

NIGERIA

"THE DAWN OF A NEW DARK AGE"¹

Human Rights Abuses Rampant as Nigerian Military Declares Absolute Power

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¹ Press release (Lagos: National Democratic Coalition (NADECO),September 7, 1994).

INTRODUCTION

The military government of Gen. Sani Abacha, in a bid to destroy the pro-democracy movement after using abusive and illegal means to break an oil workers' strike for democracy, is steadily bringing the country closer to chaos and collapse. While its hard-line tactics may appear to have returned the country to a semblance of normalcy, they have contributed to hardening the opposition's position and decreased the likelihood that a peaceful solution to the persistent political crisis will be found. At this critical stage, Human Rights Watch/Africa is concerned not only about how the regime's human rights abuses are adversely affecting the victims themselves, but also about how these abuses are contributing directly to the creation of a climate of ethnic and regional mistrust and violence.

Because the vast majority of pro-democracy activity has occurred in the south, especially in the southwest, it is in those areas and against the inhabitants of those areas that the government's wrath has been directed. The principal focus of attention is Chief Moshood K. Abiola, a Yoruba and the presumed winner of the June 12, 1993, presidential election, who was barred from assuming political office and has been detained on treason charges and denied medical attention since late June.² His detention, however, is merely the tip of the iceberg of human rights abuses against Abacha's political opposition. These abuses include many that are familiar to Nigerians from the former military regime of Gen. Ibrahim Babangida, who, like his subordinate, General Abacha, repeatedly promised an end to military rule while at the same time attempting to perpetuate himself in power. They include the promulgation of harsh decrees that seek to silence the critical press, place the government's abuses above the scrutiny of the legal system, and permit long-term detention without charge of opposition figures. In typical Nigerian military fashion, many opposition leaders are currently in detention without charge, peaceful demonstrations are repeatedly broken up, passports of opposition figures have been seized, and newspapers have been closed. The government has yet to investigate the killing of an as yet undetermined number of peaceful demonstrators by police and military forces in anti-government protests in July and August. Since mid-August, a number of students and others have been killed in Edo state, in reprisal attacks against violent demonstrations there in August. In addition, a number of female students have been raped in the attacks. An ominous new development has been the firebombing of homes of a number of opposition leaders by unknown assailants. While no one has yet been killed in the attacks, they have contributed to an increased level of tension.

The patterns of abuse established by the government make clear that, despite its promises to the contrary, it has no plans either to try to ease political tensions or to move the country towards democracy. In late September, as if to erase any lingering doubts about his intentions, Abacha removed the four remaining civilians in his Provisional Ruling Council, which now is comprised of twenty-five members of the military.

Deprived of a legitimate means of expressing its anger, the opposition has indicated that it has no intention of giving up its struggle to rid the country of military rule. While it is not clear whether the situation will degenerate into warfare, it is clear that the consequences of a allowing the crisis to continue could be cataclysmic in a country as large and diverse as Nigeria, with approximately one hundred million people, and some 250 ethnic groups.

BACKGROUND

The political crisis in Nigeria began as a contest for political power between a small but powerful oligarchy in the north, which has held onto power through its control of the military, and advocates of civilian rule and multi-party democracy, who have their base in the southwest but are spread throughout the country. The crisis is now in its second year. It began in June 1993, when the military government of General Babangida annulled the results of a presidential election that was apparently won by Chief Abiola, a wealthy businessman and philanthropist from the south. Abiola was the candidate of the Social Democratic Party (SDP), one of the two parties created by the government, which were the only ones permitted to participate in any elections.

²The Yoruba are one of Nigeria's three largest ethnic groups; they traditionally inhabit the southwest, including Lagos, Nigeria's commercial capital. The other two large groups are the Hausa-Fulani, who make up the majority of the population in the north, and the Igbo, who live mainly in the southeast. Political control of Nigeria by what is seen as a small northern oligarchy has been a thorn in the side of southerners for years.

The election was to be the last step in a tightly controlled transition to civilian rule. The transition process itself had been widely criticized by human rights groups for its lack of respect for democratic principles and the strong-arm tactics used by the authorities to silence opponents. Throughout the course of the transition, Nigerians who opposed official policies were regularly detained, critical newspapers were shut down, and the courts were routinely barred from questioning military decrees.³ The political parties—the SDP and the National Republican Convention (NRC)—were themselves the subject of much criticism, as they had been created by the government, which also arbitrarily banned some of their candidates. Nevertheless, by the time of the June election, a National Assembly, consisting of a Senate and House of Representatives, had been elected, as had civilian governors for all thirty states.

The election pitted Chief Abiola against Bashir Tofa, the northern-based candidate of the NRC. According to early election returns, Abiola, a Yoruba Muslim, was leading in all parts of the country. This was a particularly hopeful sign for Nigeria, where regional and ethnic divisions have bedeviled post-independence politics. Abiola's victory would have given southerners a political hold while increasing the possibility of unifying the country because Abiola, although a southerner, is a Muslim like the majority of those in the north.⁴

General Babangida first suspended and then annulled the election results in an attempt to cling to power, and domestic and international protests immediately followed. During riots in Lagos and other southern cities, soldiers killed more than 150 people. The U.S., U.K., and other governments cut off non-humanitarian aid and curtailed military training and other forms of cooperation. Due to continuing protests, General Abacha, who was then Babangida's defense minister, convinced Babangida to leave office in August 1993 and handed over control of the government to a hand-picked regime that was led in name only by a civilian, Ernest Shonekan. Effective control of the government remained in the hands of the military, who, in November 1993, forced Shonekan to resign. Abacha became the head of state.

While promising a swift return to democracy Abacha banned the two political parties; dismantled political structures, including the National Assembly and civilian governorships; and proscribed all political associations, public processions and other activities perceived to be political in nature. In January 1994, the government announced that a constitutional conference would be held to decide Nigeria's future form of government. The independence of the conference would be severely restricted: decisions adopted by the conference would be subject to approval by the military, and debate on the viability of a united Nigeria, which many southerners wanted to include, would not be permitted. The announcement was greeted with scorn by pro-democracy figures, not least because Nigeria's latest constitution, which had been slated to take effect following the June 1993 presidential election, had never been implemented. In April it was announced that elections to select conference delegates would be held in late May. Of the 369 conference delegates, only 273 would be elected; the remaining ninety-six would be appointed by the government. The outcome of the conference, which will serve as the basis for next year's political program, is supposed to be summarized in November in a report by a government-appointed commission. It was also announced that the ban on political activities would be lifted in January 1995; noticeably, no date was set for the military regime's departure from political office.

³ See Africa Watch, *On the Eve of "Change," A Transition to What,* (New York: Human Rights Watch, 1991), Africa Watch, "Contradicting Itself: An Undemocratic Transition Seeks to Bring Democracy Nearer." *A Human Rights Watch Short Report*, vol. 4, no. 5, April 1992, Africa Watch, "Threats to a New Democracy," *A Human Rights Watch Short Report*, vol. 5, no. 9, June 1993.

⁴ Northern Nigeria is predominantly Muslim, and southern Nigeria predominantly Christian.

Opposition Mounts

In early May, Abiola announced his intention to form a "government of national unity."⁵ About a week later, the formation of the National Democratic Coalition (NADECO) was announced. The group, made up of politicians, retired military officials, and pro-democracy figures, was formed in an effort to coordinate and focus the various pro-democracy factions around four main demands: (1) the military must leave political office; (2) Abiola must be installed as president; (3) a sovereign national conference must be held to debate the country's future; and (4) the country must be restructured along truly federal lines. NADECO immediately called on the government to install Abiola as president before the end of May, and called for a boycott of the Constitutional Conference elections, the first of which were to be held on May 23.

