

September 20, 1990

NIGERIA

27 NEW EXECUTIONS FOR COUP ATTEMPT

Government Unbans Academic Union, Bars Conference

Africa Watch deplores the September 13 executions of 27 soldiers who allegedly took part in a failed military coup attempt on April 22. Among those who were reported executed are Capt. A. A. Nonju, Private Immanuel Onoae, Trooper Roland Odogu, Cpl. Lateef Awalola, Private Dixon Omenke and Cpl. Ebitean Pius. The 27 were among a group of 31 alleged coup plotters whom the Armed Forces Ruling Council (AFRC) ordered to be retried in late July, at the same time that they handed down death sentences to 42 and sentenced 9 others to varying terms of imprisonment. The new executions brings the death toll from the executions to 69.

Africa Watch welcomes President Ibrahim Babangida's August 27 lifting of the ban on the Academic Staff Union of Universities, but is disappointed that, in light of more recent events, the move does not appear to signal a change in the government's attitude toward freedom of association. On September 6, police blocked the site of a planned national conference on Nigeria's political future. In a move believed to be connected with the national conference, agents of the State Security Service (SSS) seized the passport of Alao Aka-Bashorun, the former president of the Nigerian Bar Association and chairman of the National Consultative Forum, the group behind the aborted conference.

THE EXECUTIONS

The retrial of the 31 coup suspects began August 1 and ended three weeks later. The tribunal was headed by a high-ranking army officer; however, the names of the members of the tribunal were kept secret. The tribunal which originally tried the coup suspects was headed by Major General Ike Nwachukwu, who was recently named Minister of External Affairs, a position he has held previously. That tribunal also included eight other senior officers. A tribunal composed of individuals so closely identified with the administration can hardly be considered impartial.

As in the earlier trial, the proceedings of the August tribunal were conducted *in camera*. The accused were not allowed to choose their own legal counsel, but were assigned military lawyers by the tribunal. There was no right of appeal. After the original 42 executions, prominent Nigerians, foreign governments and human rights organizations appealed to the AFRC for clemency for the 31 facing retrial.

No new trials are planned, but more than ten soldiers and two civilians believed to have been involved in the coup are still being sought by the government.

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 proved guilty, the right to an impartial hearing and the right to choose defense counsel.

ASUU UNBANNED

In an August 27 address on the transition to democratic rule, commemorating his fifth anniversary of assuming power, President Babangida stated:

...to broaden the base of the political process, this administration has decided to allow the organizing ... of the university community with particular reference to academic staff unions to take full advantage of the liberalization policy of the transition to create their own programs. Accordingly, the ban placed on the Academic Staff Union of the universities is hereby lifted with immediate effect. This administration believes that the universities can, and indeed should, make positive contribution to the emergence of a new sociopolitical order....

Africa Watch welcomes this move. The ASUU, which repeatedly clashed with the government over political and economic issues, has been proscribed since early 1988.

However, in the same speech, the President added:

Government will not hesitate to deal with individuals and groups who attempt to use our universities as launching pads to foment troubles and subversion and to destabilize the program of transition to civil rule.

In addition to our disappointment over the threat to students and faculty posed by such remarks, Africa Watch also regrets that the government did not use the occasion of unbanning the ASUU to also unban the National Association of Nigerian Students (NANS), which was proscribed in 1986.

THE NATIONAL FORUM

On September 6, at the National Theater in Lagos, police turned away delegates who had arrived there to attend a political conference. No arrests were made. Several days earlier, the passport of Alao Aka-Bashorun, a conference organizer, was seized and has not yet been returned.

The idea for the National Consultative Forum came from a memorandum published in the press in February, which called for a national conference to discuss proposed technical changes to the democratic constitution which is due to become law in 1992. This memorandum encouraged another group of Nigerians, led by Aka-Bashorun, to publish its own notice in the press on April 15, which seconded the call for a national conference, but proposed a broader range of political issues, including discussions about human rights and the future role of the military. The two groups were referred to as the "technocrats" and the "democrats."

The conference was widely discussed. The July 9 edition of *Newswatch* devoted its cover story to the subject, in which it was reported that Yusuf Mamman, press secretary to the chief of general staff, told the press in June that "The government is not interested in the conference since it will not succumb to unreasonable demands that may emanate from it."

Nevertheless, plans for the conference went ahead. According to Olisa Agbakoba, President of the Civil Liberties Organization, a Nigerian human rights group, the Attorney-General was sent an invitation to attend, which he declined, stating in his reply that the conference was in violation of the planned transition to civilian rule. The AFRC has previously used this charge as a basis for detaining government critics.

The conference organizers now plan to collect and publish the papers that were to have been presented there.

Mr. Aka-Bashorun's passport was seized by agents of the SSS on August 16. In a video-taped interview with Dr. Pade Badru, Chairman of Telecast Afrika Communication Inc. of Yonkers, New York, Mr. Aka-Bashorun said he believed that his passport was taken in retribution for his activities relating to the conference. The August 27 edition of *Newswatch* reported that Dr. Beko Ransome-Kuti, president of the Committee for the Defense of Human Rights, said that the passport was seized "due to his (Aka-Bashorun's) opposition to government's anti-human rights activities, opposition to imposed transition program and other excesses of government."

In addition to Mr. Aka-Bashorun's passport, the government continues to hold the passport of Chief Gani Fawehinmi, a leading Nigerian human rights lawyer, who was detained in June 1989 while attempting to host a seminar on an alternative to the government's Structural Adjustment Program (SAP), in his chambers.

WHAT YOU CAN DO TO HELP

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

- * expressing shock at the execution of 27 alleged coup plotters, which are in addition to 42 previous executions, after trials which did not conform to internationally accepted standards of fairness;
- * urging that any further trials relating to the coup be conducted before a civilian court which conforms to Nigeria's obligations under the African Charter on Human and Peoples' Rights;
- * calling for the proscription on NANS to be lifted, in the spirit of the transition to democratic rule;
- * urging that the National Consultative Forum be allowed to take place, as planned, and an end to the harassment of its organizers;
- * calling for the immediate return of the passports of Alao Aka-Bashorun and Chief Gani Fawehinmi.

Please address your appeals to the following:

President Ibrahim Babangida
Dodan Barracks, Ikoyi
Lagos, Nigeria

His Excellency Professor Ibrahim A. Gambari
Permanent Mission of Nigeria to the UN
733 Third Avenue, 15th Floor
New York, NY 10017

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

His Excellency Mr. 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 and the Vice-Chairman is Adrian DeWind. Aryeh Neier is Executive Director of Human Rights Watch, the Deputy Director is Kenneth Roth, Holly Burkhalter is Washington Director, Susan Osnos is Press Director.