

Human Rights Watch

Discrimination, Detention, and Deportation: Immigration & Refugees

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Human Rights Watch World Report 1998

NIGERIA

Human Rights Developments

Arbitrary detentions, torture, summary executions, censorship and, perhaps most fundamentally, denial of the right of the Nigerian people to choose their own government continued under Gen. Sani Abacha's military government. A program of transition to civilian rule announced on October 1, 1995, and due to culminate in a transfer of power to an elected federal government on October 1, 1998, remained in place, but state governorship and assembly elections were postponed by several months. Local government elections held in March were neither free nor fair. Two of the five officially registered political parties declared that General Abacha was their preferred candidate for president; possible alternative candidates for the other three withdrew following intimidation or arrest, and a public campaign for Abacha to succeed himself was sponsored by a number of nominally independent groups. A draft constitution prepared in 1995 in a process under military control, to come into effect with the end of the transition program, was still not published, leaving Nigerians in the dark as to the future form of the government for which they were supposed to be voting. Chief Moshood K.O. Abiola, the presumed winner of the June 12, 1993 elections, annulled by the military, remained in prison for his third year.

Opposition activists were harassed, jailed, or driven into exile-or threatened with indefinite detention or summary execution should they return from abroad. In March, exiled Nobel Prize winner and outspoken critic of the government Wole Soyinka was charged with treason, together with fifteen others, of whom twelve were held in detention inside Nigeria. A series of bomb blasts apparently directed at members of the military government was cited as the basis for the charges. Soyinka and the others, including Chief Anthony Enahoro, leader of the National Democratic Coalition (NADECO) formed from the remnants of Abiola's banned Social Democratic Party, denied involvement, and the government offered no evidence that any of them were involved. Cases involving treason, a capital offense, are tried before a military tribunal, without right of appeal. Bail was denied for those held in the country, who remained in detention as of this writing. Chief Olabiyi Durojaiye, a NADECO leader arrested in December 1996, was detained without charge, despite court orders for his release. Those convicted in 1995 of involvement in an alleged coup plot, including four journalists and pro-democracy campaigners such as Beko Ransome-Kuti, also remained incarcerated. Ransome-Kuti was refused permission to attend the funeral of his brother, Fela Kuti, the great Nigerian musician and thorn in the side of successive military regimes, who died on August 2.

Decrees suspending constitutional protections of citizens' rights, allowing detention without trial and criminalizing criticism of the government or its policies, remained in force. The courts remained barred from inquiring into the legality of detentions without trial or examining government actions.

Chief Gani Fawehinmi, human rights lawyer and leader of the National Conscience Party, Femi Aborisade, his deputy, and human rights lawyer Femi Falana, all detained without charge in January and February 1996, were released in November 1996. A number of activists were held for shorter periods during 1997, including Tunji Abayomi, director of Human Rights Africa, who was held for three days during August.

Although one of the strongest in Africa, the independent press remained under threat. In January, Minister of Information Walter Oforogoro announced the government's intention to set up a press court that would try journalists who "report untruths" and to enforce Decree No. 43 of 1993 requiring newspapers to apply annually for publishing licenses. This threat was repeated at intervals throughout the year, encouraging self-censorship. The government was particularly sensitive to events relating to NADECO or detained presidential candidate Moshood Abiola: for example, armed policemen prevented an anticipated press conference to mark Abiola's August 24 birthday, and on August 30, guests were turned back by police from the planned launch of a book, *Abiola, Democracy and the Rule of Law*, by journalist Richard Akinola.

Individual journalists faced harassment of various kinds, ranging from a requirement to complete forms indicating the purpose of their travel if they left the country, to intimidation and arrest. Ladi Olorunyomi, journalist and wife of exiled journalist Dapo Olorunyomi, was detained for six weeks from March 20. In February 1997, Moshood Ademola Fayemiwo, the publisher of the defunct *Razor* magazine, was detained by Nigerian agents in the Benin Republic and moved to Lagos, where he was still held as of this writing. Godwin Agboroko, editor of the *Week* magazine, was detained from December 1996 to May 7, 1997; George Onah, journalist with the *Vanguard*, was released on May 14 after a year in detention. Many other journalists were detained for shorter periods and often beaten. In July, the

editor of the Owerri-based newspaper the *Horn*, Oni Egbunine, was arrested by soldiers and beaten into a coma. In the same month, Edetean Ojo of the *Guardian* daily newspaper was prevented from traveling to a conference in Kenya. The broadcast media remained under virtual government monopoly, although some opposition radio stations broadcast on short wave from outside the country.

