

# **NIGERIA**

## **THREATS TO A NEW DEMOCRACY**

### **Human Rights Concerns at Election Time**

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#### **INTRODUCTION**

In the countdown to the June 12 presidential elections, the Nigerian military government has stepped up attacks on civil institutions, raising fears about its intentions to leave office as promised and, if it does leave, about the future stability of the country. The government's actions have included arresting and threatening human rights activists, closing two publications, arresting and detaining journalists, taking over the national bar association and threatening striking academics.

Adding to fears has been the government's mishandling of ethnic and religious conflicts that have the potential to tear the country apart. In an investigation of violence between the Jukun and Tiv ethnic groups in northeastern Taraba State and the Katafs and Hausas in Kaduna State, Africa Watch learned that, in some instances, government forces have joined in attacks. In other instances, their slow response to ethnic fighting has prolonged violence. In both Kaduna and Taraba, months after violence has abated, officials are continuing to engage in discriminatory practices which keep resentments alive and increase the likelihood of future bloodshed.

A recent decree threatening to cancel elections in the event of unrest has also contributed to the pre-election atmosphere of uncertainty and pessimism. While repeatedly insisting that it will leave on August 27 as planned, the government's last-minute maneuvering with the transition program and its heavy-handed attempts to silence its critics have raised the suspicions of an already skeptical population. Even if the elections and handover take place as promised, the government's severe restrictions on civil society and its disregard for democratic principles have already ensured that at best a crippled democracy will emerge.

## **BACKGROUND**

Ever since the transition program officially began in 1987, Nigerians have been skeptical about how democratic a militarily dictated democracy could be. The history of Nigeria's tightly controlled transition program have proven the validity of such concerns. Popular participation, freedom of association and respect for the rule of law have all been undermined by Babangida's program. In 1989, for example, after exhorting Nigerians to form new political parties, the government banned them all and in their place created two of its own parties--the National Republican Convention (NRC) and the Social Democratic Party (SDP)--to contest elections.

The government followed the same practice with regard to individual candidates. In 1987, it banned all former politicians from participating in elections. The ban was revoked in 1991, but government control of candidates was assured by a 1991 decree giving the National Electoral Commission (NEC) the authority to disqualify any candidate deemed by the NEC to be unfit. Late last year, the government annulled results of presidential primary elections that were marred by fraud and banned all twenty-three presidential candidates from further participation in the transition program.

The government also removed the jurisdiction of the regular law courts to adjudicate on disputes arising from the transition process. These powers of adjudication are now shared by the Transition to Civil Rule Tribunal, the NEC and the President. The government also cancelled the secret ballot for local, state and National Assembly elections; the secret ballot was recently reinstated for the presidential elections. The date for the government to hand over power, which was originally scheduled for 1990, has been postponed three times.

In January 1993, President Ibrahim Babangida disbanded the Armed Forces Ruling Council (AFRC), which had been Nigeria's supreme authority since Babangida seized power in 1985. He replaced it with a National Defense and Security Council, but ultimate authority remained with himself. The National Assembly, whose members were elected in July 1992, were inaugurated on December 5, 1992. However, according to a decree promulgated on December 2, 1992, the National Assembly was prohibited from legislating on twenty-nine out of the thirty-eight subject areas over which it has power under the 1989 constitution. The remaining items on which it may legislate concern relatively trivial matters, such as national titles or honor, decoration and other dignitaries, antiquities, monuments, archives, public records, cinematography, and topographical studies and statistics.

Throughout the transition program, the civil institutions--including universities, the press, labor unions and professional associations--that are vital to the establishment of a lasting democracy have been seriously eroded. Rule by decree and the establishment of a parallel military court system have subverted the rule of law and the independence of the judiciary.

In recent months, economic hardships have fueled social discontent. According to the *Financial Times*, Nigeria is now one of sub-Saharan Africa's poorest countries, with an unemployment rate of 40 percent. Car thefts and other forms of street violence have increased sharply. Despite a stringent and unpopular structural adjustment program that has all but eliminated Nigeria's middle class, the budget deficit and foreign debt remain high. A lapsed agreement with the IMF/World Bank has not yet been successfully renegotiated. Since the beginning of the year, strikes, including a month-long work stoppage by nearly one million state government workers demanding salary increases, have seriously interrupted basic services. Fuel shortages have slowed or stopped transportation. Water and power services have

severely deteriorated. Believing that the Babangida regime is either unwilling or unable to save the country, Nigerians from all walks of life have been increasingly vocal in calling for the government to leave office.

## **TRANSITION MANEUVERS**

Recent actions by the government, including a decree seemingly promulgated in order to threaten the disqualification of candidates or the cancellation of elections, have served to perpetuate the sense of confusion that has characterized the transition program from the beginning. The government's promises to leave power on schedule, which have been increasingly frequent in recent weeks, demonstrate the extent to which it has, intentionally or not, heightened insecurity about its agenda.

The controversy over the candidates' fitness to seek office was surprising, considering that their selection appeared to have been engineered by the government. After last year's decision to annul primary results and ban all the candidates, the government decided to abandon the primary process and instead adopted a new method of choosing candidates. According to what is known as Option A4, each party was directed to select nominees by holding elections at the ward, local and state levels, and then to meet at the national level to choose its final candidate. At conventions in late March, both parties chose wealthy Muslim businessmen with close ties to Babangida as their candidates. The SDP chose Moshood Abiola of Lagos, Nigeria's most well known philanthropist, who is also identified with a crusade to make Western nations pay reparations to Africans for their involvement in the slave trade. Last year, Abiola issued a public apology to the President for articles that appeared in the *Concord*, which he owns. The articles criticized the government's handling of the economy and the transition program. Bashir Tofa, who won the NRC's nomination, is a relatively unknown businessman from Kano, in northern Nigeria. He is perhaps most familiar to Nigerians for advocating in the widely circulated government-owned *Daily Times* in May 1990 that the Babangida government should stay in office until the year 2000.

In early April, the government promulgated Presidential Election (Basic Constitutional and Provisional) Decree 13 of 1993, which empowered the NEC to call off elections if there appeared to be a threat of unrest. Part 3, Section 54(1) of the decree states:

**Where a date has been appointed for the holding of an election and there is a reason to apprehend that a serious breach of the peace is likely to occur if the election is proceeded that date the holding of the election may be postponed by the commission until some other convenient date to be appointed by it.**

According to the decree, the nomination of the two presidential candidates would be validated only when they had "selected eligible running mates." The NEC would then have two weeks to judge their acceptability. The decree also stated that the NEC's decision on the validity of the candidates' nomination "is final and cannot be contested."

Subsequent to their nominations, allegations both of irregularities in the primaries and shady deals by candidates led to fears that the candidates would not receive clearance from the NEC. Not until May 11 did the NEC announce that they had started the screening process. One week later, with less than a month before the elections, the NEC announced that the candidates had been cleared. However, according to Decree 13, the NEC may still disqualify the candidates up until the day before the elections if new evidence appears.

