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## U.S. Department of State

### Nigeria Country Report on Human Rights Practices for 1997

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#### NIGERIA

General Sani Abacha, who seized power in a palace coup in November 1993, remained Head of State throughout 1997. Under Abacha, the main decisionmaking organ is the exclusively military Provisional Ruling Council (PRC), which rules by decree. The PRC oversees the 33-member Federal Executive Council composed of military officers and civilians. Pending the promulgation of the Constitution written by the Constitutional Conference in 1995 and subsequently approved by the Head of State, the Government observes some provisions of the 1979 and 1989 Constitutions. The decree suspending the 1979 Constitution was not repealed and the 1989 Constitution was not implemented. The transition timetable announced by Abacha in 1995, which purports to return the country to democratically elected civilian government by October 1, 1998, underwent significant revisions in July. The judiciary's authority and independence are significantly impaired by the military regime's arrogation of judicial power and prohibition of court review of its action.

The Government continued to enforce its arbitrary authority through the Federal Security System (the military, the State Security Service (SSS), the national police, and other regulatory and law enforcement agencies), a variety of official and quasi-governmental security forces, and through decrees blocking action by the opposition in the courts. All branches of the security forces committed serious human rights abuses.

Most of the approximately 105 million population is rural, engaging in small-scale agriculture. Oil exports account for over 90 percent of national foreign exchange earnings. The economy stagnated during the year, and gross domestic product per capita dropped to \$260 after marginal growth in 1996.

The general level of economic activity continued to be depressed, with factory capacity utilization remaining in the 30 percent range, and many major companies reporting lower profits and expanding inventories. Endemic corruption and recurring fuel shortages further hindered the functioning of the economy. There was a continued lack of transparency in government transactions. Government control over the economy remained extensive, including government mandated below-market fuel prices. Although the Government continued to espouse a program of "guided deregulation," actual steps taken to liberalize investment and foreign exchange rules were disappointing.

The Government's human rights record remained dismal. Throughout the year, Abacha's Government relied regularly on arbitrary detention and harassment to silence its most outspoken critics. The winner of the annulled 1993 presidential election, Chief Moshood K.O. Abiola, remained in detention on charges of treason, as did prominent politician Olu Falae, prodemocracy activist Fredrick Fasehun, and several others. Although Abacha announced on November 17 that he would release political detainees, the Government failed to do so by year's end. Security forces continued to commit extrajudicial killings and use excessive force to quell antigovernment protests as well as to combat crime, resulting in the death or injury of many individuals, including innocent civilians. Security forces tortured and beat suspects and detainees. There were many reports of sexual abuse of female suspects and prisoners by security forces. Prison conditions remained life threatening; many prisoners died in custody. The Government repeatedly engaged in arbitrary arrest and detention, and lengthy pretrial detention is a problem. Security services routinely harassed human rights and prodemocracy groups, including labor leaders, journalists, and student activists. The Government also infringed on citizens' right to privacy.

Citizens do not have the right to change their government by peaceful means. Despite the announced timetable for transition from military to multiparty rule, there was little meaningful progress toward democracy. Local government elections held on March 15 were largely peaceful, but a flawed voter registration process, preelection screenings of candidates, and unresolved debates over the delineation of constituencies cast doubts upon the exercise. In April the Government issued Decree Number 7, which allowed for the arbitrary removal of any elected official by the Head of State. Several disputes over election results remained unresolved at year's end. On July 3, the Transition Implementation Committee announced significant changes to the transition to civil rule program outlined in 1995. State assembly elections, moved from the third to the fourth quarter of the year, took place on December 6. Although they showed some improvement over the March local government elections, they were flawed, and the authorities annulled the results in some constituencies and called for by-elections. Under the new timetable, gubernatorial elections originally scheduled for the end of the year were postponed until 1998, and the inauguration of governors and state assemblies was rescheduled for September 1998. The presidential election remains scheduled for August 1, 1998, with the inauguration of a civilian government to follow on October 1.

