

July 30, 1990

NIGERIA

42 Executed After Unfair Trial

Nigeria has executed 42 soldiers alleged to have taken part in an attempted coup on April 22, 1990. They were shot on July 27, after secret trials before a military tribunal. Nine others, including three civilians, have been sentenced to terms of imprisonment.

Among those believed to have been shot are Major Gideon Orkar, Captains Nimbiowu Empere and Perebo Dakolo, Lieutenants Nicholas Odey, Cyril Ozoalor, Arthur Umukoro and Emmanuel Akogun, and Sergeants Julius Itua, Martin Ademokhai and Pius Ilegar.

The alleged coup plotters were tried by a military tribunal established under a 1986 decree. In a statement after the April coup attempt, President Ibrahim Babangida stated that the plotters would be dealt with in the same manner as those accused of a similar offence in December 1985. On that occasion military officers were executed after a summary trial. President Babangida's remark increased fears that the trial of the alleged plotters was prejudiced from the outset.

The proceedings of the military tribunal were conducted *in camera*. The tribunal was presided over by Major General Ike Nwachukwu, a former Minister of External Affairs and now General Officer commanding the First Mechanized Division of the army. Other members of the tribunal were eight senior officers. They cannot be considered to be a genuinely independent court of law.

The accused were not allowed to choose their own legal counsel but were assigned military lawyers by the tribunal. Some press reports have misleadingly described the verdicts as having been subject to appeal. In fact there was no judicial appeal against either verdict or sentence. The tribunal's decision was simply referred to the government, the Armed Forces Ruling Council (AFRC), for confirmation. Apparently the AFRC confirmed the nine prison sentences, and ordered the retrial of 31 accused.

Nigeria is a party to the African Charter on Human and Peoples' Rights which guarantees the right to a fair trial, including the right to be presumed innocent until proven guilty, the right to an impartial hearing, and the right to choose defence counsel.

What you can do to help:

Please write politely worded letters to the Nigerian authorities listed below:

- * expressing shock and concern at the execution of 42 alleged coup plotters after a trial which did not conform to internationally accepted standards of fairness;
- * urging the disbandment of military tribunal and the retrial of all remaining coup plot defendants before a civilian court which conforms to Nigeria's obligations under the African Charter on Human and Peoples' Rights.

Please address your appeals to:

President Ibrahim Babangida
Dodan Barracks
Ikoyi
Lagos
Nigeria

His Excellency Ambassador Hamzat Ahmadu
Embassy of Nigeria
2201 M Street, NW
Washington, DC 20037

His Excellency George Dove-Edwin
High Commissioner of Nigeria
Nigeria House
9 Northumberland Avenue
London WC2 5BX

Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Executive Director is Rakiya Omaar; Richard Carver is Research Director; Alex de Waal is Research Consultant; Janet Fleischman and Karen Sorensen are Research Associates; Jo Graham and Ben Penglase are Associates.

Africa Watch is part of Human Rights Watch, an organization that also comprises Americas Watch, Asia Watch, Helsinki Watch and Middle East Watch. The Chairman of Human Rights Watch is Robert L. Bernstein; the Vice Chairman is Adrian DeWind; Aryeh Neier is Executive Director; Kenneth Roth is Deputy Director; Holly Burkhalter is Washington Director; Susan Osnos is Press Director; Joyce Mends-Cole is Counsel.