NADECO's formation had a galvanizing effect on the pro-democracy movement. In the days preceding the Constitutional Conference elections, calls for the military's departure from politics came from a diverse group that included Anglican and Catholic religious leaders, former politicians, traditional leaders, and others. Gen. Olusegun Obasanjo, a former military head of state and the only one of Nigeria's military rulers to voluntarily retire from politics, joined the call.

General Abacha quickly demonstrated that he had no intention of allowing expressions of political opposition to go unchecked. In a speech on May 20, he warned against the disruption of the conference elections and condemned opposition figures whom, he said, wanted to plunge the country into chaos and anarchy. The following day, police armed with rifles and teargas canisters surrounded a palace of a Yoruba traditional ruler where a gathering of Yoruba traditional rulers had been planned. The police were, however, unable to prevent the rulers from meeting secretly elsewhere and issuing a statement denouncing the Constitutional Conference and demanding the implementation of democracy.

The elections that were held on May 23 were largely boycotted in the Yoruba-dominated southwest. That day, approximately fifteen human rights and pro-democracy activists were arrested, allegedly for trying to disrupt the elections. They were later released.

On May 31, the inspector general of police, Alhaji Ibrahim Commassie, declared NADECO an illegal political body and warned it not to engage in further activities.

The Battle for Democracy

On May 30, members of Nigeria's disbanded senate met secretly and issued a statement calling on Abacha to surrender power to Abiola. On June 1, Ameh Ebute, the former senate president, publicly announced the senators' decision to reconvene. Ebute was arrested the following day. Members of the disbanded House of Representatives met on June 3 and issued a similar call for democracy. Many more arrests of former senators, former members of the House of Representatives, former governors, and others quickly followed. Many of those arrested were detained without charge for days or weeks. At least thirteen, however, were charged with treason and held for nearly two months before being released on bail. They included six senators, several governors, and several members of NADECO. The six senators were granted bail when they appeared in court on July 27; but their passports were impounded on court orders, and they were put under security surveillance. Some have been rearrested and are currently in detention (see below). Others have gone into hiding. Their trial was adjourned to October 23.

⁵ "Abiola Intends To Form National Unity Government," AFP, May 10, 1994, Foreign Broadcast Information Service (FBIS), Sub-Saharan Africa, May 11, 1994, p. 15.

On June 11, at Epetedo in Lagos Island, Chief Abiola declared himself president in the presence of over 3,000 supporters. His speech coincided with a national broadcast by Abacha, who said: "Those elements engaged in the act of confrontation, sabotage, rumor mongering, false alarm and distortion of facts must bear in mind the full consequences of their acts..."⁶ The same day, the Nigerian police declared Abiola wanted and offered a N50,000 (approximately U.S. \$2,000) reward for information leading to his arrest. Abiola was accused of causing disorder and intending "to overthrow the government."⁷ His residence and his publishing company, The Concord group, were sealed off. He was arrested on June 23 and held incommunicado until his first court appearance on July 5.

NADECO and the Campaign for Democracy, a coalition of human rights, womens' groups and other grassroots organizations that had formed during the Babangida administration, called for a one-week stay-at-home protest against the regime on July 6. The oil workers and other unions then became involved and confrontation escalated (see below).

The Constitutional Conference convened on June 28, with a speech by General Abacha, who once again vowed to return the country to democracy without setting a date for leaving political office. The following day, at least four delegates, including Pascal Bafyau, head of the Nigerian Labor Congress (NLC), who was one of the ninety-six government-selected delegates, announced they were resigning in light of an impending strike by the oil workers unions (see below).

ATTACKS ON LABOR AND PROFESSIONAL ASSOCIATIONS

Oil Unions

The pro-democracy activity had only a limited effect on the country in May and early June, but that changed after an oil workers strike that began on July 4. The strike was announced on June 27 by the National Union of Petroleum and Gas Workers (NUPENG) which included among its demands that:

The military should restore all the dismantled democratic/political structures that were in place in 1993 and call on the acclaimed winner of 12th June 1993 presidential election to negotiate a peaceful handover of the reins of government to satisfy the yearnings of the teeming millions of Nigerians who voluntarily gave him that historic mandate.⁸

As oil is the lifeblood of the Nigerian economy, accounting for nearly all of its export earnings, the strike seriously threatened the stability of the government. Although the government declared it illegal, the strike began on July 4, as planned. A week later, NUPENG's white-collar sister union, the Petroleum and Natural Gas Senior Staff Association of Nigeria (PENGASSAN), joined. Although the strike did not initially affect oil exports, it had an immediate effect on domestic fuel supplies, sparking riots and protests. Soldiers, who were given control of the fuel sales, made large profits by selling fuel at hugely inflated prices. By August, the strike had seriously eroded oil export earnings as well.

In attempting to break the strike, Abacha resorted to bribes, threats, arrests, and eventually, when these methods failed, he dissolved the leadership of the oil unions and ordered workers back to work. On August 18, police sealed off the oil union headquarters.

Frank Kokori, NUPENG general secretary, was arrested on August 20 by agents of the State Security Services (SSS) in Lagos at 1:00 a.m. He was reportedly beaten up before being taken to Abuja. Other NUPENG officials were also arrested, including the president, Wariebi Agamene, who was arrested on September 11 by the SSS. A Lagos High Court has ordered the government to produce him in court on October 17. Arrests of PENGASSAN officials include those of F. A. Addo, third vice president of PENGASSAN and a staff member of the Port Harcourt Refinery Company

⁶ "Nigerians Agitating for Democracy Get Repression," *Constitutional Rights News*, (Lagos: Constitutional Rights Group, August 5, 1994).

⁷ *Ibid.*

⁸ "Oil and gas workers' union threatens strike action in support of Abiola from 4th July," AFP in English, June 27, 1994. BBC Summary of World Broadcasts (SWB), June 29, 1994.

Limited, and F. Aidelomon, chairman of the Pipeline and Products Marketing Company (PPMC) branch of PENGASSAN. Addo and Aidelomon, who were arrested in August, have not yet been released.

On August 22, Gani Fawehinmi, a well-known human rights lawyer and activist, filed three suits on behalf of oil unions at Federal High Court in Lagos. Two challenged the government's move to dissolve the oil unions' executives, and the third challenged the arrest and detention of Kokori, who has reportedly been denied necessary medical attention, despite court orders.⁹

On August 23, Justice Mamman Kolo ruled that the officials who were fired by the government should remain in their posts until August 31, when their suit challenging their firings was to be heard. The following day, Kolo's superior judge, Mohammed Belgore, told a news conference that no such order had been made. On September 6, Justice Kolo withdrew from the case challenging the firings and transferred it to his superior judge. The case was adjourned to September 12, 1994, but has now been overtaken by a decree that suspends the authority of the courts to inquire into the dissolution of the unions' executives (see below).

On August 29, the government appointed sole administrators and secretaries for PENGASSON, NUPENG, and the Nigerian Labor Congress (see below). By early September, it became clear that the strike had been broken.