The Government's reliance on tribunals, which operate outside the constitutional court system, and harsh decrees prohibiting judicial review seriously undermined the integrity of the judicial process and often resulted in legal proceedings that denied defendants due process. Former head of state Olusegun Obasanjo and more than 30 others convicted by secret military tribunals remained in prison for their alleged roles in a purported March 1995 coup plot. Obasanjo's

erstwhile deputy and outspoken National Constitutional Conference delegate Shehu Musa Yar'Adua, one of those imprisoned for the alleged March 1995 coup plot, died in government custody on December 8, provoking large public protests in the north. Yar'Adua's death appears to have been from natural causes exacerbated by lack of proper medical attention. Several days later a newspaper reported that another of the coup plotters, staff sergeant Patrick Usikekpo, had died in prison of typhoid fever at an undetermined date late in the year. Leading attorney and former presidential aspirant Otunba Olabiyi Durojaiye was held incommunicado without charge throughout the year; the Government ignored court

orders to bring his case to court. The Government's frequent refusal to respect court rulings also undercut the independence and integrity of the judicial process.

On December 21, the Government announced the arrest of the country's second highest-ranking military officer, Chief of General Staff Lieutenant General Oladipo Diya, 10 other officers, and 1 civilian on charges of coup plotting. Subsequently, the Government announced that it had arrested an unstated number of additional persons for roles in the purported coup plot, and that it would try the accused before a military tribunal. By year's end, the Government had not released details of the alleged plot, although its public pronouncements were prejudicial to the presumption of innocence for the accused.

Other human rights problems included infringements on freedom of speech, press, assembly, association, and travel; violence and discrimination against women; and female genital mutilation. Worker rights deteriorated as the Government continued to interfere with organized labor. The Government further weakened the independence and viability of the labor movement by enacting decrees and taking other measures that restricted fundamental rights of association.

The National Human Rights Commission (NHRC), established by the Government in 1995 but not inaugurated until June 1996, was slow to get started but met several times with independent human rights groups and began a nationwide review of prison conditions. Public opinion of the NHRC was mixed, as some hoped that the Commission might prove useful while others dismissed it as irrelevant.

## **RESPECT FOR HUMAN RIGHTS**

### **Section 1 Respect for the Integrity of the Person, Including Freedom From:**

#### **a. Political and Other Extrajudicial Killing**

As in previous years, security forces committed extrajudicial killings and used excessive force to quell antigovernment and prodemocracy protests and civil unrest. Credible reports by domestic human rights groups indicate numerous deaths of suspects in the custody of security forces. These reports are consistent with other credible accounts of abuse, including the use of torture to extract criminal confessions. The Government seldom held security forces accountable for their use of excessive, deadly force or for the death of individuals in custody. The Government's inaction fostered a climate of impunity in which these abuses flourished. Widespread violent crime prompted a proliferation of supplemental security forces, including state organized paramilitary forces, personal security teams, special squads, civil-military task forces, and quasi-governmental vigilante groups. Security forces employed roadblocks and checkpoints where extortion, violence, and lethal force were common. Accounts of security officers shooting at individuals who refused to pay bribes, comply with security orders, or who simply appeared "suspicious" resulted in numerous deaths and injuries.

In January security forces called to quell disturbances at Lagos State University shot and killed two students (see Section 2.a.). In February police killed five Muslim demonstrators in Kano (see Section 2.c.). In April Florence Okoye, a passenger in a private commuter bus, was fatally wounded when members of the Lagos State Task Force on Environmental Sanitation and Special Offenses shot at the bus when the driver allegedly failed to stop on demand. The bus driver may have been involved in an earlier altercation with task force members over illegal parking; Okoye, who was shot in the thigh as she disembarked and subsequently bled to death, was an unintended casualty. On June 26, 37-year-old bus driver Basse Paul was killed after security forces, including members of the National Drug Law Enforcement Agency (NDLEA), police, military, customs, and immigration, stopped his bus at a checkpoint. During an argument between competing security forces, the unarmed Paul was shot through