**Anxiety over the elections was also heightened by a poster campaign that restarted in Lagos in late March urging Babangida not to hand over power. The posters praising his "great achievements and visionary programmes" as well as full-page newspaper advertisements painting a bleak picture of the country after his departure were the work of a group called Association for a Better Nigeria, widely believed to be a creation of the government. On April 13 the group announced that it planned to hold rallies in various locations in Nigeria between April 23 and May 14.**

**In response to the threats to the transition posed by Decree 13 and Association for a Better Nigeria, a number of Nigerian human rights and pro-democracy groups filed suits in a Lagos High Court, arguing a number of points relating to the transition, including that Association for a Better Nigeria should be prevented from holding rallies because such rallies could cause major disturbances and threaten the elections. The court ruled to temporarily ban the rallies.**

**Even the National Assembly, which many Nigerians had feared would not challenge the government, took up the call for Babangida's departure. On May 5, in an unprecedented joint session, the senators and members of the House of Representatives passed a resolution calling for the military's departure. The resolution stated:**

**We the elected people of this country are against any plan to change the transition date, that is beyond August 27, by the present military government and their agents. This is because such move would foment confusion, chaos and civil disobedience in the entire nation.**

**The government undoubtedly felt the pressure. Several days after the resolution was passed, the president's office bought newspaper ads to reassure the population that the transition would go forward as promised.**

**Nevertheless, Association for Better Nigeria did not give up, but instead went to court in the Nigerian capital of Abuja, seeking an interim injunction to stop the elections, and, on June 4, the court ordered the NEC to appear before it on June 9 to answer the Association's allegations of misconduct. Vice President Augustus Aikhomu responded that according to the election laws, no court could stop the elections.**

## **ATTACKS ON CIVIL SOCIETY**

### **Assault on the Press**

**Under the Babangida regime, Nigeria's press, known as the most outspoken in Africa, has been forced to engage in self-censorship. Reports on sensitive topics, such as corruption in high places, coups, ethnic violence and student demonstrations, have often resulted in arrests of offending journalists and occasionally in the closure of the errant magazine or newspaper. A recent spate of such attacks on the press provides perhaps the most striking demonstration of the contradiction of the Nigerian transition--namely, that although the country is supposedly ready to begin a democracy, it is not ready for freedom of speech. A joint press release by *Tell* and *The News*, two publications that have recently suffered government harassment, expresses journalists' fears about what such practices may mean for the country's future:**

**Our worry ... is that as the nation moves laboriously towards 27 August, a conscious policy is afoot to destroy some of the vital pillars of democracy. The press is clearly one of those institutions that can sustain a virile democracy. But now, it is under a fatal assault by a regime that has promised democracy.**

**...**

**...We believe that as our nation lumbers towards the end of a most tortuous transition program to democracy, government must be seen, more than before, to show good examples. It must be seen to defend and uphold democratic ideals, rather than the capricious fancies of men in transient position of power.**

**The recent assaults on the press began on March 1, when Mallam Aliyu Hayatu, editor of *The Reporter* newspaper, based in Kaduna, was detained by the SSS and charged with "inciting public disturbances with intent to endanger public peace." The charge relates to a front-page editorial that appeared in the March 1 issue, headlined "Nigeria's Prevailing Mess--Babangida to Blame?" Hayatu was released on bail on March 19, and his case has been adjourned. The paper was shut down. Its closure is probably related to the fact that its owner, Major General Shehu Yar'adua, is one of the leading presidential candidates who was banned last year by Babangida. He has since been an outspoken critic of the President. Uche Chukwumerije, Secretary of Information and Culture, announced that the closure was due to "the unchecked deterioration of its editorial orientation." In late May, *The Reporter* was proscribed for six months by decree.**

**On March 5, High Court Justice Moshood Olugbani summoned five journalists--editor-in-chief Bayo Onanuga, deputy editor Dapo Olorunyomi, staff writer Akin Adesokan, editor Seyi Kehinde and Chiedu Ezeanah, a correspondent based in Port Harcourt--of *The News*, a Lagos-based weekly, to answer allegations of "wrongly publishing facts in a suit pending before the court." Since it began publication in February 1993, *The News* has been critical of the government. Bayo Onanuga is the former editor of *Concord* magazine, who resigned last year rather than apologize to government for critical stories (see above). The journalists were ostensibly summoned to answer "contempt of court" charges in connection with an article entitled "Dirty Humphrey--NEC Boss in Deep Scandal." However, the real reason for their summons is believed to relate to the cover story of the maiden edition of the magazine of February 8, 1993**

titled "My Case--Dreaded Judge Speaks on Kid Robbers' Affair," which featured an unflattering interview with Justice Olughani.

When the journalists appeared in court on Friday, March 12, the presiding judge granted them bail but with stringent conditions attached, including a stiff bail requirement and a surety not below the level of a company director or high-level civil servant, with landed property and a residence in Lagos. As the journalists were unable to meet the conditions by the end of the day, they spent the weekend in detention in Ikoyi Prison. On Monday, they appeared in court again, with the money and the sureties, but the judge then raised the bail conditions extrajudicially. On March 18, the Court of Appeal heard the case of journalists' detention and ordered them released immediately because they had already met bail. They were released the next day.

On March 21, security agents stormed the offices of *The News* and confiscated 30,000 issues of an edition that was to be distributed the following day containing an interview with former Minister of Defense Domkat Bali, in which the President was criticized for his previous postponements of the transition. On May 16, the SSS seized 40,000 copies of *The News*, which had a cover story entitled "Revealed--Babangida's Methods and Tactics" that accused the president of relying on plots and schemes to govern the nation. On May 22, the magazine's entire print run was seized from the premises of Academy Press, which prints *The News*. An article in the magazine contained a story headlined "Help! Nigeria is Dying," referring to various crises before the nation, including the sinking economy, rife corruption, the clampdown on civil institutions and the uncertainty of the transition. The premises were occupied by police and the magazine was shut down. On May 27, *The News* was granted an injunction to remove police from the premises and reopen the magazine, but police have not yet complied. On June 2, *The News* went to court to in an attempt to cite the police, who still occupy the premises, for contempt of court.

*Tell Magazine* has also been particularly targeted by the government. In late April, General Olusegun Obasanjo, a military ruler during the 1970s, was interviewed in *Tell*, an outspoken magazine, and quoted as saying on the Administration, "It is deficit in honesty, deficit in honor, deficit in truth. The only thing it has in surplus is saying something and doing something else." The government responded by seizing 2,000 copies of the magazine and by verbally attacking Obasanjo. In early May, an entire run of 70,000 copies of *Tell* was seized at the printing press because of a cover story discussing twenty-one reasons why the transition program might not go forward.