Despite its apparent success, it seems that the government is intent on punishing those who were behind the strike. On August 28, Labor Minister Samuel Ogbemudia announced on television what he called "Operation FFF"—Find, Fix, and Finish—which was launched by the government against the oil unions and the NLC. Although Mr. Ogbemudia did not elaborate on the specifics of the operation, he said that it was to include policemen and soldiers. He also said that all voices of opposition will be "exterminated even if they go underground in such a way that history will not remember that they ever existed."¹⁰

Other Unions and Professional Associations

Many other unions (including the National Union of Banking and Financial Institutions, the National Union of Air Transport Services Employment, and the National Union of Local Government Employees) also joined the oil workers strike in early July and stayed out on strike for much of the duration of the oil workers' strike. The Lagos state branch of the Nigerian Bar Association went on a brief strike on July 12, 1994, to protest the government's refusal to obey court orders.

The National Union of Teachers also joined the strike in early July. The Academic Staff Union of Universities (ASUU), the national academic union, embarked on a strike on August 22, which is still in effect. Many universities had closed down even before the strike by ASUU due to protests or the fear of such protests by school administrators. Following threats by the government against the union, ASUU obtained an injunction to restrain the government from banning it or dissolving its executive council.

The national leadership of the Nigerian Labor Congress (NLC), the national federation of labor unions, initially did not take a strong stand against the government. However, various state branches, including those of Lagos, Oyo, Ogun, Osun, Edo, Delta, and Kwara, joined the oil workers strike in July. On three occasions, Paschal Bafyau, the NLC head, delayed or suspended a general strike following assurances by the government that Abiola would be released. The national NLC finally went on strike from August 3–5, but the strike was not observed in the northern states.

On August 17, the NLC executive was dissolved along with the oil unions' executives. On August 25, Pascal Bafyau instituted a suit at the Federal High court in Lagos challenging the dissolution, but that suit too has been overtaken by the new decrees preventing the courts from questioning the legality of the dissolutions (see below).

Meanwhile, NLC members continue to be harassed. On August 29, the Abia state chairman of the NLC, Chief A. C. B. Agbarueze was declared wanted following a pro-democracy protest on that date. When he was not found, his wife was arrested in his stead and detained for several days. Chief Agbarueze was alleged to have distributed malicious

⁹ James Jukeway, *Nigeria's Sacked Oil Union Chiefs Back in Court*, Reuters, Lagos, August 23, 1994.

¹⁰ *Socio-Political Crisis in Nigeria—Update no. 7*, (Lagos: Campaign for Democracy, 1994) p. 4.

documents and to have incited people against the state administrator. The Abia state government had earlier dissolved the state executive of the NLC and appointed an administrator for it, but Chief Agbazuere contended that the dissolution was unlawful because the NLC is a federal, not a state creation. Campaign for Democracy (CD) and the Committee for the Defense of Human Rights (CDHR) has filed a suit challenging the state administrator's right to dissolve the NLC state executive and demanding an end to the harassment to Chief Agbarueze.

ATTACKS ON PRO-DEMOCRACY ACTIVISTS

Attacks on pro-democracy activists have been ongoing throughout the crisis. Some activists have been killed; others have had their homes and offices bombed. Hundreds have been detained for periods ranging from several hours to several months. A number have been deprived of their passports. The following is a chronicle, by no means exhaustive, of incidents of abuse.

Killings

Following the announcement of the oil unions' strike in late June and continuing in August, police and soldiers were unleashed on pro-democracy demonstrators with teargas and live ammunition. An unknown number have been killed, mainly in the Yoruba areas. Many of the killings occurred during peaceful protests. The offending officials should be charged and brought to trial. Other protests, especially in Lagos, were overrun by violent thugs known as "area boys." It is incumbent upon the Nigerian authorities to conduct independent investigations into all the killings to determine the cause and circumstances in which peaceful protesters were killed and when and where excessive force was used in violent protests.

According to information available to Human Rights Watch/Africa the following killings occurred during peaceful protests:

- On July 7, a fifteen-year-old boy, Mufutau Preiva, was shot dead when a march by members of the Nigerian Bar Association was stopped by approximately 200 heavily armed anti-riot police.
- On July 17, two protesters were shot dead by police in Lagos.
- On July 20 in Ife, Ogun State, police opened fire on peaceful protesters, killing Lateef Ayinde, father of three, and several others, including Sunday Emmanuel, a student at Abeokuta Government college, and wounding James Adonu.
- Approximately five protesters were killed by police in Abuja on July 20 during a court appearance by Abiola.
- Deji Giwa, a member of CD, was killed by the police on July 28 while he was leading a peaceful protest of the Shomulu branch of the organization. Another protestor, known as Adeniyi, was also killed at that time.
- On August 3, police shot and killed three protesters in Lagos.
- The Committee for the Defense of Human Rights reported that an unknown number of people were killed in Abia State following a peaceful protest there on August 29.

Attacks on Universities

According to a report by the Obafemi Awolowo University (OAU) branch of the Academic Staff Union of Universities (ASUU), a protest on June 14 at Ile-Ife, Osun state, was met with a brutal attack by armed policemen led by the military administrator of the state. The protest began largely with workers and townsfolk and was later joined by students at OAU. The protesters lit bonfires and erected barricades, but remained peaceful. An anti-riot police squad occasionally fired teargas to disperse crowds, who then regrouped to continue their protest. At about 11:00 a.m., a military convoy drove into town, led by the military administrator of the state, Navy Captain Udofia. The protesters immediately dispersed, whereupon the convoy began to attack people in their homes and workplaces. Many people were savagely beaten with whips and gunbutts. Others were locked in unventilated rooms into which teargas canisters were thrown. Many residents were robbed and had their homes and other property vandalized and partially destroyed.

An attack at the Seventh Day Adventist Grammar School is just one example of what took place that day. When the convoy stopped to chase away demonstrators on the highway, they found the gate of the school locked. Students were standing on the fence and shouting obscenities at Captain Udofia. One of the policemen demanded to see

the principal, A. O. Odetoye, who eventually came and was kicked and beaten with whips by the policeman, while Udofia looked on. Another teacher was also beaten until he bled. The convoy left and returned an hour later. Udofia walked into the school premises, accompanied by armed policemen, and ordered the policemen to beat the principal again, which they did, and then took him away.

Over the next month, police mounted roadblocks around the city and occasionally attacked citizens. Protests continued, however, and on July 8, the police invaded the campus of OAU, threw teargas, and wounded scores of students.¹¹

In Benin City, university students started a march on August 17 that was joined by other civilians and ended with protesters throwing gasoline bombs at the homes and offices of present and former government officials. The properties include the houses of Dr. Samuel Ogbemudia, minister of labor and productivity; Vice-Admiral Augustus Aikhomu, the former military vice president; and Tony Anenih, the former chairman of the now banned Social Democratic Party created by the Babangida regime. No one was hurt, but the properties were destroyed because protesters refused to allow firefighters to put out the blaze. At the same time, protesters also confiscated weapons belonging to the authorities. Police responded by assaulting two universities in the city; they admitted to the killing of four undergraduates. Many more are believed to have been killed in reprisals since that time, and many female students have been raped. The Civil Liberties Organization called for an investigation into the killings at the universities and the rape of some thirty female medical students at University of Benin.¹²

Bombs and Other Violent Attacks

Beginning in late August, a new trend in the increased level of lawlessness and terror appeared in the southwest: firebomb attacks on the homes of dissidents. Although none of the attacks can yet be tied to any specific category, the government's other abuses against members of the pro-democracy movement have created the impression that the government is behind the attacks. This belief, in turn, has contributed to an atmosphere of fear that has led to calls by Nobel laureate Wole Soyinka and a group of Yorubas rulers, among others, to members of particular ethnic groups, particularly the Yoruba, to be prepared to defend themselves. Violence by those opposing the regime, in turn, increased, with the destruction of residences of pro-government figures in August and, in late September, a bomb at the premises of the government-owned Radio Nigeria and Nigerian Television Authority in Kaduna, in northern Nigeria.

