

NIGERIA
"SILENCING THE VOCAL OPPOSITION"
CRACKDOWN ON DEMOCRACY ADVOCATES
Four Human Rights Activists and One Student Face Treason

In recent weeks, the Nigerian government's crackdown on opposition activity intensified, culminating in the charging of four leading human rights activists with conspiracy and treason on June 15. The four are Dr. Beko Ransome-Kuti, Femi Falana, Baba Omojola and Chief Gani Fawehinmi; one student leader, Olesegun Mayegun, has also been charged. So fearful was the government of the popular reaction to the charges in Nigeria's cities that the accused were produced in a magistrates court in the village of Gwagwalada, 500 miles from Lagos and 50 miles from the new federal capital, Abuja. These five well-known detainees are but a small part of a wider campaign of arrest and detention targeting suspected opponents.

These latest measures taken by the military government of General Ibrahim Babangida are the most graphic illustration to date of the government's manipulation of the "transition to civilian rule" initiated in 1987. The transition has the avowed aim of handing over power to a democratically elected civilian government in January 1993, however at every stage the current military government has interfered to ensure that the result will be entirely to its liking. In the process, civil and political liberties have been trampled upon, and the institutions of civil society vital to the success of any democracy have been undermined.

The government's latest and most flagrant violation of its promises was triggered by a spate of riots in May. The immediate cause of the rioting, which affected the cities of Lagos and Kaduna, was a price hike, but the underlying cause was popular discontent with the government's economic and political programs. The Babangida regime, however, was quick to blame the Lagos disturbances on the allegedly subversive activities of the democracy activists, while attributing the northern violence to ethnic conflict. This rationalized not only the arrests, which began on May 19, but the government's continuing attempts to manipulate ethnic and regional tensions in Nigeria so as to undermine the prospects of a genuine transition. The government maintains that opposition is confined to the south of the country, ignoring the fact that there is now country-wide disenchantment with the military regime and support for the democracy movement.

Alao Aka-Bashorun, a prominent Nigerian lawyer, former president of the Nigerian Bar Association and democracy activist, discussed the arrests with Africa Watch: "Babangida wanted to silence the vocal opposition -- the arrests had nothing to do with a crime. It's all a game."

THE ARRESTS

The arrests began on May 19, when the home of Dr. Beko Ransome-Kuti, President of the Committee for the Defense of Human Rights (CDHR) and Chairman of the Campaign for Democracy, was raided by 200 State Security Service (SSS) members. The same day, Femi Falana, a lawyer, leading member of the National Association of Democratic Lawyers and member of the Campaign for Democracy, was also arrested by the SSS, as was Baba Omojola, a labor economist and a member of the Campaign for Democracy and human rights activist.

Chief Gani Fawehinmi, a lawyer and prominent human rights activist, was one of the lawyers representing the detainees before the Lagos High Court. He was arrested on May 29, after filing habeas corpus applications with the Lagos High Court on behalf of the detainees.

Further arrests took place in early June, this time targeting student leaders. On June 9, Olesegun Mayegun, president of the banned National Association of Nigerian Students (NANS), was arrested. Two other students were also arrested -- Silvester Odion-Akhaine and Biola Abimbola -- but they were released on bail late June 16.

In early June, the Minister of Justice, Clement Akpangbo, stated that the detainees had a "secret plan to illegally engineer a change" of the government. However, most observers believe that the arrests were related to their legal opposition activities, namely their participation in the Campaign for Democracy.

At a press conference on May 10, the Campaign called for the resignation of President Babangida's government because the country was "gradually moving toward a situation of chaos." Speaking for the Campaign, Dr. Ransome-Kuti said that:

We are particularly worried that the violence which has claimed many lives and led to the destruction of property worth millions of naira seem to have been instigated by no less a person than General Ibrahim Babangida, leader of the present military regime. It would be recalled that sometime in March, following the further devaluation of the naira, General Babangida blamed the rapid rise in prices of goods and services on some 'greedy traders.' He went further to call on buyers and consumers to rise against such 'arbitrary price increases' as a means of forcing them down....It is clear that this regime is both the cause and the instigator of the current spate of sporadic violence and destruction.

Mayegun's arrest may also be related to student demonstrations in May, which he led.

The activists have been held in incommunicado detention since their arrests, apparently under the infamous State Security (Detention of Persons) Decree 2 of 1984 (known as Decree 2), which allows for virtually unlimited detention without charge or trial of anyone considered to be a threat to the economy or security of the state.