Other incidents include the following:

- o Martin Oloja, editor of Abuja's *Newsday*, and Bukar Zarma, editor-in-chief, were detained on March 3 and 4 respectively. Mr. Oloja was released the same day, and Mr. Zarma was held overnight. Both detentions were related to an article, "IBB Campaign Kicks Off," which implied that Babangida was promoting a billboard campaign in Abuja calling for his continuance in power.
- o Innocent Okoye, editor of *Satellite Newspaper* in Lagos, was arrested on April 1 and detained in Abuja for incorrectly reporting that a subsidy on oil products had been removed. He was charged on Tuesday, April 20 with publishing false information, inciting public against the government and promoting hatred among the public. Charges against him were later dropped.
- o Two editors and a reporter with *Prime People*, a light, general interest magazine, were arrested on April 1. Jide Shofowura, news editor, Olumide Orojimi, a reporter, and McMezer Sasehun, editor were

arrested. Sasehun was held for three days without charge. The arrests had to do with an article entitled "I-G's Wife in Messy Plywood Deal," published on March 26, which reported on a corrupt business deal involving the wife of the police chief.

- o **Chris Okolie, editor-in-chief and publisher of *Newbreed Magazine*, was arrested in early April. It is believed that his arrest had to do with a request for an interview with Intelligence Chief Brig. Gen. Haliyu Akilu, who is widely suspected of having participated in the 1986 death by parcel bomb of Dele Giwa, a prominent journalist. The SSS detained Okolie incommunicado until he was charged on April 16 with publishing false information, inciting public against the government and promoting hatred among the public. The charges relate to a story on the membership of prominent members of government in a secret cult, but this is believed to be a smokescreen for the real reasons for his arrest. Okolie was released on bail that same day but was later rearrested, taken back to Abuja and released again. His case has been adjourned to August 29. Arrested along with Okolie were other staff members of *Newbreed*, including Okeke O. Okeke, general manager; Iro Ibe, assistant editor; and Omokara Idowu, circulation editor, who were held briefly and released.**

## **Harassment of Human Rights Activists**

For years, Nigeria's active human rights groups and activists have suffered harassment and threats by the government.<sup>1</sup> As the groups have become more involved in pro-democracy activities and more vocal in their calls for a hand-over of power, the government has become more harsh in response. The following is a selective chronological list of recent incidents:

- o **On January 1, agents of the State Security Service (SSS) arrested Dr. Beko Ransome-Kuti, president of the Committee for the Defense of Human Rights (CDHR) and Chairman of the Campaign for Democracy (CD), and took him to SSS headquarters. He was questioned for three days about the activities of the Campaign for Democracy and released on January 4 without charge.**
- o **In January, the security forces sponsored a report appearing on the front page of the *Concord*, a prominent newspaper owned by presidential candidate Moshood Abiola, that the Constitutional Rights Project (CRP), a Lagos-based human rights group, was involved with the U.S. government in an attempt to destabilize Nigeria. The American embassy in Lagos admitted extending financial aid to Nigerian civil rights movements, which it said was its practice in many countries.**
- o **Also in January, the government claimed that a member of the CD had confessed to a plan to assassinate specific members of the military. The CD refuted the charges.**
- o **On January 14, security agents arrested Titileyo Olusoga, a printer for the Civil Liberties Organisation (CLO), and removed materials from his print shop. The agents first arrested Olusoga's wife in his stead, a tactic often used by the Nigerian security forces, and released her when her husband arrived and was arrested. Three of his workers were also arrested and released shortly afterwards. Olusoga was released on January 18 without charge.**
- o **On February 25, Panaf Olakanmi, a printer for the CD and CDHR, was arrested after the CDHR**

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<sup>1</sup> See previous issues of *News from Africa Watch*, including June 25, 1992 and December 27, 1992.

mounted posters in Lagos concerning a strike by civil servants. Olakanmi was released on March 1, but his printing press remained sealed off for about three weeks.

- o **On February 26, about one hundred armed SSS agents and police with search warrants invaded the CLO offices, saying they were searching for subversive documents. They took away about twenty-five documents, membership forms with passport photos, grants and funding information, minutes, internal memos, books, and other information. They also went to the home of CLO President Olisa Agbakoba and searched his library. They escorted Agbakoba, CLO Executive Director Abdul Oroh and student Shola Quadri to SSS headquarters and questioned them briefly about their funding sources and other matters.**
- o **On March 9, Femi Falana, president of the National Association of Democratic Lawyers and member of the CD, was arrested and detained for questioning over an alleged "planned mutiny to overthrow the Federal Military Government." He was released six hours later.**
- o **On March 27, while he was attending the national SDP convention in Jos, Dr. Ransome-Kuti was again arrested and taken to SSS headquarters and questioned for three hours about his pro-democracy activities.**
- o **On April 15, three SSS officers visited the CDHR offices to "invite" CDHR National Secretary Segun Jegede for a "chat." He was not there, and they left. Later that day, Ransome-Kuti and CDHR National Publicity Secretary Shina Loremikan went to the office of the Lagos State Director of the SSS to complain about the frequent harassment. The SSS responded by detaining Loremikan, and told him that he would be released only when Jegede turned himself in. They released him after seven hours. Jegede did not turn himself in.**
- o **On April 16, 2000 CD leaflets were confiscated by about 50 police and SSS agents who invaded Junction Clinic in Lagos, which is jointly owned by Dr. Ransome-Kuti and Dr. Balogun A.P. They forcefully entered the building, mistreated staff members and looted the premises.**
- o **On April 16, Femi Falana was arrested in his office by approximately a dozen SSS agents and truckloads of police. He was questioned about an anonymous letter that had been circulating threatening a military coup and was released the next evening.**
- o **On April 23, Ransome-Kuti was asked to report to the Intelligence Division of Police. Upon his arrival, he was arrested and questioned for about three hours about the leaflets confiscated on April 16.**
- o **On May 23, three activists involved in the CD—Dr. Henry Omwudiko, a lecturer of biochemistry at University of Nigeria, Nsukka (UNN); Gambo Danjuma, speaker of UNN students union; and Silas Moneke, UNN student—were arrested in Enugu State upon returning from the CD National Coordinating Council meeting, which had been held at Benin City the previous weekend. They were held at Enugu State Central Intelligence Division headquarters because they were allegedly in possession of seditious publications. The three are still detained without charge.**

## **Crippling the Schools and Universities**

**Strikes over poor conditions of schools and universities, lack of university autonomy and lack of respect for the teaching profession have plagued the schools and universities since last year. Recently, the government has once again clamped down particularly harshly against the university teachers, whom it has always viewed as a subversive force. Many universities have been shut down, and there has been speculation that the reason for the closures had to do with the government's wish to forestall student protests over poor conditions on campus, the economy, religious/ethnic issues and other matters.**

**In late January, a strike by the Nigerian Union of Teachers was settled and the government agreed to implement an agreement reached in 1992, which, among other points, required the government to reverse a recent decision to transfer funding for education to local government councils. In its January settlement, the government agreed to make the states responsible for funding education. However, in February, teachers joined the strike of civil servants, which lasted until the end of February.**