¹¹ "Brutalization Visited on the People of Ife by the Military Under Anthony Udoffia's Order," (Ile-Ife, Nigeria: Academic Staff Union of Universities-OAU branch, July 29, 1994).

¹² Nigeria on the Brink," Human Rights Update (Lagos: Civil Liberties Organization, September 6, 1994.)

HRW/Africa is aware of five firebomb attacks on members of the opposition. The first occurred on August 24, at the house of Chief Segun Osoba, a former governor of Ogun State (Abiola's home state) and a member of NADECO. Osoba was not at home, but his guards were tied up and the building riddled with bullets. Two days later, on August 26, gasoline bombs were thrown at the homes of Gani Fawehinmi, the well-known human rights lawyer who was providing legal representation to the oil unions and other arrested government critics (as already mentioned), and of retired air force Gen. Dan Suleiman, a member of NADECO. Fawehinmi's security guards were wounded in the attack, and one had to have his arm amputated that weekend. Suleiman said ten men dressed in black shirts came to his house that morning. "They set one of my cars on fire then sprayed a hail of bullets at eight other cars in the driveway," he told a reporter.¹³ NADECO accused the government on August 29 of "state terrorism" by ordering the attacks and arbitrary arrests. A police inquiry into the attack on Fawehinmi has reportedly begun.

A firebomb was also thrown at the official residence of a member of the Constitutional Conference, Dr. Muiyiwa Oladimeji, on September 2. Three weeks before, Dr. Oladimeji had been detained and later freed for organizing a demonstration against Abiola's detention in Osun state. Firebombs were also thrown at the Lagos headquarters shared by CD/CDHR and the Lagos home of Ayo Opadokun, NADECO secretary-general.

Detentions

In addition to those who have already been mentioned, hundreds of other Nigerians have been arrested since May 1994. Most of them have been released, but many others remain in detention. Among them are several well-known political figures, including:

- Anthony Enahoro, NADECO vice chairman, a politician who was at the forefront of the struggle for Nigerian independence, was arrested over the weekend of August 20-21;
- Cornelius Adebayo, a former Kwara state governor and a leader of NADECO, arrested over the weekend of August 20-21;
- Fred Eno, personal aide to Chief Abiola, arrested on August 19 in Lagos;
- Ademola Adeniji-Adele, a former chairman, Lagos Island local government, arrested over the weekend of August 20-21;
- Former Senator Emma Ukpo, arrested on September 15 from his residence in Ikoyi, Lagos, by five members of the SSS; detained in Lagos. No reason was given for his arrest, but it is believed to be in connection with moves by some former senators to reconvene.
- Former Senator Polycap Nwite, arrested in June, released after being charged with treason, re-arrested on September 25;
- N. A. Okoroafor, former senator from Abia State, arrested June 5, released after being charged with treason, re-arrested on September 23;
- Baba Omojola, a human rights activist and labor economist, who was arrested on September 24 in Lagos;
- Gani Fawehinmi, a human rights lawyer, arrested on October 1, after launching the National Conscience, a political party opposed to military rule; and
- Ayo Opadokun, NADECO secretary general, who was arrested on October 11 in Lagos.

Many others are being held as a result of the protest in Edo state on August 17 (see above). The CLO has brought a suit at the Federal High Court in Benin challenging the arrest of thirty-eight detainees, including Rev. Olu Aderibigbe, chairman of the Edo State branch of the NLC, and many students at University of Benin. Rev. Aderibigbe and thirty others were granted bail on September 28, but police have refused to release them. Also arrested from the area are Joseph Osayomore, a musician arrested on August 25 for recording a song titled "Leave Us Alone."

Other current detainees are members of the Ogoni ethnic group, who have been protesting the environmental degradation of their land by international oil companies. The leader of the Ogoni movement, Ken Saro-Wiwa, has been detained without charge since May 23 and is currently believed to be very ill and on hunger strike. He has been denied medical attention. Other Ogonis have also been detained.

¹³*Ibid.*

Detainees have included children as young as ten years of age. At a demonstration on July 18, twenty-eight persons, most of them children under the age of fifteen and some as young as ten years old, were arrested. When CLO officials in Ogun State demanded the release of those detainees by the state police, they were told that policemen had been ordered not to return to their stations without "suspects."¹⁴

In many cases, protesters have been released without charge, but in some cases, charges have been filed. For example, approximately 120 demonstrators were arrested at a protest in Abuja during a court appearance by Abiola on July 28. On August 1, twenty-three of the protesters were charged with five counts of criminal conspiracy, unlawful assembly, rioting, inciting disturbance and mischief by fire. They all pleaded not guilty, and most of them said they had been arrested inside the bus that had brought them from Lagos. They were granted bail of N50,000 each.

Five former members of the Rivers State House of Assembly—Emmanuel Deeyah, Felix Uche Nweke, Chidi Amadi, Temple Amadi, and Ernest Ochem—were arraigned on September 2, before a Port Harcourt Magistrates Court, for alleged "unlawful congregation capable of undermining the government." They were also accused of issuing a seditious statement titled "press statement issued by the honorable members of the House of Assembly." The magistrate granted them bail and adjourned the case to September 26, 1994.

A number of members of NADECO have eluded arrest and are currently in hiding, including former governor Segun Osoba; former Senator Bola Tinubu; Dr. Wahab Dosumu; Aro Lambo, a former member of the House of Representatives; and Gen. Allani Akinrinade, a former chief of defense staff and minister.

Thirty-five people were declared wanted on August 25 in Benin, in connection with the protests there. They include former Edo State Governor Chief John Odigie-Oyegun and his deputy Rev. Peter Obadon and thirty-three other students, human rights activists, labor leaders, and politicians. Another thirty persons were declared wanted on September 29, in connection with the same protest. The Rivers State Police Command has declared wanted three human rights and pro-democracy activists.

Harassment and Intimidation

Over the last several months, the authorities have resorted to a variety of tactics to harass and intimidate the opposition. Meetings have been prevented or broken up by armed policemen. Passports have been seized. Pro-democracy leaders are kept under heavy surveillance. The following are some of the incidents known to HRW/Africa.

Meetings Prevented or Aborted

- On July 11, more than fifty armed policemen invaded the Oyo state Nigerian Union of Journalists press center and sealed it off, apparently to prevent a press conference by a radical farmers' group known as the "Agbekoyas."
- On July 14, a conference on "The State of the Professions in Nigeria," called by a group known as Concerned Professionals, was aborted by more than seventy armed mobile policemen in Lagos. One of the organizers of the conference, Dr. Pata Utomi, was manhandled as he tried to talk on his mobile telephone; other participants were beaten and chased by the police.
- A "Walk for Justice" march organized by the African Democratic League, headed by Nobel laureate Wole Soyinka, was disrupted by the Lagos police on July 24. Mr. Soyinka recently reported that he is being kept under heavy surveillance.
- On October 1, police cordoned off the advertised venue of a rally to celebrate the launching of a new political party, the National Conscience, formed by human rights lawyer Gani Fawehinmi, and fired teargas to disperse supporters.