Meetings and rallies organized by human rights or pro-democracy groups were routinely disrupted by members of the security services. Rallies to mark the anniversary of the June 12, 1993 elections were banned, and those that went ahead anyway were disrupted by the large security force contingents deployed for the occasion. In September 1997, a farewell party arranged by human rights groups for the outgoing U.S. ambassador, Walter Carrington, was broken up by security police. Union activities continued to be restricted, in particular in the oil sector and on university campuses. Frank Ovie Kokori, secretary-general of NUPENG, the National Union of Petroleum and Natural Gas Workers, held since August 1994, and Milton Dabibi, secretary-general of PENGASSAN, the Petroleum and Natural Gas Senior Staff Association of Nigeria, held since January 1996, remained incarcerated. NUPENG and PENGASSAN continued to be controlled by government-appointed sole administrators, as did the umbrella organization, the Nigerian Labour Congress, to which all unions are compulsorily affiliated. Labour leaders involved in a strike by civil servants in Kaduna were detained in June. The Academic Staff Union of Universities (ASUU) remained banned. In April, a new decree banned the Nigerian Labour Congress and its member unions from affiliating with the International Labour Organization. Shiite leader Sheikh El Zak-Zaky, detained in September 1996, was charged in July 1997 with publication of materials capable of undermining the security of the nation. He was not produced in court and remained in prison.

March local government elections were marked by numerous irregularities. Those eligible to vote were coerced into registering by threats of reprisals such as exclusion of children from school in case of refusal to participate. Candidates were screened by the National Electoral Commission of Nigeria (NECON), by the State Security Service, and by the National Drug Law Enforcement Agency. In this process, any candidate with connections to pro-democracy, human rights or opposition groups was excluded. Tribunals sitting to decide winners in constituencies where election results were contested often ruled in favor of the candidate paying the largest bribe, rather than on the merits of the case. Some local government chairs were forced to stand down "on security grounds" after their election had been confirmed. A new decree was promulgated allowing the head of state to remove the chairs of local government councils at will. In a number of cases, decisions by NECON, supposedly an independent body, regarding the election process were directly overruled by the military.

Nigerian citizens not actively involved in politics also faced a consistent pattern of human rights violations. The security forces carried out summary executions and torture, while prison conditions remained life threatening. Different state governments operated special task forces with names like "Operation Sweep" or "Operation Storm" that were supposedly aimed at cracking down on criminal activity. These task forces were amongst the most abusive units of the Nigerian security forces. Many of those arrested by these units were convicted of "armed robbery" before special tribunals which did not respect international standards; those found guilty were executed by firing squad without the right to appeal. Tens and possibly hundreds were arbitrarily executed in this way.

In Ogoniland, home of the Movement for the Survival of the Ogoni People (MOSOP), of which Ken Saro-Wiwa was leader before his execution in November 1995, severe repression continued during 1997. Nineteen Ogonis remained in prison facing charges of murder before a special tribunal in connection with the same events as those for which Saro-Wiwa and eight others were killed. A previously unknown twentieth defendant in the case, detained at a different location for two years, joined those held in Port Harcourt prison. There was no progress in their case, and their health steadily deteriorated. A number of others suspected of sympathy for MOSOP were extrajudicially executed in Ogoniland; others were detained without trial.

Elsewhere in the oil-producing areas of the Niger Delta, police and soldiers responded to any threat of protest against oil company activity with arbitrary arrests, beatings and sometimes killings. From March to May, serious ethnic violence erupted in the oil town of Warri, Delta State, over the relocation of a new local government headquarters by the military administrator of the state. In the course of the crisis a number of Shell flow stations were occupied by youths, and Shell personnel were held hostage for several days. Hundreds of youths were detained for several weeks in connection with the violence; an unknown number were killed by security forces suppressing the disturbances. The decision of the military administrator of Osun State to relocate another local government headquarters also led to violence in Ile Ife in August 1997 in which tens of residents died. In other states, government decisions led to similar but less serious clashes.

The Right to Monitor

Nigeria's numerous and sophisticated human rights groups continued their monitoring, advocacy and education activities throughout the year, despite routine harassment by the authorities. Officers of the State Security Service (SSS) regularly visited the offices of human rights organizations to intimidate staff, destroy property and confiscate publications; human rights activists were detained on a number of occasions; others were prevented from traveling abroad to attend international gatherings at which Nigeria was to be discussed. The government-appointed National Human Rights Commission, created in 1996, held or attended a number of noncontroversial meetings, but failed to make any serious criticism of ongoing human rights violations.