**The Nonacademic Staff Union of Universities (NASU) began a strike on February 2, demanding a salary increase. After the government announced that it would implement a unified salary structure for academic and non-academic university staff, NASU agreed to suspend its strike by March 19. The plan for a unified salary structure angered the Academic Staff Union of Universities (ASUU), which had been negotiating with the government since it was banned last year after its members went on strike.<sup>2</sup> On March 3, ASUU wrote to the federal government that it would resume its strike if the government did not revoke implementation of the unified salary structure. The government indicated it would not change its position, and on May 3, ASUU went on strike.**

**On May 5, the government announced a new decree, which reclassified teaching as an essential service and prohibited strikes by teachers. According to the decree, any teacher on strike for more than one week would be dismissed. \*\*\*The lecturers continued their strike, and, after a public outcry, on May 21, the government announced that the decree had been suspended. It is unclear whether its suspension means that it may be reactivated later.**

**In early May, the government lifted the seven-year ban on the National Association of Nigerian Students (NANS), but, in light of all the other problems confronting the university and the rest of the country, NANS was unenthusiastic about the government's overture.**

### **Seizure of the Nigerian Bar Association**

**On March 18, the government announced the promulgation of Decree 21 of 1993, which was signed on February 18 but made retroactive to July 31, 1992. The decree effectively empowers the government to take over the Nigerian Bar Association, which has on occasion been critical of the government and has recently been involved in an internal dispute. The decree empowers the Body of Benchers--the NBA's group of elders, most of whom it does not appoint--to set up a caretaker committee to administer the organization for not less than twelve months. Anyone who challenges the action in court is subject to a stiff fine or one-year imprisonment or both. The decree also empowers the Body of Benchers to set up a disciplinary committee for misbehavior, which it does not define. The NBA has protested the ban, but has taken no other action to date.**

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<sup>2</sup> The ASUU was first banned in 1988; the ban was lifted in 1990.

## **RISING ETHNIC/RELIGIOUS CONFLICT**

**Serious episodes of ethnic and religious violence have broken out periodically over the past several years. They include religious/ethnic riots in Kaduna State last year, ethnic violence in Taraba State and, presently, ethnic violence in the oil producing areas.**

**Africa Watch, in an investigation of the government's role in ethnic violence in Taraba and Kaduna states found that government policies and practices were adding to the tension. In Taraba State, fighting between the Tivs and Jukuns forced the Tivs to abandon their villages that were burned out by Jukuns with the complicity of the Nigerian Mobile Police. Tivs, who are attempting to resettle and rebuild their villages in the Wukari area, are being frustrated in their resettlement efforts by local government authorities who are misapplying a federal law in order to require Tivs to apply for permission before rebuilding and resettling their villages. Tivs, who were chased from their villages at the time of the national census and registration of voters, have been effectively disenfranchised from voting in their own state.**

**More than one year after rioting broke out in the northern state of Kaduna, thirteen members of the minority Kataf ethnic group await death by hanging for their alleged participation in the riots in May 1992.<sup>3</sup> Their trials before special tribunals have been widely condemned as biased and unfair. While visiting Kaduna in April, Africa Watch learned that at least thirty-six other Katafs remain in prison without trial. An additional seven Katafs have been forced to remain in prison although they have been acquitted of crimes allegedly committed during the riots.**

### **Political Structures and Ethnic Tensions**

**One significant cause of the tensions between Nigeria's more than 250 different ethnic groups is the complex structure of government. The military government's transition program has now produced civilian officials at all levels of government except for the presidency. States have governors and houses of assembly, and local government areas have chairmen and councillors.<sup>4</sup> At the same time, for reasons dating back at least as far as British colonialism, when Britain relied on traditional rulers to ensure compliance with their authority, the government continues to provide residences, vehicles and salaries for traditional rulers. Ethnic groups whose leaders are not recognized by the government resent the government's denial of material benefits to their groups.**

**Another point of tension is that the political influence of chiefs often extends beyond their ethnic and cultural boundaries.<sup>5</sup> In the Wukari Local Government Area of Taraba State, the local traditional ruler is**

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<sup>3</sup> In a March 30 *News from Africa Watch*, we reported that fifteen Nigerians had been sentenced to death. According to information received since then, the correct number is thirteen.

<sup>4</sup> A federal legislature, the National Assembly, has been in office since July 1992; however, the Assembly's authority is extremely limited because the military remains in charge of the executive branch of the government and therefore wields absolute authority over both legislative and executive functions.

<sup>5</sup> The views of traditional rulers are sought by government authorities on many political matters. Regardless of their ethnicity, those who live in a traditional ruler's area of influence are expected to honor him in various ways, for example, by paying him visits and bringing him gifts.

**a Jukun known as the Aku-Uka, to whom Jukuns and Tivs alike must pay allegiance. The Tiv traditional ruler, known as the Tor Tiv, resides in Gboko in Benue state, and his political influence is not permitted to extend across state borders. Non-Tivs in Benue State are, by the same token, subservient to him.**

**In the north, religion becomes a crucial factor because the traditional rulers are generally Muslims whom other Muslims view as spiritual, as well as political, leaders. Many Christians within the jurisdiction of Muslim rulers resent having to pay homage to a religious leader in a supposedly secular state. In Kaduna State, the Emir of Zaria, a Muslim, is the most senior traditional ruler. The Emir appoints district, village, and ward heads, who must all pay allegiance to him. Although the Kataf ethnic group represents a majority of the population in its own area, its village and district heads are appointed by and owe their allegiance to the emir. Because the Katafs are predominantly Christian and the emir is a Muslim, tensions result from the Katafs' forced subservience.**

### **Taraba State: The Tiv-Jukun Conflict**

**Fighting between Tivs and Jukuns has accompanied elections since 1959. The most recent episode began in late 1990, prior to the local government elections in December. The federal government created Taraba state in August 1991 from part of what was then Gongola state. In that year also the Wukari Local Government Council was dissolved because the local government area was separated into two: Ibi and Wukari. By-elections were held for the new local government councils, and fighting broke out again between Tivs and Jukuns. Both groups claim numerical superiority in the new Wukari Local Government Area. Samuel Adda, a Jukun, won election as the Local Government chairman in 1991. Tivs state that his election was due to the fact that many of their people were not counted in the national census or in voter registration because they had been chased from their villages during the fighting.<sup>6</sup>**

**Reliable figures for the death toll from the recent fighting do not exist; numerous sources have estimated that up to 5,000 people were killed in the clashes. According to the local government chairman, approximately 80,000 people have been displaced. Ongoing clashes have been reported through early this year. In April 1993, when Africa Watch visited Wukari, Tiv villages surrounding the city that had been burned to the ground were slowly being rebuilt.**

**Although the level of the conflict in Taraba eventually dwarfed most prior incidents in other areas of the country, the government waited until thousands had been killed and the conflict spread from the Wukari area to other cities in Taraba such as Ibi, Takum, and Jalingo, the state capital, before sending in the army.**