Passport Seizures

¹⁴ "Nigeria on the Brink." Human Rights Update (Lagos: Civil Liberties Organization, September 6, 1994.)

The seizure of passports of government critics has been a popular tactic of both the present and past military regimes. No reasons are ever given, and no apologies are made when the passports are returned. HRW/Africa is aware of at least thirteen passport seizures since July 1994; none has been returned. In addition to the six senators charged with treason who had their passports seized in July, others who have lost their passports to the state include: Adebayo Adedeji, former secretary-general of the Economic Commission for Africa, who was on his way to Namibia at the invitation of President Sam Nujoma; Professor Claude Ake, a political economist, who had just returned from a lengthy visit to the U.S. and Europe; nobel laureate Wole Soyinka; Dr. Doyin Abiola, wife of Chief Abiola, and several politicians.

A CLAMPDOWN ON THE PRESS

The critical press has been targeted throughout the crisis, as it was during the political crisis immediately following the annulment of the election in 1993. Newspapers have been shut down, reporters attacked and arrested. News vendors carrying anti-government publications have been harassed and arrested. The authorities have even resorted to publishing fake editions of pro-opposition publications (see below). The following is a summary of some of the incidents.

Closures

On June 11, the Concord group of publications owned by Abiola, which publishes, among other things, *The Concord*, a daily, and *The African Concord*, a weekly, and The Punch group, which includes *The Punch*, an outspoken daily, among its publications, were shut by police. Both publishers sued for wrongful closure. On July 29, *The Punch* received a judgment at a Federal High Court ordering out the policemen and awarding damages of N25 million (approximately U.S. \$1 million) for illegal closure. Editor Bola Bolawole, who was detained within the newspapers premises during the first few days of the closure, was also awarded damages of N100,000 (approximately U.S. \$4,500). *The Punch* began publishing again during the first week of August before it was finally sealed off on September 7, 1994. Damages were never paid. On August 18, Justice Babatunde Belgore ordered security agents out of the premises of *The Concord* and awarded N1.5 million (approximately U.S. \$60,000) in damages. The government disregarded the order, and on September 5, *The Concord* brought a suit against the inspector-general of police and the attorney-general.

On August 15, The Guardian group of publications, which includes *The Guardian*, the nation's most influential national daily, was closed down. Four employees were arrested, Hyacinth Onoh, the production editor; Minet Ojodacen, chief security officer; Bola Odutan, computer operator; and Emmanuel Efeni, reporter. They were later released without charge.

Assaults

Five photographers were assaulted and their cameras either confiscated or destroyed at a protest in Abuja on July 28, in which five people were killed during a court appearance by Abiola. The assaulted journalists were Philip Ojisua of *The Guardian*, Hamza Rasaw of *Concord*, Dare Fasube of *Vanguard*. The rest were Baba Ali of *The Democrat*, and Timothy Ikuomenisan of *The Sketch*. They were beaten with horse-whips, batons, and gun-muzzles.

Arrests

In addition to those named above, at least fourteen other persons connected to the news media have been arrested. They include a sixty-year-old newspaper vendor, who was arrested in Katsina, charged with circulating an "offensive publication," and later released. *The News/Tempo*, which since late August also publishes a new daily, *P.M. News*, has continually angered authorities since it began publishing in 1993. Its staff has been targeted on several recent occasions. Bayo Onanuga, editor-in-chief, was arrested and detained briefly in August and September. He has been charged with libel and his trial has been adjourned to November 7. Deputy editor-in-chief Dapo Olorunyomi has also been arrested twice since August. Four members of *The Punch* and three members of *Fame*, a weekly, were also arrested in August.

On August 26, reporter Bob Cohen and camerawoman Amy Merz of CNN were accosted in the lobby of their hotel in Lagos by the SSS, driven to the airport, and put on a plane to London. No explanation was offered. Their expulsion occurred on the same day that CNN aired their report, which included interviews with Gani Fawehinmi and Dan Suleiman, whose homes were firebombed the previous night (see above).

On September 9, the News Agency of Nigeria reported that Minister of Information Jerry Gana said the government was planning urgent steps against what he called adverse reports by foreign media organizations; he did not say what the steps would be.¹⁵

Correspondents for the government-owned newspapers and radio have also been arrested, but were released quickly.

Harassment

One of the government's more innovative tactics has been to publish fake editions of critical newspapers and magazines. In early July, *The Sunday Magazine (TSM)*, a weekly news and general interest magazine planned to publish an edition with the cover "Abacha must go." Another edition appeared in the stands with the title "Only Abacha can save Nigeria." On July 15, the publishers of *Tempo* complained about a fake edition titled "Awoists [leftist members of a former political party] Dump Abiola."

Marches and demonstrations by journalists have been prevented or aborted by authorities. On August 24, in Ibadan, about one hundred armed policemen aborted a planned ten-kilometer march organized by the Oyo State Council of the Nigerian Union of Journalists (NUJ) protesting the continued closure of media. On September 6, members of the Kwara State Police Command laid siege to the entrance of the Kwara state branch of the NUJ. Journalists had planned to march for press freedom in sympathy with the closure of the three press groups.

THE ABIOLA TRIAL

On June 24, Abiola's lawyers went to court to secure an injunction restraining his detention. Between June 27 and July 4, the government disregarded three separate court orders of the Federal High Court to produce him in court. On July 5 at a Federal High Court in Abuja, a court that had been set up especially for his trial, Abiola was charged with various counts of treason and "treasonable crime." On July 14, he was refused bail, but the judge ordered that he be given access to his doctor, lawyers, and family members. On July 28 Abiola's charges were amended to five counts. According to these charges, Abiola "levied war against the State," "form[ed] an intention to remove or overawe otherwise than by constitutional means the Head of State," "conspired to do an illegal or treasonable act," and "represent[ed] himself to be the President and Commander-in-Chief of the Armed Forces of the Federal Republic of Nigeria."¹⁶

¹⁵ "Government reportedly to take steps against adverse foreign reporting," AFP, September 9, 1994, BBC SWB, September 12, 1994, p. A/13.

¹⁶ U.E. Mohammed, Esq., for: Hon. Attorney General of the Federation and Minister of Justice, Charge No. FHC/A/C/1/94 in the Federal High Court of Nigeria in the Abuja Judicial Division Holden at Abuja.

Abiola's health has deteriorated dramatically while in detention. He first complained of mistreatment at a court appearance in July. His family complained on August 28 that he had been beaten by a senior police officer who also confiscated newspapers the family had sent him. Early in September, the Nigerian Medical Association (NMA), whose representatives had been allowed to examine him in the presidential clinic, said that Abiola was critically ill, suffering from high blood pressure and a painful neurological condition that was affecting the use of his leg.¹⁷

At a hearing on September 12, presided over by Judge C. P. Senlong of the Federal High Court in Kaduna, who had replaced the original judge who withdrew after he was accused of being partisan, Chief Abiola failed to appear. Abuja Police Chief Mohammed Yusuf told Justice Senlong that Abiola had refused to accompany him to court. At the same hearing, Abiola's lawyer complained that neither he nor Abiola's family had been allowed to see Abiola. Abiola showed up in court the following day looking ill and unable to walk without difficulty. His lawyer told the court that the defendant had been refused a wheelchair. He added that police were still refusing Abiola newspapers and access to radio and television, despite court orders. Justice Senlong announced that the case was being adjourned until a request for bail and an appeal to have the case moved to Lagos were heard in early October. He also said that he was restarting the trial from scratch, which will allow Abiola another chance to apply for bail and to challenge the court's jurisdiction. The judge ordered that Abiola's immediate family be allowed to see him three times a week but put off a decision on whether Abiola would be allowed a wheelchair.