the chest and died instantly. Similar accounts of excessive use of force and extrajudicial killings at checkpoints were recorded throughout the year. There has been no official reaction to the violence at checkpoints. In late November, a mobile policeman in Delta State allegedly killed Solomon Areigbore, a local prince, after he drove through a roadblock without paying a bribe. The policemen reportedly pursued Areigbore, stopped him at his house, and then one policeman shot him in the head. Areigbore's death led to an attack on the divisional police station by local youths. The police commander for the Delta area had no comment, and no action had been taken against the policemen by year's end.

On July 1, newspaper vendor Godfrey Chukwu was fatally wounded when uniformed soldiers in an Operation Sweep vehicle fired shots from their car window. According to eyewitnesses, Chukwu was selling newspapers by the roadside and was shot in the head by a stray bullet. It was not clear whether the security team was chasing a suspect or merely firing at random. An employee of the national fertilizer company was shot and killed on July 12 by Rivers State Internal Security Task Force (RSISTF) members who opened fire on a private transport bus for allegedly violating travel restrictions in effect on federally designated environmental cleanup days. Two other passengers on the bus were injured. Secondary school student Saheed Arasi also died in July after becoming involved in an altercation with policeman on the trail of suspected drug dealers. Arasi was shopping in an outdoor market when the policeman stopped him, accused him of criminal activity, and, despite his protests of innocence and the corroboration of nearby witnesses, shot him in the head at point blank range. As a result of the incident, a mob later approached the local police station brandishing cans of gasoline and threatening to burn down the office. The Government has taken no legal action against the policeman.

Repeated fuel shortages often stimulated incidents, and armed security forces killed several people when special treatment was refused. In March the body of gas station manager Kehinde Ehindero was delivered to the Ondo state specialist hospital after armed men claiming to be NDLEA officials had arrested him earlier in the day. The station owner reported that the security men had become enraged after their request for fuel was denied because the station had only kerosene in stock. Hospital staff confirmed that the body was brought to the hospital by an NDLEA officer, who they then turned over to the police. According to police on duty, the officer was released upon orders from "above." On June 21, an altercation at a gas station in Ogun state turned violent when an attendant refused to provide fuel on demand to a deputy superintendent of customs and three uniformed customs officers. According to eyewitness reports, the deputy superintendent hit the attendant several times on the head with the butt of his rifle before station manager James Olugbenga Dosumu intervened. The superintendent then shot the unarmed Dosumu in the chest at close range. He died instantly. The Government has taken no action against the deputy superintendent.

Credible reports of security forces shooting people suspected of armed robbery or other crimes continued throughout the year, and excessive use of force in response to demonstrations resulted in the deaths of many unarmed civilians. On February 6, Lagos police shot and killed seven people accused of robbery. The victims included an elementary school teacher. Police claimed that the suspects resisted arrest. On March 17, Oghenebrume Eburu was shot and killed in Warri, Delta state, by security escorts of navy Captain Ekpeyong Ita during a protest march following the March 15 elections. Soldiers sent to quell disturbances in Warri in March were given shoot-to-kill orders, but no shots were fired and no demonstrators killed. In August police officials in Kaduna state opened fire on demonstrators protesting the continued detention of religious leader Sheikh Ibrahim Al-Zakzaky and killed four people. In February Operation Sweep forces shot and killed two student demonstrators (see Section 2.a.). Security forces sometimes turned against each other, and as many as 80 people were injured and 1 policeman was killed in the northern city of Kano in April after fighting broke out between soldiers and policemen. Reportedly, the clash was caused by policemen arresting off duty soldiers suspected of marijuana possession. In May a confrontation between Federal Aviation Authority security agents and members of the Air Force Presidential Task Force turned violent as members of the two security forces fired on each

other. Although no one was killed, a third security force (the police) had to intervene to end the shooting. On September 29, four boatloads of soldiers reportedly attacked the ethnic Ijaw village of Ekermor Zion, Delta State, killed 1 man, detained 58 others, and destroyed 10 homes. The attack was an apparent reprisal against the town for the earlier disappearance and presumed killing of four soldiers who reportedly were involved in extorting money from the community.