**Particularly disturbing are accounts that the Nigerian Mobile Police acted in complicity with Jukuns in burning down Tiv villages and that the government did nothing to stop them. Even the chairman of the Wukari Local Government, Samuel Adda, a Jukun, admitted that most of the damage had been done while the Mobile Police were in the area.**

**Chief Jonathan I. Tor Musa saw his village destroyed on December 16, 1991. According to Chief Tor Musa, the Mobile Police surrounded the village and scared away its inhabitants by firing shots into the air.**

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<sup>6</sup> **Many Tivs fled to neighboring Benue state, and only some of them were counted as refugees in the national census.**

**At that point, Jukun men doused the village huts with kerosene and set them ablaze. Chief Tor Musa reported that the Mobile Police were clearly acting in complicity with the Jukuns in burning down their village. The inhabitants of Tor Musa were not able to return to their village for three weeks, while the Mobile Police remained there and chased away anyone who tried to return. In addition, the Mobile Police looted the houses and made off with anything of value, including refrigerators. Chief Tor Musa said that "this crisis would not have taken this height as it has if it were only between Tivs and Jukuns. It was the Mobile Police who caused the extent of the problem."<sup>7</sup>**

**Soldiers from the Nigerian Army were not sent in to Taraba state until the summer of 1992, well after the violence had peaked in the early part of the year. The soldiers apparently played a useful role in maintaining the peace, and in August they were withdrawn. They were redeployed again following the murder of a state legislator, Miss Kasuwa Agbu, a Jukun, in February 1993. The murder of a policeman, the brother of the deputy governor, also contributed to the decision to redeploy the armed forces in the area. The soldiers have confiscated large numbers of arms from civilians in the area, and representatives of both groups believe that their presence has ameliorated the violence.**

**In February 1992, President Babangida summoned the governors of Benue and Taraba States, as well as the Aku-Uka and the Tor Tiv. The leaders hammered out a ten-point peace plan, which included visits by both governors to the affected areas, cooperation between the two traditional rulers, a reconstituting of the Wukari Traditional Council to include Tiv representatives, and an appeal to refugees to return to their villages. The lack of full implementation of the Peace Plan, particularly the last point, remains a particularly serious area of conflict between the two groups.**

**Members of the Tiv community told Africa Watch that, in contradiction to the peace plan agreed upon by the Aku-Uka, Wukari local government officials, who are Jukuns, are working against Tiv resettlement efforts. The officials have informed Tivs who are resettling their villages that their actions are illegal according to the Land Use Act, which is a federal law requiring any group to seek approval from the local government before settling on rural land. In practice, the law means that in Wukari, where the Aku-Uka is the traditional leader, the Tivs cannot resettle their land without the Aku-Uka's consent. The Tivs, of course, had been living on the land for years and are therefore not settlers as referred to by the Act, but the Jukuns are deliberately misinterpreting the Act to apply to them, and in so doing are infuriating the Tivs.**

**The government promised five million naira to compensate victims of the conflict. Tivs told Africa Watch that they have not received any compensation; Jukuns stated that they have received one million naira in supplies.**

## **Zango-Kataf and Kaduna**

**Africa Watch, in a report issued March 30, 1993, described the arrest and trial of retired Major General Zamani Lekwot and six others following the riots in Zango-Kataf and Kaduna. An Africa Watch representative who visited the area in late April discovered additional information about serious human rights violations, the background of the riots, and the government's inadequate response that has exacerbated tensions in Kaduna.**

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<sup>7</sup> Interview with Chief Jonathan I. Tor Musa, April 27, 1993.

**In Kaduna State, as in the rest of northern Nigeria, the Hausa-Fulani is the largest and most politically powerful ethnic group. In southern Kaduna State, however, Hausa-Fulani villages exist side by side with villages of other ethnic groups. The town of Zango-Kataf is a small enclave of Hausa-Fulanis, who are largely Muslims, in southern Kaduna State with an estimated population of less than 5,000. The town is surrounded by several other larger villages, populated primarily by the Katafs, most of whom are Christians. Some other minority ethnic groups, such as the Bajju, also populate the area surrounding Zango-Kataf.**

**Tensions have existed between the Katafs and the Hausa-Fulanis for years. The most recent outbreak of violence first began in Zango-Kataf on February 6, 1992. The immediate cause of the riot was the local government council's decision to move the site of the local marketplace from the Hausa community to an area where Katafs are in the majority. A member of the Hausa community, Alhaji Dambala A.T.K., obtained an injunction from the local area court prohibiting the change of venue of the market. Nonetheless, the new market opened on February 6, and Dambala A.T.K. attempted to enforce the injunction by serving it on those at the new site. Rioting broke out, and at least sixty persons were killed.**

**The state government then set up a Commission of Enquiry to report on the causes of the unrest.<sup>8</sup> Justice Rahila Cudjoe was appointed to chair the Commission.<sup>9</sup> Attorneys representing both the Katafs and the Hausa-Fulani appeared before the Commission and presented their views on the causes of the conflict. Five members of the panel were Hausa-Fulani. The Commission's report has not been made public.**

**The May riots, which were significantly more serious those in February, began in Zango-Kataf on May 15, when Katafs apparently went on a killing spree against the Hausas. The killings eventually spread to Kaduna city on May 17, after the bodies of dead Hausas from Zango town were brought there, apparently solely for the purpose of enraging the largely Muslim population. In Kaduna, the violence was mainly directed by the Hausas against Christians. At least three of the dead in Kaduna were Christian ministers, and several churches in the city were burned down by mobs. Estimates of the death toll range from the government's claim of three hundred up to several thousand. Thousands were left homeless.**

**Several hundred Katafs were arrested in the wake of the May riots. Although most were eventually released, at least twenty-one remain in detention without charge or trial under Decree 2 of 1984.<sup>10</sup> They are:**

**Bala Ade Dauke  
Hussaini Atuk  
Dominic G. Yahaya  
Danladi Bala  
Ayuba Dauda**

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<sup>8</sup> **According to several Nigerian lawyers interviewed by Africa Watch, only the federal government has the authority to constitute such a commission.**

<sup>9</sup> **Other members of the Commission were Massoud Oredola, Esq, William Fogie Shera, Alhaji Jaafaru Makarfi, Alhaji Garba Galadima, Alhaji Abbas Usman, and M. Musa Gaiya.**

<sup>10</sup> **State Security (Detention of Persons) Decree 2 of 1984 permits the military government to detain without charge or trial anyone who it deems to be a threat to the security of the state.**

**Luka Danladi  
Sunday Kazah  
John Usman  
Niger Y. Gwanzuwang  
Yakubu Kazah  
Buba Shinkut  
John Perry Kude  
Peter B. Daruah  
Tanko Baba  
Musa T. Bala  
Philip A. Bagudu  
Samuel Baita  
Haruna Bitiyong  
Bitrus Kwasau  
Michael B. Avong  
Truna Yakubu**