THE NEW DECREES

On September 5, it was announced that General Abacha had promulgated a series of harsh new decrees targeting the press, the unions, and the judiciary. The decrees seek to legalize the government's actions in dissolving the executives of the oil unions and the Nigerian Labor Congress and in closing the Concord group, the Guardian group, and the Punch group of publications, as well as grant the government absolute power to promulgate any decree without judicial scrutiny. One of the decrees extends the period allowable for administrative detention.

The decrees aimed at the press sanction the closure of the three newspaper groups for six months, unless the period is extended by an order published in a Federal Government Official Gazette and signed by General Abacha. Decrees 6 and 7 proscribe the Concord group and the Punch group for six months from June 10. Decree 8 proscribes the Guardian group from August 14, also for six months. The premises of all three publishers are to remain sealed up during this period. All three papers already have suits in court challenging their closure. On September 8, the government-owned *Daily Times*, Nigeria's largest circulating newspaper and usually supportive of government policies, ran an editorial criticizing the ban, saying it "fear[ed] that the new policy direction is likely to be interpreted as a flat contradiction of outspoken pledges by government not to clamp down on the press."¹⁸ In the first official comment on the ban, Information Minister Jerry Gana said that the press closures were his "saddest moment."¹⁹

Decrees 9 and 10 dissolve the Executive Councils of the NLC and NUPENG and PENGASSAN. The decrees, which are retroactively dated to August 18, 1994, disqualify any court in the country from enquiring into anything done or purported to have been done pursuant to the decrees. They also provide that the section of the Constitution dealing with fundamental human rights be suspended for the purposes of the decree. After the promulgation of the decree, a lawsuit filed by the NLC challenging the dissolution of its executive, was dismissed by a federal high court judge on September 6, who said she no longer had jurisdiction in the case. Another suit challenging the dissolution of the PENGASSAN executive was thrown out of court on September 22, for the same reason.

State Security Detention of Persons (Amendment) Decree (Decree 11) amends Nigeria's infamous administrative detention law, Decree 2, to allow persons who are deemed to present a security risk to be detained for three months without charge on orders either of the chief of general staff, Lt.-Gen. Oladipo Diya, the number two man in the government, or the inspector-general of police, Ibrahim Coomasie. After three months, the detention order may

¹⁷ Michael Hamlyn and Eve-Ann Prentice, "Ailing Abiola stays away from trial," *The Times* (London), September 13, 1994.

¹⁸ "State-run Nigerian daily blasts ban on newspapers," Reuters, Lagos, September 8, 1994.

¹⁹ *Ibid.*

be renewed. The amendment was made effective from August 18, just before a round-up of government opponents who remain in detention and now have little hope of release in the near future. Previously, Decree 2 had allowed detentions for renewable six week periods and only on orders of the chief of general staff. On September 27, at a hearing of a challenge to the detention of Anthony Enahoro, Cornelius Adebayo, and Fred Eno, a government attorney said that the three were being held under this decree. The detainees' counsel argued that the decree did not deny the court jurisdiction, and the case was adjourned.

Another decree, the Federal Military Government Supremacy and Enforcement of Powers Decree (Decree 12) of 1994, made retroactive to November 18, 1993, refers to Abacha's coup as a "military revolution," and stipulates the following:

no civil proceedings shall lie or be instituted in any court for or on account of or in respect of any act, matter or thing done or purported to be done under or pursuant to any Decree or Edict and if such proceedings are instituted before, on or after the commencement of this Decree the proceedings shall abate, the (*sic*) discharged and made void.²⁰

The decree is in sharp contrast to General Abacha's address to the nation on August 17, in which he made the following remarks about the judiciary in light of his decision to allow Abiola's fate to be determined by the courts: "We believe that the judiciary is a vital custodian of our individual liberties and should be courageous, impartial and honest at all times."²¹ The decree is expected to put an end to two suits challenging the legality of the current government brought in August, one by six human rights organizations, and one by Wole Soyinka. At a hearing of Soyinka's suit on September 21, Justice Babatunde Belgore of the Federal High Court in Lagos rejected the government's contention that Soyinka had no right to sue, saying that citizens under military rule had only two options available for expressing their grievances—the court and the streets.

On September 6, Attorney-General and Justice Minister Olu Onagoruwa called a news conference to distance himself from the decrees and threatened to resign if they were not rescinded. "This ministry has to clear the air (and clarify) that it has no knowledge, no copy or any information about the promulgation of these decrees, which sweep away all our liberties," he said.²² He said that laws were supposed to be made by the Provisional Ruling Council, of which he is a member, and drafted by the Ministry of Justice. Prior to joining the Abacha government last December, Onagoruwa was a well-known human rights lawyer. He had justified his decision to join the government by supporting the government-sponsored Constitutional Conference. He was fired on September 12; no reason was given.

On September 8, Gani Fawehinmi asked the Federal High Court in Lagos to declare the decrees null and void. He cited Minister Onagoruwa's statement that he was not party to the promulgation of the decrees to argue that they were not made by the Provisional Ruling Council as required by law. Chief Rotimi Williams, a senior advocate of Nigeria, also brought a case before the Federal High Court in Lagos challenging Decree 8 and Decree 12.

THE ETHNIC FACTOR

As has been indicated above, a major concern in the ongoing crisis is the extent to which ethnic and regional tensions are rising. Such an increase in mistrust between the south and north is an unfortunate and potentially deadly side effect of the government's refusal to budge on the issues of the June 12 election and the release of Chief Abiola.

The ban on political activity has perhaps been the major contributing factor in the creation of the present dangerous atmosphere. Denied a legitimate outlet for their political views and their anger, southerners were forced to rely on strikes and street demonstrations to express their opposition to government policies. Abacha's decision to hold a constitutional conference despite widespread opposition in the Yoruba areas was another major step towards deepening

²⁰ Federal Military Government (Supremacy and Enforcement of Powers) Decree 1994, Supplement to office Gazette Extraordinary No. 8, Vol. 81, 24th August, 1994—Part A.

²¹ Eve-Ann Prentice, "British official faces Lagos kidnap threat," *The Times* (London), August 18, 1994.

²² Press Release by the Honorable Attorney-General of the Federation and Minister of Justice, Dr. Olu Onagoruwa Held on the 7th of September, 1994.

both regional and ethnic divisions and has virtually assured that all decisions adopted by the conference will be contested by the southwest.

Although the home of the pro-democracy movement is in Abiola's home region of the southwest, the oil workers, who come primarily from southern minority groups and who took over the fight during July and August, helped to broaden the movement beyond its predominantly Yoruba base. Another important factor in bridging the gap across the south has been a new awareness of the brutalization of one of the minorities in the oil producing areas, the Ogoni ethnic group, who inhabit the delta region of Rivers state, by oil companies in conjunction with government forces. Military and police forces have been engaged in attacks against Ogoni villagers for more than a year, in reprisals for ongoing protests against the environmental degradation of their land. Villagers have been murdered, women raped, and entire villages destroyed. It has become apparent that if the government is willing to use such extreme brutality against the Ogoni, who number only about half a million and present little threat to the government, it will be willing to use similar tactics against larger, and therefore more threatening, groups.