The harsh interrogation methods reportedly practiced by some security officers resulted in the deaths while in custody of several people. The Civil Liberties Organization, a domestic nongovernmental human rights group, called for a formal investigation into the death of Victor Udoma while in the custody of the Special Fraud Unit of the Lagos state police. Udoma was arrested on May 12 in connection with crimes committed by his employer and died after 2 weeks in detention. The official report released by authorities attributed his death to "infectious diseases." After 6 months in detention by the Lagos Special Antirobbery Squad, the bodies of two security guards employed by a Lagos company were deposited at the state general hospital mortuary in January. The men were originally arrested for suspected complicity in a robbery at the company premises. The two were never charged with a crime and no explanation for their deaths has been forthcoming.

There were no developments in the June 1996 slaying of Kudirat Abiola, outspoken senior wife of M.K.O. Abiola or the October 1995 killing of political leader Alfred Rewane. The perpetrators were never found and the Government ceased investigations shortly afterwards, asserting without evidence that the attack was staged. No progress was made in the investigation of the January 1996 attempted murder of prominent independent publisher Alex Ibru.

Nigerian forces in the West African Peacekeeping Force in Sierra Leone at times used excessive force. In June Nigerian warships shelled Freetown, apparently trying to hit army headquarters. More than 30 civilians were killed in September at a dockside marketplace in Freetown when Nigerian troops fired at ships unloading rice in defiance of a West African embargo. In October Nigerian planes bombed a television and radio station near the capital.

A series of bombings in Lagos, which later spread to other parts of the country, resulted in several deaths and many injuries. On January 7, an explosion near Abati military barracks in Lagos left 2 soldiers dead and 29 injured. On February 12, a bomb in the Maryland district of Lagos injured nine persons. On May 7, a bomb detonated as a military truck passed a busy thoroughfare in Lagos, leaving four soldiers injured. An explosion in the southwestern city of Ibadan on May 12 damaged a military vehicle but killed none of the soldiers and police on board. In May four people were killed and several others wounded when two bombs exploded in Onitsha, Anambra state, in eastern Nigeria, one outside a mosque and the other in an open market. An August 6 bomb blast outside a cathedral in Port Harcourt left one person dead. On September 2, a bomb exploded outside the offices of the Ekiti state military administrator. The administrator escaped unhurt but four children were injured. Late in 1996 and early in 1997, the Government arrested several leading opposition figures including Fred Fasehun and Olu Falae, and brought charges against government critics Wole Soyinka, Anthony Enahoro, and General Alex Akinrinade, all living in self-imposed exile, in connection with the bombs, but by year's end had not made public the substance of the case against the men (see Section 1.d.).

#### b. Disappearance

Government detention practices cause many persons to be "missing" for extended periods. The only known case of a politically motivated disappearance was that of former Razor newspaper editor Moshood Fayemiwo, who spent 7 months in detention before escaping to neighboring Benin in September 1996. On February 14, Fayemiwo disappeared from the United Nations refugee camp where he had been living with his family. Mrs. Fayemiwo reported that her husband had been kidnapped by

"unknown security agents," but reliable sources claim that he is being held incommunicado by Nigerian security services. The Government was asked repeatedly about the case by the media, but did not acknowledge any involvement.

#### c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1979 Constitution (suspended) and the 1989 Constitution (never implemented) prohibit torture and mistreatment of prisoners and provide criminal sanctions for such excesses. The Evidence Act of 1960 prohibits the introduction of evidence obtained through torture. Nevertheless, detainees frequently died while in custody (see Section 1.a.), and there were credible reports that security officers seeking to extract confessions regularly beat suspects, detainees, and convicted prisoners. Security officers tortured prisoners with whippings, suspension by the limbs from the ceiling, burning with candles, and extraction of teeth. Detainees are often kept incommunicado for long periods of time (see Section 1.d.).

