courts and the labor unions. It also means an increase in the tensions among Nigeria's various ethnic groups, and likely outbreaks of ethnic violence. Yorubas, who continue to be outraged that one of their own was not permitted to hold office. The many northern Hausa-Fulanis who voted for Abiola will harbor resentments that their contribution to Abiola's victory was not acknowledged by southerners. The anger of the unrepresented minority groups will grow as they continue to be victimized by the political elite who benefit from their resources and give them nothing in return.**

**The immediate future looks bleak for Nigeria. The reaction of its citizens and the international community to the military's new--and, at this writing, unannounced--plans for the country's political future will be crucial in determining whether hopes for a genuine democracy where all Nigerians are represented can be sustained. Nigerian human rights and pro-democracy groups are continuing to call for the recognition of Abiola's election victory and are planning more protest activities. The government continues to insist that its annulment of the election is irrevocable.**

## **RECOMMENDATIONS**

### **Africa Watch calls on the Nigerian government to:**

- o Respect the civil and political rights of all Nigerians. Such a step should include the recognition and implementation of the results of the June 12 presidential election.**
- o Release all pro-democracy and human rights activists who have been detained simply for the expression of their political beliefs;**
- o Investigate charges that military and police forces used excessive force and caused needless deaths in the demonstrations held in early July; bring to justice all who are guilty of criminal offenses.**
- o End the campaign of harassment of human rights and pro-democracy organizations;**
- o Lift the proscriptions on the publications that have been shut down and release detained journalists;**
- o Repeal Decree 43, which threatens to further restrict press freedom;**
- o End the siege on the Ogonis and the harassment of their leaders, and compensate victims of the recent attacks;**
- o Lift the ban on the academic union, and undertake good-faith negotiations with its members;**
- o Ratify the International Covenants on Civil and Political Rights and the Economic, Social and Cultural Rights.**

### **Africa Watch calls on the International Community to:**

- o Maintain a cut-off of all military aid and arms sales to Nigeria until the military leaves political office;**
- o Sustain the pressure on the Nigerian government to respect the June 12 elections and its international obligations to respect human rights;**
- o Ensure that human rights considerations figure prominently in negotiations between Nigeria and international lending institutions. The U.S. and other donor nations should use their considerable economic leverage with Nigeria to encourage democratic reform and human rights protection.**

*Africa Watch is a nongovernmental organization established in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its chair is William Carmichael; its vice chair is Alice Brown. The executive director is Abdullahi An-Na'im. Its research associates are Janet Fleischman and Karen Sorensen; Bronwen Manby is a Schell Fellow; Abdelsalam Hassan and Alex Vines are consultants; Kim Mazyck is an associate.*

*Human Rights Watch monitors and promotes observance of internationally recognized human rights worldwide. It is composed of Africa Watch, Americas Watch, Asia Watch, Helsinki Watch, and Middle East Watch. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice-Chair is Adrian W. DeWind. The Acting Executive Director is Kenneth Roth; Holly J. Burkhalter is Washington Director; Gara LaMarche is Associate Director; and*

*Susan Osnos is Press Director.*