The government's brutal way of dealing with the pro-democracy strikes and demonstrations has, of course, hardened the separation between north and south. For example, its decision to import police and military forces from the north to put down protests in the south was deeply resented by southerners, as in the attack on Obafemi Awolowo University/Ile-Ife described above. According to the report cited above by the OAU branch of ASUU:

It is important to note a dangerous ethnic undertone that characterized the administrator's armed expedition to Ife on this fateful day. The men who formed the assault squad of the Administrator were not from this part of the country. Comments like "Do you think I am Yoruba?" "I no be Yoruba, I will kill you!" were commonly heard from them. This dangerous trend is capable of deepening the gulf between the various ethnic groups of this country. One wonders what "leaders" like the Udofias [the name of the administrator] are trying to prove with such actions.²³

In addition to allowing its agents to engage in such ethnic slurs, the government has attempted to divide the opposition by accusing the pro-democracy forces of encouraging attacks by so-called "area boys" on Igbo traders during the riots in Lagos in early August. A communiqué issued by the Campaign for Democracy on August 5, over the signature of Chief Obikweili Udemezue, a traditional Igbo leader and a CD official, condemned the attempt of the government-controlled broadcast media to portray the attacks on traders in Lagos as a result of a policy of the pro-democracy movement. He made the following plea:

We wish therefore to appeal to all the June 12 crusaders not to do anything deliberately to give this struggle a sectional tinge as that will gladden the hearts of the Military Oligarchy, the Northern Caliphate, their Southern surrogates and fuel their negative campaigns.²⁴

Government control of the broadcast media is, of course, one of its most effective tools in combatting the pro-democracy movement. In an effort to control protest and, especially, to break the oil strikes, the government sought to portray the pro-democracy movement as a bunch of fanatics bent on destroying the country. Such propaganda has been particularly effective in the north, where there is no independent press to combat the historical mistrust of the south. Pro-democracy forces in the north have no access to the press. State-run media, which ignore the opposition protests, have highlighted "pro-government" rallies in which paid "volunteers" are brought in to express support for the government and burn U.S. flags to protest American sympathy to pro-democracy forces.

²³ "Brutalization Visited on the People of Ife by the Military Under Anthony Udoffia's Order," July 29, 1994.

²⁴ CD, "To Ndiafia Ndigbo in Nigeria, on the Path of Democracy, Justice, Equity and Fairplay," August 5, 1994.

Some reports on government-sponsored radio have gone even further in attempting to whip up sentiments against the pro-democracy forces and their supporters. On September 10, for example, Radio Nigeria-Kaduna broadcast commentary by Mahamadu Baba Ndada concerning a story in the Kaduna-based *Standard* newspaper, which described "genocidal plots" against Nigeria by the United States CIA.²⁵ The inflammatory broadcast said:

These unwholesome plots to kill, maim Nigerians, and render their children orphans are hatched by the CIA, using unpatriotic and greedy Nigerians as their mercenaries and running dogs. Such ... Nigerians are disguised under various political colors as the so-called human rights and pro-democracy groups.

... we can all understand that the industrial actions embarked upon by NUPENG and others, whose leadership was sacked by the government, were instigated by the CIA.

... The CIA's mysterious plot to destabilize Nigeria or dismember it into mini-states were being hatched since 1983 in gradual steps. Since the CIA is an integral part of any administration in America, either Republican or Democrat, we surely expect such ungodly plots to continue for the next century. Therefore, it is our duty as good Nigerians to remain vigilant for as long as it is necessary in order to stop our enemies, both internal and external, from achieving their devilish and ignoble objectives.²⁶

Since the recent pro-democracy campaign was primarily in the southwest and most of its activists were Yoruba, this sort of propaganda can easily be interpreted as referring to that part of the country and segment of the population.

Fortunately, despite the difficulty of organizing opposition to the government in the north, a number of northern pro-democracy activists have been active. A number of members of the pro-democracy Movement for Unity and Progress (MUP), including politicians and academics, have been briefly detained and otherwise harassed for their activities over the last couple of months. Before their arrests on August 19, Alhaji Balarabe Musa, a former governor of Kaduna state, had declared that MUP's aim was to convince Nigerians that the north was not against democracy and the actualization of Abiola's victory.

Abacha, a member of the Kanuri branch of the northern-based Hausa ethnic group, was careful to include in his Provisional Ruling Council a number of members outside the Hausa-Fulani group. However, the continued intractability of the government on the pro-democracy issue has resulted in a reduction in the number of non-northern members of the administration. One example of this trend occurred on August 22, when the government announced new chiefs of the army and navy in an effort to bolster Gen. Abacha's hard line. Maj. Gen. Mohammed Chris Alli, a Christian from the Middle Belt and reputed to be a political moderate, was replaced by Brig. Gen. Alwali Kazir, a Kanuri Hausa, like Abacha, who was formerly commander of a northern army division. Rear Adm. Allison Madueke had been the only Igbo in the ruling council. Abacha appointed another Kanuri Hausa, Professor Awalu Yadudu, to a new position of legal adviser.

²⁵ Radio Nigeria-Kaduna in English, "Commentary alleges US plots to 'destabilize' country, CIA support for NUPENG," BBC SWB, September 12, 1994, p. A/14.

²⁶ *Ibid.*

Shortly after these appointments were announced, a meeting of hundreds of Yoruba leaders was held in Ibadan. At the conclusion of their meeting on August 31, they issued a communiqué calling on "all ministers, commissioners and their political appointees of Yoruba origin serving at all levels in the present administration to withdraw immediately."²⁷ On September 8, Yoruba delegates to the Constitutional Conference said they would not withdraw, and that they believed the conference was the most realistic method to restore democracy. They called on the government to look into the issue of freeing Abiola in the interest of peace.

Similarly, on September 1, the Isoko Oil Forum, a pressure group established to protect the interest of the oil producing minority areas, called on all the ministers and other political appointees from minority areas, including the chairman of the National Constitutional Conference, Justice Adolphus Karibi-Whyte, to quit their positions immediately.

On September 16, a delegation of Igbo politicians and traditional rulers led by Emeka Ijokwu, the leader of the Biafran forces in the 1967-70 civil war, released a statement "demanding that the power base in the political arena in Nigeria ... be moved around or rotated so that all the federating units, regions or zones ... will have a sense of belonging and thus galvanize a strong, patriotic and united nation which forms the bedrock of true democracy."²⁸ The statement also expressed shock over the removal of Admiral Madueke, but supported Abacha's declared intention to return the nation to civilian rule.

In mid-October, the Supreme Council of Islamic Affairs, whose president is Sultan of Sokoto Ibrahim Dasuki, began discussions with Chief Abiola. The talks are intended to find a compromise solution to effect Abiola's release.

THE INTERNATIONAL ROLE

The United States

The U.S. has been the most outspoken member of the international community advocating for democracy and human rights in Nigeria. Limited punitive steps were put in place after the annulment of the June 1993 elections, including the cancellation of all but humanitarian aid. Military relations between the two countries were also reduced. In July 1993, the U.S. announced that commercial military sales would be reviewed on a case-by-case basis with the presumption of denial. After Abacha's coup in November, a White House proclamation was announced "suspending the entry into the United States of immigrants and nonimmigrants who formulate or implement policies impeding a transition to democracy in Nigeria or who benefit from such policies, and the immediate families of such persons." These steps have all been maintained to the present.