**A further sixteen were apparently charged, but charges against them were either withdrawn or their cases were adjourned, and they remain in detention under Decree 2. They are:**

**Rtd. Captain Bonat Makoshi  
Rev. Dodo Duniya  
Albehu Dauke  
Damina Mallam  
Madaki T. Bakoshi  
Magaji B. Yashim T.  
Magaji Along Angulu  
Emmanuel Jatau  
Mal. Taura Bobai  
Dantata Adamu  
Biban Shemang  
Magaji Kato Yashim  
Magaji Kambai Adam  
Magaji Ayok Kaura  
Mal. Adamu Magga  
Magaji Bobai Lambaya**

**Representatives of the Kataf community point to the fact that the government arrested primarily the leaders of the Kataf community, including the local government chairman, the district head, several village heads, and General Zamani Lekwot<sup>11</sup> as evidence that those detained were arrested for their positions of authority and not for any criminal acts they committed.**

**On May 20, the government proscribed all ethnic, religious and regional associations that**

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<sup>11</sup> **General Lekwot, a vocal leader of the Kataf community, is a former military governor of Rivers State and former Ambassador-At-Large to Mauritania, Senegal, Cape Verde, and Gambia.**

**supported political candidates. In so doing, the government further heightened tensions between the Hausas and the minority groups in Kaduna by forcing underground their political goals.**

**The state government amended the Cudjoe Commission's authority after the May riots to include as part of its scope the subsequent disturbances. Lawyers for the Kataf community, however, refused to appear again before the Cudjoe Commission, due to what they felt was the Commission's bias.**

**In what is by now a typical means of avoiding the due process guarantees of the regular court system in highly charged cases, the federal government set up two special tribunals to try persons accused of participating in crimes during the riots. By sidestepping the regular courts, the government is also able to hand-pick the judicial panel, which often includes retired military and police officers. A resolution adopted by the Kaduna Branch of the Nigerian Bar Association following the trials criticized the use of tribunals:**

**The resort, especially by the Federal Military Government to Special Tribunals to try offences ordinarily triable by the regular courts has the effect of eroding public confidence in the regular courts to the extent of rendering the said courts virtually impotent.<sup>12</sup>**

**Appointed on June 2, 1992, the first tribunal was chaired by Justice Benedict Okadigbo and included Godwin Alaye Graham-Douglas, Alhaji Aminu Malumfashi, Hajia Tani Yusuf, Otunba A. Adeleke Adedoyin, Colonel Yusuf Abubakar, and Mustapha Wali. The second tribunal, which was named on October 8, 1992, was chaired by Emmanuel Adegbite and included N.N. Onugha, B.A. Njemanze, Lt. Col. Yakubu Bako, Alhaji Sule Baba Mohammed, Chief L.O. Okoi, and Issac Zakari Dimka. Lawyers pointed out that the decree which provides the authority for setting up such a tribunal, Civil Disturbances (Special Tribunal) Decree No. 53 of 1987, provides for only five members of a tribunal. Soon after the first tribunal panel was named, the government amended the decree by gazette to permit a panel of seven.**

**Of the seven members of the Okadigbo tribunal, four were Muslim, and three of those were Hausa-Fulani. One was a military officer, and another a retired police officer. One Christian member, Godwin Alaye Graham-Douglas, a Senior Advocate of Nigeria (SAN), later withdrew from the tribunal. In an interview with the press, Mr. Graham-Douglas explained that he was upset that the tribunal had rendered a decision in one of its cases despite his absence due to medical problems.**

**Less than a week after the riots, President Babangida visited Zango-Kataf and promised compensation to those whose houses had been destroyed. When Africa Watch visited Zango-Kataf in April 1993, it was clear that the government was engaged in rebuilding the Hausa community.**

**President Babangida stated that all of those accused before the tribunals would be presumed guilty, which is a clear violation of Nigeria's international commitments, including Article 7 of the African Charter on Human and Peoples' Rights, which stipulates the right to be presumed innocent until proven guilty.**

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<sup>12</sup> "Resolution of the Nigerian Bar Association Kaduna Branch on the Civil and Communal Disturbances Tribunal," March 25, 1993.

## **The Lekwot Trials**

**All thirteen persons sentenced to death by the two tribunals are members of the Kataf ethnic group from the Zango-Kataf area. Their trials before the two tribunals failed to conform to international standards of due process and left many of those who witnessed them with a belief that the panel members were predisposed to convict those who appeared before them.**

**The case against General Lekwot began on August 4, 1992. He and his co-accused were charged with unlawful assembly, rioting, rioting with arms, and disturbance of public peace. During the proceedings, the tribunal chairman, Justice Okadigbo, was openly contemptuous of defense counsel, led by Chief G.O.K. Ajayi (SAN). Emmanuel Toro, another member of the defense team, commented that the tribunal appeared to be "hell bent on convicting."<sup>13</sup>**

**As the defense began winding down its case on August 11, the federal government's Deputy Public Prosecutor, Michael Ayoade, inexplicably left the proceedings and returned to Lagos. On August 17, a private practitioner, Olajide Ayodele, appeared before the tribunal and announced that he would be taking over the government's case. He also requested to change the government's submission in the case to a *nolle prosequi*, which is a formal entry by the prosecution that it will no longer prosecute the case. Because it is highly unusual to file a *nolle prosequi* after presenting all of its evidence, those who attended the tribunal proceedings felt that in so doing the government had recognized the weakness of its case.**

**The tribunal chairman dismissed the accused, but did not acquit them. Instead, he announced loudly to the police who were present that they should "do their job," and all six were immediately rearrested as they left the courtroom. The government later charged them all with a new charge of culpable homicide. Defense counsel for the accused noted that the prosecution witnesses from the first trial who had been easily discredited on cross-examination were not called in the second trial. The government called new witnesses who had not made any statements to the police until September about events they supposedly had witnessed in May.**

**In the early stages of the second trial, Justice Okadigbo showed even more contempt for defense counsel. He typically did not write down statements made by the defense, and he went so far as to order the arrest of Sunday Adesokun, one of Chief Ajayi's associates, because the lawyer asked that the tribunal chairman record his cross examination of a particular witness.<sup>14</sup>**

**Defense counsel filed an application in the High Court of Kaduna State to stay a second trial while the court decided whether such a trial would violate the accused persons' fundamental rights to a fair hearing. The high court judge ruled that Lekwot's attorneys had made a strong case that the accused persons' rights might have been violated, but he refused to stay the proceedings of the second trial because he claimed that the court lacked jurisdiction over the case. Lekwot's attorneys appealed to the Court of Appeals, which also denied the application in a two-to-one decision issued on November 20, 1992. They then filed an appeal to the Supreme Court. Before a date was scheduled, however, the government**

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<sup>13</sup> Interview with Africa Watch, April 23, 1993.