There were continued reports of torture or abuse by the Rivers State Internal Security Task Force in Ogoniland. Reported abuses included extrajudicial killings, beating a victim's head with a gun butt, and arbitrary detention.

In pursuit of their objectives, security forces, task force, and other law enforcement personnel routinely assaulted or arrested anyone perceived as uncooperative or "undisciplined," usually market women, traders, street hawkers, children, jaywalkers, or errant drivers.

Several instances of violence against prominent individuals or strategic targets occurred throughout the year, but government investigations into the causes of the attacks were halfhearted and inconclusive. In January gunmen fired into the car of National Democratic Coalition (NADECO) leader Abraham Adesanya on a busy Lagos street, but he escaped unhurt. The perpetrators were never found and the Government ceased investigation quickly, asserting that the attack was staged.

There were numerous reliable reports that flogging, stripping, and acts of public humiliation, such as duck-walking or crawling, were used as punishment for minor infractions or public disturbances. Caning continued as a form of punishment for some crimes, and four men were publicly caned with 100 strokes after a court convicted them of adultery under the Penal Code. Reliable sources reported witnessing a mobile police officer in Lagos jump on the back of a truck driver who had been forced onto his hands and knees at the side of the road. In another incident, an eyewitness reported watching mobile police officers stop a young man on a motorcycle and, after an argument, beat him on the head with their rifle butts. Credible reports continued throughout the year of security forces intervening in personal disputes and by publicly stripping or whipping the alleged perpetrator.

Security forces often use force or threats to extort money from civilians. In Oyo state, journalist Rinde Oladele was stopped at a checkpoint by soldiers and police from Operation Gbale, the Oyo state paramilitary anticrime squad. The security officers reportedly searched his car and interrogated him at gunpoint. Upon finding over \$1,400 in local currency in the trunk, the security officers accused him of being a thief, demanded money, and beat him. In June a staff member of the Committee for the Defense of Human Rights (CDHR), a local nongovernmental organization (NGO), was stopped on the street by Operation Sweep security force personnel who searched him at gun point and took about \$25. The CDHR also reported that in March, two journalists, Mallam Mohammed Abubakar of The Guardian and Alhaji Meto Adamu of the British Broadcasting Corporation Hausa service, were beaten unconscious by military officers, acting on the orders of an aide of the Yobe state military administrator.

In April policemen at a Lagos state checkpoint opened fire on a minibus full of passengers after the

driver reportedly ignored an order to stop. No one was injured but, upon learning that one of the passengers was the wife of Chief of General Staff, Lt. Gen. Oladipo Diya, top police officials described the incident as "embarrassing to the force."

Chief Onii Egbunine, publisher of the Owerri-based newspaper, The Horn, was interrogated by an assistant to the Imo state military administrator before being severely beaten by security forces, reportedly for publishing a story alleging corruption at the highest levels of state government. Aides of former Chief of Defense Staff Brigadier General Babatunde Idiagbon severely beat a state official who arranged a meeting between the general and journalist Comfort Obi. The aides contended that the meeting, which later appeared as the cover story of Obi's magazine, had not been agreed to by Idiagbon. Security agents of Ogun state military administrator Wing Commander Sam Ewang flogged Nigerian Youth Service Corps members who protested eviction from a state-run housing complex in July. Subsequently, the youths, both men and women, were forced by security officials to crawl across the concrete on their knees as punishment after they failed to disperse when ordered by the administrator. The administrator later "reprimanded" the security men involved.

For the most part, the Government neither acknowledged nor denied that security force abuses occurred and left perpetrators unpunished. Those security force officials who were punished faced, at the worst, dismissal from service and, more often, demotion or a "stern reprimand." However, some officials, most notably Lagos state administrator Colonel M. B. Marwa, acknowledged that there had been abuses and said that he would try to curb them, but by year's end, he had taken no action on these problems.