In April, relations between the two governments cooled even further when Clinton added Nigeria to the annual list of countries making insufficient efforts to combat illegal drug production. The finding precludes Nigeria from receiving U.S. aid and from receiving U.S. support for loans from international lending institutions.

On July 27, Jesse Jackson arrived in Nigeria as President Clinton's special envoy and met with General Abacha, Chief Abiola, and members of the human rights community. He failed to make any progress in easing the deadlock and stated upon his return home that the U.S. and other countries should begin "assertive, aggressive diplomacy" to prevent civil war.

In late July, the House of Representatives passed a resolution condemning human rights abuses and calling on the Clinton administration to consider additional means of encouraging a return to democracy. On July 28, four U.S. congressmen, William Jefferson, Donald Payne, Lucien Blackwell, and Craig A. Washington, who were planning to visit Nigeria to investigate political developments and lend support to the pro-democracy movement, were denied a visa

²⁷ "Abiola Tribe Ask Kinsmen to Quit Nigeria Government," Reuters, September 1, 1994.

²⁸ "Igbo leaders demand share of power in Nigeria," Reuters, September 16, 1994.

by the Nigerian embassy in Washington. Nigerian ambassador Alhaji Zubair Kazaure later denied that the congressmen were prevented from visiting Nigeria.

The U.S. government has continued to issue statements condemning the dissolution of the oil union executives and other abuses.

The Oil Strike

General Abacha's dissolution of the oil union executives was criticized by the United States, the UK and the EU. The International Confederation of Free Trade Unions (ICFTU), a Brussels-based organization that represents 120 million workers worldwide, also issued a statement, saying that it "has decided to take Nigeria to the UN's International Labor Organization (ILO) and has called for foreign aid to be cut off should labor abuses persist."²⁹

The ICFTU said that the dissolution of the unions' executives contravenes article 3 of Convention 87 of the ILO, which was formally ratified by Nigeria in 1960. It says "Workers' and employers' organizations shall have the right to draw up their own constitution and rules, to elect their representatives in full freedom, to organize their administration and activities and to formulate their programs."

According to ILO procedures, Nigeria will be asked to comment on the ICFTU's allegations. The ICFTU also called on ILO Director General Michel Hansenne to intervene personally with the Nigerian authorities and on its affiliates to "make direct representations to the military junta and to call on their respective governments to exert the firmest diplomatic pressure on the regime."³⁰

At an August 10 meeting in Washington, the AFL-CIO urged the world community to exert pressure to end the Abacha reign. They marched in front of the Nigerian embassy on August 25 to protest the dissolution of the union executives.

The U.K. and Other Governments

Following the annulment of the June 1993 election, the European Political Cooperation (the foreign ministers of the European Community), issued a statement in which "the Community and its member States" decided to adopt the following punitive measures:

- suspension of co-operation in the military sphere;
- restrictions on visas for members of the military or the security forces and their families;
- suspension of visits by members of the military; and
- suspension of any further cooperation aid

These policies have not been stringently followed. The U.K. has permitted unofficial visits by members of the government. Former military strongman Ibrahim Babangida, who maintains strong ties to the present government, is reportedly living in Hamburg.

Some statements condemning human rights abuses have been made by European governments. Following the dissolution of the trade unions, the U.K. said it "deeply regretted the turn of events" in Nigeria, and called the banning of the trade union leadership "a further regressive act." On August 26, the EU urged the Nigerian government to halt a campaign against political opponents. The statement was released by Germany, which holds the rotating EU presidency. The statement said it "deeply regret[ted]" the shutting down of newspapers, the dissolution of the boards of the labor unions and the NLC and called on the government "to reverse these trends and to move rapidly to restore Nigeria to a civil democracy to which all Nigerians, including the present regime, have pledged their support."³¹

²⁹ "ICFTU accuses Nigeria of breaching international convention," (Brussels: ICFTU, August 24, 1994)

³⁰ *Ibid.*

³¹ European Union Secretariat, Presidency Statement on Behalf of the European Union on Nigeria, August 26,

Weapons shipments have reportedly continued from some European countries. A press report from late 1993, following the Abacha coup, reported that "Britain, Germany and other European Union countries are expected to maintain existing arms sales contracts to Nigeria....The Nigerian Air Force is understood to have ordered Air Beetle training aircraft made by the German manufacturer Dornier."³² The U.K. has reportedly recently shipped 150 tanks that were ordered in 1992.³³ In both the U.K. and Germany, commercial sales of weapons are licensed by the government, allowing those governments the opportunity to deny the sales on human rights grounds.

RECOMMENDATIONS

To the Government of Nigeria

- Recognition of the results of the June 1993 presidential election and the installation of the winner in office, and the restoration of all democratic structures that were disbanded after Abacha's coup last November;
- The immediate and unconditional release of all detainees held solely for the non-violent expression of their political beliefs, and dropping of all politically motivated criminal charges against them;
- Impartial investigation of killings and other human rights abuses by police and security agents, publication of any findings, and prosecution of those implicated in such abuses.

To the United States, the European Union and Its Member States, and Other Governments

- Stigmatizing members of the Nigerian government by rigorously implementing the policy of visa denial already in place and publicly naming those to whom visas are denied;
- Halting the sale and shipment of weapons to the Nigerian government;
- Freezing all foreign assets of members of the government;
- Imposing a temporary ban on the import of Nigerian oil until pro-democracy activists are released from prison unconditionally, the oil union leadership has been reinstated, and banned publications allowed to republish;
- Publicly raising the issue of political prisoners with the Nigerian government and making efforts to visit the prisoners in detention;
- Using their leverage with the World Bank, the African Development Bank, and other multilateral institutions to block all non-essential loans to Nigeria;
- Presenting a resolution condemning human rights abuses in Nigeria to the U.N. Human Rights Commission;
- Encouraging the U.N. High Commissioner for Human Rights to visit Nigeria as soon as possible to investigate human rights abuses, and he should submit a report of his findings to the Security Council.
- Urging the Organization of African Unity to condemn human rights abuses in Nigeria and use its influence to bring the situation to the attention of the United Nations.

Human Rights Watch/Africa (formerly Africa Watch)

Human Rights Watch is a nongovernmental organization established in 1978 to monitor and promote the observance of internationally recognized human rights in Africa, the Americas, Asia, the Middle East and among the signatories of the Helsinki accords. It is supported by contributions from private individuals and foundations worldwide. It accepts no

³² Michael Holman and Paul Adams, "EU members to keep up Nigeria arms sales," *Financial Times*, November 23, 1993.

³³ *The Economist*, September 9, 1994, p. 45.

government funds, directly or indirectly. Kenneth Roth is the executive director; Cynthia Brown is the program director; Holly J. Burkhalter is the advocacy director; Gara LaMarche is the associate director; Juan E. Méndez is general counsel; Susan Osnos is the communications director; and Derrick Wong is the finance and administration director. Robert L. Bernstein is the chair of the board and Adrian W. DeWind is vice chair. Its Africa division was established in 1988 to monitor and promote the observance of internationally recognized human rights in sub-Saharan Africa. Abdullahi An-Na'im is the executive director; Janet Fleischman is the Washington representative; Karen Sorensen, Alex Vines and Berhane Woldegabriel are research associates; Kimberly Mazyck and Urmi Shah are associates; Bronwen Manby and Alison DesForges are consultants. William Carmichael is the chair of the advisory committee and Alice Brown is the vice chair.