The Role of the

International Community

The Commonwealth

The Commonwealth Ministerial Action Group (CMAG) appointed by the Commonwealth Heads of Government Meeting (CHOGM) in November 1995 met several times during 1997. In July, CMAG held hearings on the situation in Nigeria, to which Nigerian human rights and opposition groups were invited to make submissions, as were international groups including Human Rights Watch. CHOGM, a biannual gathering that met at the end of October 1997, considered Nigeria's suspension from the Commonwealth, imposed in 1995, and the continuing mandate of CMAG. As expected, CHOGM decided to continue the suspension but not to expel Nigeria. The mandate of CMAG was also extended.

United Nations

The U.N. Commission on Human Rights adopted a resolution in April 1996 in which it requested two thematic special rapporteurs (on the independence of judges and lawyers and on extrajudicial, summary or arbitrary executions) to submit a report at the next session of the commission in 1997. Extended negotiations with the Nigerian government for the special rapporteurs to undertake a mission to Nigeria finally collapsed shortly before the 1997 session, due to the Nigerian government's failure to agree to their standard terms of reference, and the special rapporteurs eventually published a report on the basis of information supplied by other organizations. The hard-hitting report concluded that, among other things, "the rule of law is on the verge of collapse, if it has not already collapsed" and that Nigeria was in violation of a number of its international obligations. The report made a series of recommendations, including for the appointment of a country-specific rapporteur on Nigeria by the commission. On April 7, the commission adopted a resolution expressing its deep concern at continuing human rights violations in Nigeria and inviting the chair of the commission to appoint a special rapporteur on Nigeria. Soli Sorabjee, former attorney general of India, was appointed to the position in October 1997.

European Union and its Member States

Sanctions imposed by the European Union (E.U.) following the November 1995 executions of Ken Saro-Wiwa and eight other human rights activists, renewable on a six-monthly basis, remained in force during 1997, but no moves were made to strengthen these measures. A number of resolutions and measures on Nigeria were adopted by E.U. structures during the year, including by the European Parliament and the General Affairs Council.

In March, E.U. Council President Mr. Pronk expressed the view that relations between the E.U. and Nigeria had worsened on a political level. At the same time, the Netherlands, holding the presidency of the E.U., invited Nigeria to attend a meeting in Maastricht of the ACP-E.U. Joint Assembly, bringing together parliamentarians from the E.U. and the African-Caribbean-Pacific (ACP) countries. The European Parliament objected to the invitation, protesting that the invitation broke E.U. sanctions on Nigeria. The Dutch foreign ministry said that the visa restrictions only applied to "Nigerian authorities traveling to Europe for private reasons." The Joint Assembly adopted a resolution condemning the human rights situation in Nigeria and calling on the European Council to impose an oil embargo on Nigeria and to freeze the financial assets held in the E.U. by members of the Nigerian Government. The assembly also reaffirmed the need for a total ban of arms exports to the country and for E.U. Member States not to grant visas to members of the Nigerian Government. The Joint Assembly did, however, approve humanitarian aid to be sent to the most vulnerable groups and those worst affected by sanctions.

Following May elections in the United Kingdom, the new Labour government immediately began to take a much stronger line on Nigeria than the Conservatives had done. Foreign Secretary Robin Cook stated that human rights would dominate British policy concerning Nigeria and that strict sanctions should be imposed on Nigeria. On June 25, 1997, he lashed out against Nigeria saying that, "Nothing has happened in Nigeria to justify lifting the suspension." A new French government, however, resisted attempts to isolate Nigeria, and granted visas to a number of members of the Nigerian government, apparently in violation of E.U. sanctions.

Organization of African Unity and its Member States

African countries were in general reluctant to condemn Nigeria's human rights record in strong terms. Nevertheless, the intransigent position of Nigeria towards the U.N. special rapporteurs did lead to sufficient irritation in the African group at the U.N. Commission on Human Rights for South Africa and Uganda to vote for the resolution appointing a special rapporteur on Nigeria and the other African members to abstain. African countries also supported the ACP-E.U. Joint Assembly resolution calling for an oil embargo on Nigeria.