Prison and detention conditions remained life threatening. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the cramped, poorly ventilated facilities, and chronic shortages of medical supplies were reported. Prison inmates were only irregularly allowed outside their cells for recreation, and many inmates must provide their own food. Only those with money or whose relatives brought food regularly had sufficient food. Poor inmates often relied on handouts from others to survive. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Reports of sexual abuse of female prisoners were common. The Government derived considerable savings from the practice of leaving children born in prison with their jailed mothers rather than placing them in foster homes. Women are generally housed separately from men, but juvenile prisoners, usually boys, are detained together with adults. There are no overall statistics on prison deaths due to harsh conditions or lack of medical treatment. However, one human rights group counted 56 prisoners who died in 4 Lagos prisons in 1996. Forty-three of the dead were males awaiting trial. The human rights group attributed the deaths to malnutrition, torture, and tuberculosis.

Political detainees are commonly dispersed around the country, often in remote locations. For example union leader Frank Kokori is held in Borno state, near the Chadian border. Another labor leader, Milton Dabibi, is reportedly in a prison in the far southeast. Such action poses financial and logistical burdens on the detainees' families, in cases when visitation is allowed.

The Government acknowledged the problem of overcrowding in the prisons and promised to seek a solution to the problem, but few substantive changes were made. A committee established in late 1996 to review the problem of overcrowding submitted a report in April that prompted the Government to direct state administrators to take steps to reduce prison congestion. However, no method to reduce the problem was announced, and by year's end there was no indication that overcrowding had been reduced. According to 1996 prison statistics, approximately 55,000 prisoners inhabit the nation's 43 prisons, which were built to hold 33,345 inmates. Human rights groups contend that even these figures are conservative, and Interior Minister Babagana Kingibe said that there were over 70,000 inmates in the

prisons. A report by the Nigerian Institute of Advanced Legal Studies stated that the number of inmates in Ikoyi prison in Lagos exceed by 250 percent the designed capacity of the prison.

Prison officials generally do not allow human rights monitors access to prisons. However, some NGO's fare better than others and have occasional access.

#### d. Arbitrary Arrest, Detention, or Exile

The Government repeatedly engaged in arbitrary arrest and detention. Police and security forces are empowered to make arrests without warrants if they believe that there is reason to suspect that a person has committed an offense; they often abused this power. The law requires that the arresting officer inform the accused of charges at the time of arrest and take the accused to a station for processing within a reasonable time. By law police must provide suspects with the opportunity to engage counsel and post bail. However, police generally did not adhere to these safeguards and often held suspects incommunicado under harsh conditions for extended periods without charge. Over 50 percent of the nation's prison inmates are awaiting trial. In some prisons such as Ikoyi prison, 90 percent of the population were Awaiting Trial Persons (ATP's). Many of these ATP's have been detained for 5 years or more, with some waiting as long as 12 years for their case to be heard in court. More than 100 supporters of Shi'ite religious leader Sheikh Ibrahim Al-Zakzaky arrested in 1996 remain in jail and have not been charged with any offense.

The State Security (Detention of Persons) Decree of 1984 (Decree Two) allows the Government to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. When invoked, Decree Two suspends the detainee's civil liberties and precludes judicial review. Many citizens consider Decree Two to be the main threat to their basic freedoms, because the judicial ouster clause encourages arbitrary detention and fails to define what constitutes acts under the Decree's purview. Decree 11 of 1994 authorizes the PRC Vice Chairman or the Commissioner of Police to detain persons for up to 3 months without charge.