<sup>14</sup> The tribunals do not have a court reporter, so the panel members themselves keep the record of proceedings by writing it out in long hand.

issued Decree 55 of 1992, which prohibited scrutiny in any court of the proceedings of a tribunal. The decree nullified the possibility that any court could determine whether General Lekwot's rights would be or had been violated by a second trial.<sup>15</sup> Decree 55 was backdated to commence on July 30, 1992, just before the date that General Lekwot's first trial began.

Following the promulgation of Decree 55, General Lekwot's defense counsel withdrew from the case. In a letter to his client, Chief Ajayi explained the decree's effect and the reason why it necessitated his withdrawal from proceedings before the Okadigbo tribunal. Ajayi wrote:

**Your position now after Decree No. 55 vis-a-vis the Okadigbo Tribunal is one of complete impotence and utter helplessness. This is because the Decree has made the Okadigbo Tribunal a law unto itself.**

\* \* \* \* \*

**The Decree has therefore, in effect actually empowered the Okadigbo Tribunal to do with impunity even those things which the Supreme Court accepts as a matter of law, that it cannot do, e.g. flout the Constitution of the country or refuse to give fair hearing to a party before condemning him or imposing on him a sentence whether death or of imprisonment.<sup>16</sup>**

Although Justice Okadigbo offered to the seven accused that the tribunal would appoint new defense counsel for them, they all refused. The accused pointed out that they had counsel and that their counsel would appear if their case was transferred to another tribunal. Justice Okadigbo, however, refused to transfer the case, and because the defense put forth no witnesses, the case closed having heard only from the prosecution.

The tribunal sentenced six of the seven accused to death on February 2, 1993. They were General Lekwot, Major James Atomic Kude, Yunawa Karau Kiberi, Markus Mamman, Yahaya Duniya, and Julius Sarki Zaman Dabe (the village head of Zaman Dabo). There is no appeal from a tribunal decision, as of right or by discretion. The convictions must, however, be affirmed by the National Defense Security Council (NDSC)<sup>17</sup> before the executions can be carried out. Meanwhile, the Okadigbo tribunal, which is now disbanded, has refused to release its published decision to anyone, including the attorneys for the convicted persons. As Emmanuel Toro noted, "The ruling of the tribunal is still a mystery." Most of those convicted are held in Kaduna Prison; some are held in Abeokuta Prison. Zamani Lekwot is in Port Harcourt Prison.

The death sentences contravene internationally accepted standards of human rights, including the International Covenant on Civil and Political Rights.<sup>18</sup> Although Nigeria has not ratified the Covenant,

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<sup>15</sup> See *News from Africa Watch*, March 30, 1993.

<sup>16</sup> Letter from Chief G.O.K. Ajayi to General Lekwot, dated January 4, 1993.

<sup>17</sup> The NDSC is a group of President Babangida's advisors that acts as his cabinet and has limited authority.

<sup>18</sup> *Africa Watch* opposes the death penalty in all cases, and is particularly opposed to cases in which the death penalty is imposed in violation of international standards.

**the Covenant's due process provisions are widely accepted as establishing minimum standards. Article 6-2 of the Covenant states:**

**In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime.... This penalty can only be carried out pursuant to a final judgment rendered by a competent court.**

**The nature of such a "competent court" was clarified by the UN Economic and Social Council in the form of a resolution, enacted in 1984, entitled "Safeguards Guaranteeing Protection of the Rights of Those Facing the Death Penalty." Among the Safeguards are the following points:**

**4. Capital punishment may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.**

**5. Capital punishment may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.**

**6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.**

**All of these provisions were breached by the Special Tribunal proceedings.**

## **Other Tribunal Proceedings**

**Five persons accused in the Zango-Kataf riots are still in prison after being tried twice, once by each of the tribunals. Adamu Shekari and Peter Lekwot were convicted of unlawful assembly by the Okadigbo tribunal. Shekari was a village head in the Zango-Kataf area, and Peter Lekwot is the brother of Zamani Lekwot. Shekari was sentenced to three years in prison; Peter Lekwot to five years in prison.**

**During their trial, both men had placed into evidence strong proof of their innocence. Peter Lekwot, for instance, was attending a meeting in Kaduna on the afternoon that, according to the charges, he was committing a crime in Zango-Kataf, at least two hours away. Several witnesses corroborated Lekwot's testimony that he was in Kaduna. At the close of the trial, according to Lekwot's attorney Emmanuel Toro, the prosecutor conceded that Lekwot's alibi was "impenetrable." Nevertheless, he was convicted. Shekari was also in another city at the time of the riots.**

**The other three, Zamani Kazah, Shekarau Ka'ah, and Sani Adam Jankasa--all elderly men--were all acquitted by the Okadigbo tribunal. The oldest of them, Zamani Kazah, the local deputy chairman of the Social Democratic Party (SDP), is at least eighty. All five were tried again before the Adegbite tribunal, charged with culpable homicide. Adamu Shekari and Peter Lekwot were acquitted on the basis of the same**

**alibis that failed them in the earlier proceedings. The three older men were all convicted and sentenced to death. They have been transferred to a federal prison in Abeokuta, where they are kept in the infirmary due to their age.**

**At least four others were condemned to death by the tribunals. Iliya Maza was sentenced to death by the Okadigbo tribunal, and the Adegbite tribunal condemned Ayuba Tache, Jonathan S. Yashim and Gankon Dauwa Kurfi to death.**

**Only three Hausa-Fulanis were tried before either of the two tribunals. All three were acquitted and released, according to Mahmood Yahaya, their attorney.**

**Seven Katafs have been acquitted by the tribunals but remain in custody in Kaduna Prison. They are Juri B. Ayok, John Toro, Timothy Adams, Jonah Abashe, Bala Nimjio Bawa, Ayuba Yashim, Tanna Yakubu. Their continued detention, in the face of their acquittal by the tribunals, clearly demonstrates the Babangida administration's willingness to use and similarly to disregard the courts and even its own tribunals at its pleasure.**

### **Replacement of Local Government Chairman**

**The government's response to the Kaduna riots also included political maneuverings. Juri B. Ayok, the local government chairman of Zango-Kataf at the time of the riots and the only member of the Zamani Lekwot group to be acquitted of all charges, remains in prison under Decree 2. After the riots, Ayok, a member of the SDP, was immediately removed from his post as local government chairman by the state governor, although the governor has no apparent legal authority to remove a local government chairman. The governor, a member of the NRC (SDP's rival party), quickly replaced Ayok with a sole administrator, Mallam Haruna Zok, also a member of the NRC. The deputy chairman, also from the SDP, was similarly removed from his office and replaced with an NRC member.**

**Although the Constitution requires a by-election within six months of the appointment of a new local government chairman, no election has been held to date. Lawyers for the Kataf community filed an action in Kaduna challenging the removal of Ayok and his deputy, but no decision in the case has been rendered.**

## **The Aftermath**

The death sentences have not yet been executed. The Constitutional Rights Project (CRP), a local human rights group, brought a suit in a Lagos High Court in February, asking the court to grant a stay of execution on the Lekwot death sentences until a petition before the African Commission on Human and Peoples' Rights to review the Lekwot trial had been heard. Chief Mike A.A. Ozekhome, a Nigerian human rights lawyer, also filed a lawsuit in the Lagos High Court in February seeking to revoke the death sentences. On May 5, the court ruled that Ozekhome had no *locus standi* to bring his case, but it agreed to hear the CRP's case and extended a stay of execution on the Lekwot cases to June 7, when it has agreed to hear a motion filed by the government to appeal the court's decision to hear the CRP's case. Of course, the NDSC may decide at any time to ignore the stay of execution and carry out the executions.