South Africa took a somewhat stronger line toward Nigeria during 1997 but continued to give contradictory signals. After South Africa made some comments supportive of respect for human rights in Nigeria and backed the appointment of a U.N. special rapporteur the Nigerian minister of information, Pfonagora, responded by referring to South Africa as "a white country with a black head," accusing unnamed western countries of "driving a wedge" between South Africa and Nigeria in order to weaken the continent. Yet, though President Mandela called the statement "unfortunate and ill-informed," he emphasized the "brotherly cooperation" with Nigeria over regional mediation efforts in the former Zaire. Ofonagoro later claimed to have been misquoted by the press. In September, Nigerian Foreign Minister Tom Ikimi met with Mandela and delivered a private letter from Gen. Abacha; South African Deputy President Thabo Mbeki was due to visit Nigeria before the end of the year.

Following a military coup in Sierra Leone in May led by army officer John Koroma, in which the elected government of Ahmed Tejan Kabbah was overthrown and Koroma was installed as president, Nigeria led an effort by the Economic Community of West African States (ECOWAS) Monitoring Group (ECOMOG) to reinstate the previous government. The intervention led-as apparently had been intended-to statements of support from the secretary-general of the Organization of African Unity (OAU), Salim Ahmed Salim, as well as many individual African (and western) states and Commonwealth Secretary-General Emeka Anyaoku. However, Nigeria's favored military solution was rejected in August by a meeting of ECOWAS heads of state, at which Ghana, Guinea and Cte d'Ivoire opposed Nigeria and successfully argued for the imposition of sanctions on Sierra Leone instead. Several hundred civilians were killed in the Sierra Leonean capital, Freetown, some of them in indiscriminate shelling by Nigerian forces.

The African Commission on Human and Peoples' Rights, an organ of the OAU, sent a fact-finding mission to Nigeria in March 1997. The mission took place at the time that the U.N. special rapporteurs were (unsuccessfully) negotiating their own entry to Nigeria, and the commission did not itself insist on similar terms of reference. The mission agenda was organized by the Nigerian government, and its members were criticized by Nigerian human rights organizations for failing to allocate sufficient time to meet with human rights and pro-democracy groups to obtain information about human rights abuses. The delegates did not visit any of the political detainees held by the Nigerian government other than the "Ogoni 20," who were not individually interviewed in private. The mission did not submit a written report to the April 1997 session of the commission, though one was expected at the following session in November.

United States

The section on Nigeria in the Department of State's *Country Reports on Human Rights Practices for 1996* was thorough and accurate, existing measures to press Nigeria to respect human rights remained in place, and the U.S. issued strong statements condemning military rule and human rights violations. No further concrete measures to put pressure on the Nigerian government were adopted or proposed. At various points during the year, the Clinton administration indicated that it was reviewing its Nigeria policy. No conclusion was

announced to this review and it was stated that the government's commitment to human rights and democracy in Nigeria remained firm; nevertheless, there were some worrisome indications that the U.S. government might be prepared to make concessions in these areas in return for access to the Nigerian government to discuss "technical" issues relating to drug trafficking and civil aviation. For the fourth time, Nigeria was denied counter-narcotics certification under Section 481 of the Foreign Assistance Act (FAA), thus requiring the U.S. to vote against Nigeria in six multilateral development banks, including the International Bank for Reconstruction and Development and the African Development Bank and to refuse all FAA and Arms Control Export Act assistance to Nigeria. Direct flights to Nigeria remained banned due to safety concerns.

A draft "Nigeria Democracy Act" first introduced in November 1995 was reintroduced in Congress in June 1997 by Representative Donald Payne, proposing further sanctions, including a ban on air links and on new investment in the energy sector and a freeze on assets of members of the Nigerian government held in the U.S. In September, the House Committee on International Relations held hearings on U.S. policy toward Nigeria. The U.S. remained by far the largest importer of Nigerian oil, taking about 40 to 50 percent of its output, and any international steps taken towards an oil embargo therefore depended on U.S. action and cooperation.

A number of U.S. cities adopted resolutions preventing purchase from suppliers with businesses in Nigeria (affecting in particular U.S. oil companies Mobil and Chevron), and in June a conference of mayors meeting in San Francisco adopted a resolution welcoming such measures in support of democracy in Nigeria. Independent missions to Nigeria by ex-president Jimmy Carter and especially by the American Baptist Convention were criticized by Nigerian human rights groups for taking at face value the government's stated intentions to restore Nigeria to democratic government. A thirty-eight member monitoring team sponsored by U.S. groups observed the March local government elections but failed to denounce any of the multiple defects of the transition process. The Nigerian government continued to launder its image in the U.S. with a high profile lobbying campaign.

Relevant Human Rights Watch report:

Transition or Travesty? Nigeria's Endless Process to Return to Civilian Rule, 10/97

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