However, it was somewhat unclear if the detainees were being held under Decree 2 or not, since Vice President Augustus Aikhomu stated earlier in June that the government was not involved in the arrests. According to the decree, the Vice President is the one who must sign such an arrest order. The Justice Minister later confirmed that they were being held under Decree 2.

The government did not formally declare that the detainees were arrested under Decree 2 until June 18. It is surprising that the detainees were ever charged with treason, because under Decree 2 the government can continually prolong the administrative detention without bringing charges.

Although draconian, Decree 2 does contain certain requirements which the defense lawyers are arguing have not been met by the government, mainly that the decree cannot be applied retroactively. Apparently, the detainees were not arrested with a signed Decree 2 order, thus making their arrests illegal.

THE TREASON CHARGES

The charges of conspiracy and treasonable felony are based on allegations that the defendants held illegal meetings and circulated seditious leaflets that incited the populace to overthrow the government. The charge stated:

Between November 1991 and May 1992, the five accused persons conspired in order to force and compel the government of the Federal Republic of Nigeria to change her measures; i.e., the transition to civil rule program; and that you manifested such an order and intention by overt acts.

Conviction for treason carries a maximum sentence of death.

It appears that some of the detainees have been ill-treated in detention. On June 15, the detainees were shown on national television at the court in Gwagwalada near Abuja when they were being charged -- Dr. Beko Ransome-Kuti walked with the assistance of two security men, and Chief Gani Fawehinmi was limping. At the hearing, the magistrate granted the defendants' request for medical attention.

On June 16, however, Dr. Beko Ransome-Kuti's daughter, also a lawyer, travelled to Abuja to see her father. She was denied access both as a family member and as his lawyer. Reports indicate that a prison official turned her away claiming that Decree 2 supersedes the Magistrates Court order to allow medical attention.

An additional legal complication in the case involves jurisdiction. The magistrates court in Gwagwalada, some 500 miles from Lagos where they were arrested, does not have jurisdiction to hear a case involving treason.

HABEAS CORPUS PROCEEDINGS AND PROTESTS BY THE BAR ASSOCIATION

Shortly after the first arrests in May, habeas corpus proceedings were filed by the defense lawyers, and on May 22, the Ikeja State High Court granted the habeas corpus applications. The High Court ordered Ransome-Kuti and Falana to be produced in court by June 4 and 5, respectively, and later ordered that Fawehinmi be produced. The Court also ordered that Falana be released and called his arrest "illegal." On June 4, a High Court Judge in the Ikeja Judicial Division ordered that Dr. Baba Omajola be produced in court, after he failed to appear on that day. The Court apparently gave the government an additional week to produce the detainees.

On June 10, the Nigerian Bar Association (NBA) called a strike that would be effective on the 15th in Lagos to protest the government's refusal to comply with the High Court orders to produce the four activists. The Minister of Justice then got an injunction against the NBA prohibiting the strike. Since the NBA was not actually served with the court papers until the 16th, they were on strike on the 15th and suspended it the following day, pending the court's ruling on the Minister of Justice's motion, scheduled for Friday June 19.

On the morning of the 19th, the principal lawyer received a message that the case had been adjourned until Wednesday, June 24. The NBA went to court anyway, and tried unsuccessfully to get the case dismissed. Lawyers from different parts of the country attended the court session, which is seen as a sign of support for the NBA.

INTERNATIONAL RESPONSE

Portugal (the current president of the EEC), the Netherlands and Britain have delivered a strong protest to the Nigerian government. Representatives of the United States government contend that the U.S. is following the case, but has not made any public statements or formal protests.

RECOMMENDATIONS

Please write letters or telegrams protesting these arrests and calling for their immediate release and an end to the attacks against legal opposition activity to:

His Excellency Zubair Kazaure
Ambassador
Embassy of Nigeria
2201 M. Street, NW
Washington DC 20037

His Excellency Mr. George Dove-Edwin
High Commissioner for the Federal Republic
of Nigeria
Nigeria House
9 Northumberland Avenue
London WX2 5BX

Africa Watch is a nongovernmental 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; its Executive Director is Rakiya Omaar; its Associate Director is Alex de Waal; its Research Associates are Janet Fleischman and Karen Sorensen; its Associates are Barbara Baker, Ben Penglase and Urmi Shah.

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