## **Conflict in Ogoni Land**

Africa Watch has not yet investigated the violence in the oil-producing areas, but initial reports indicate that serious human rights abuses have occurred. For several years, the Ogoni ethnic group has accused the Nigerian government and the multinational oil companies, Shell and Chevron, of devastating their land and ruining their culture. Recently, the government has responded with increasing harshness to the group and its leaders. Last year, Ken Saro-Wiwa, a prominent writer and founder of the Movement for the Survival of the Ogoni People (MOSOP), which promotes the rights of the Ogoni minority group, incurred the wrath of the government for bringing the Ogoni's problems before the United Nations Human Rights Commission. Saro-Wiwa has been harassed on several occasions, including on April 3, 1993, when he was arrested and expelled from Delta State before delivering a lecture he had planned before the National Association of Itsekiri<sup>19</sup> Students on economic discrimination against the oil-producing areas. He was again arrested on April 18, 1993, at Port Harcourt Airport upon his arrival from Lagos and detained by the SSS for seven hours.

Recent press releases from the group report that the Ogonis have been attacked by soldiers protecting the oil fields. On April 1, Wilbros, a U.S. company, moved into the Ogoni area to lay pipelines for Shell (Nigeria) and the Nigerian National Petroleum Corporation, accompanied by truckloads of soldiers. On April 30, 1993, at Biara, thirty miles southeast of Port Harcourt, soldiers who were bulldozing Ogoni's crops allegedly shot an Ogoni woman in the chest. Other Ogonis were beaten up and detained. Amnesty International reported that in another incident that took place in Nonwa on May 4, Agbarator Otu was shot to death by members of the security forces.

## **THE TREASONABLE OFFENSES DECREE**

On May 5, the same day as the promulgation of the Essential Services decree (see above), the government responded to its critics with the promulgation of the Treasonable Offenses Decree. Although the decree was never published, on May 6, Secretary for Justice and Attorney-General Clement Akpangbo said on Radio Nigeria that those convicted under the decree could be sentenced to death. According to Akpangbo, the decree could be interpreted to convict anyone whom the government wanted to silence. He said:

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<sup>19</sup> The Itsekiris are another ethnic minority in the region.

**Anybody who acts alone or conspires with anybody in Nigeria or outside, either by word or publication of any material capable of disrupting the general fabric of the country or any part of it, is guilty of an offense under the decree.**

The decree caused an immediate outcry. Human rights activists, outspoken journalists and the Ogonis all felt threatened. Lawyers and others in the country questioned why a government that was planning to depart in the near future would feel the need for such a decree, especially since laws against treason already existed. After widespread protests from within and outside Nigeria, Vice President Aikhomu announced on May 21 that the decree had been suspended. As with the Essential Services decree, it is unclear whether or not in suspending the decree, the government has left open the possibility of reinstating it at some future date.

## **CONCLUSION**

Despite the flaws in the transition program and widespread pessimism about the country's future, the presidential elections and the consequent handover on August 27 represent the best hope for Nigeria. That the new government will represent a meaningful change from the present and that it will be able to withstand likely future attempts at takeover by the Nigerian military remain uncertain. The only certainty is that replacing the military with civilian leaders is a necessary first step towards the establishment of a true and lasting democracy.

Ethnic/religious tension could be used by the military to hold onto power. The death sentences on General Lekwot and the other Katafs are clearly a flashpoint for unrest, particularly due to the religious implications of the conflict between Christian Katafs and Muslim Hausa-Fulani. Similarly, the violence in Taraba State and ongoing discriminatory practices there are also tensions that the government must address with an eye to fairness and fundamental rights. Most importantly, all levels of government should be made aware that ethnic and religious discrimination will no longer be tolerated, and that sincere efforts at dialogue between various factions must begin.

## **RECOMMENDATIONS**

**Africa Watch makes the following recommendations to the Nigerian government:**

- o Hold elections on June 12 as promised. Ensure that independent election monitors are provided with ample opportunity to judge the fairness of the election process.**
- o Reopen *The Reporter* and *The News*. Drop all charges pending against journalists for the free expression of their political beliefs. End the campaign of harassment of the press.**
- o End the harassment campaign directed at human rights and pro-democracy groups.**
- o Open all universities. Negotiate in good faith with the ASUU to bring about an end to the crisis in the university system.**
- o Revoke Decree 21 and permit the Nigerian Bar Association once again to operate independently.**

- o Make clear that the Treasonable Offenses and Essential Services decrees have been revoked permanently.**
- o Leave office as planned on August 27.**
- o Overturn the death sentences of all those convicted by the Okadigbo and Adebite Tribunals, which clearly violate international human rights standards for the imposition of the death penalty.**
- o Release from prison all those convicted or acquitted by the Special Tribunals in Kaduna. In addition, release all of those detained without trial following the Kaduna riots. If there are legitimate charges against any of them, they should be tried in regular courts of law.**
- o Rescind Decree 55, which has effectively removed Nigerians' constitutionally guaranteed human rights.**
- o Disband the Mobile Police and ensure that all members of the Nigerian Police Force do not use their arms to assist in crimes against Nigerian citizens.**
- o Permit Tivs in Taraba State to resettle their villages without having to seek approval from local authorities.**
- o Allow Tivs to register to vote and to vote in their villages.**
- o At all levels of government, begin sincere and serious efforts to defuse tensions and promote understanding among the various ethnic and religious groups. This includes clear statements and policies that prohibit bias and discrimination along ethnic and religious lines.**

*Africa Watch is a non-governmental organization created in May 1988 to monitor human rights practices in Africa and to promote respect for internationally recognized standards. Its Chair is William Carmichael. Its Vice-Chair is Alice Brown. Janet Fleischman and Karen Sorensen are Research Associates; Bronwen Manby is a Schell Fellow; Ben Penglase and Urmi Shah are Associates.*

*Africa Watch is a division of Human Rights Watch, which also includes Americas Watch, Asia Watch, Helsinki Watch, Middle East Watch and the Fund for Free Expression. The Chair of Human Rights Watch is Robert L. Bernstein and the Vice-Chair is Adrian W. DeWind. Kenneth Roth is Acting Executive Director of Human Rights Watch; Holly J. Burkhalter is Washington Director; Gara LaMarche is Associate Director; and Susan Osnos is the Press Director.*