In June 1996, the Government announced the repeal of Decree 14 of 1994, which had effectively suspended the right of habeas corpus by forbidding courts from hearing cases demanding that the Government produce in court those detained under Decree Two. However, despite this repeal, the Government still retains full legal authority under Decree Two and Decree 12 of 1994 to detain citizens arbitrarily and dispense with habeas corpus challenges, and the Government regularly defied court orders to produce detainees. In the case of prominent attorney and politician Otunba Olabiyi Durojaiye, who was arrested on December 3, 1996, the Government ignored a court order requiring it to present Durojaiye in court on February 2, 3 months after his detention. The Government subsequently ignored two more calls for Durojaiye's appearance in court.

Police and security forces often disregarded court orders to arraign or release detainees. Calabar businessman Effiong Henshaw was arrested by the NDLEA on March 12 and remained in detention at year's end as the NDLEA ignored a court order to arraign him. An April 7 order from the Lagos federal high court to release Omochiere Aisagbonhi was ignored by police and Aisagbonhi, who was arrested March 26 in relation to a dispute over money, remained in detention without charge.

Persons unfortunate enough to be nearby when a crime is committed are normally held for interrogation for periods ranging from a few hours to several months. Even after their release, those detained are asked to return repeatedly for further questioning. Each of the bombing incidents (see Section 1.a.) was followed by the arbitrary arrest of dozens of bystanders. In one bombing case, a local employee of a foreign embassy was detained for several hours for questioning and required to report to authorities

routinely for weeks.

Relatives and friends of wanted suspects were regularly placed in detention without criminal charge to induce suspects to surrender to arrest. The wife and pregnant daughter of retired army officer Lieutenant Colonel Raphael Iluyomade, reportedly a close friend of NADECO leader Alex Akinrinade, were arrested on February 20 by security forces searching for the lieutenant colonel. The women were held for over 3 months at a military installation in Apapa, Lagos. Folasade, Iluyomade's daughter, was 4 months pregnant at the time of her arrest and miscarried while in detention. Neither of the women was charged with any offense. NDLEA officials searching for architect Chijioke Okoye, wanted in connection with the collapse of a building in Enugu, broke into the Okoye house on the night of July 24 and, when they did not find Okoye, arrested his wife. Mrs. Okoye and her 4-month-old baby were detained for 3 days until her husband surrendered to authorities. The wife of Tell magazine editor in chief Nosa Igiebor was taken into custody on the night of September 10, after armed security officers broke into her home, intimidated her children, and detained her for several hours of interrogation. According to a Tell press release, the security agents held a gun to the head of the Igiebor's 4-year-old daughter and asked the child repeatedly, "Where is your father?" The harassment came just a few days after Tell published an article on Abacha's ill health. Nosa Igiebor, who spent 6 months in detention in 1996, has grown accustomed to spending much of his life in hiding as a result of the confrontational stand taken by his magazine.

The Government routinely arrested, harassed, and detained without charge leading human rights and prodemocracy activists, including the Iluyomades, who were presumably detained for their relative's political associations, and Otunba Durojaiye. Ogoni human rights activist Bari-Aara Kpalap, originally arrested in October 1996 by the RSISTF, remained in detention without charge. Chief Osaro Oseghale spent a week in detention in January for his alleged association with NADECO. In an apparent effort to block human rights activist Anyakwee Nsirimovu, executive director of the Institute of Human Rights and Humanitarian Law (IHRHL), from meeting with visiting Organization of African Unity representatives, security officers raided IHRHL offices in Port Harcourt on March 13. The security officers reportedly broke open doors and lockers and took documents and project materials.

Several leading labor and prodemocracy activists who were arrested in 1994 remained in detention, including M.K.O. Abiola and Frank Kokori, General Secretary of the National Union of Petroleum and Natural Gas Workers (NUPENG) (see Section 6.a.). General Secretary of the Petroleum and Natural Gas Senior Staff Association (PENGASSAN) Milton Dabibi, who was arrested in January 1996, remained in detention without charge. Dabibi was not permitted visitors. Former Petroleum Minister Don Etiebet was detained for several days in March (see Section 3).

The Government routinely detained human rights monitors, journalists, and political opponents for making or publishing critical statements. Government security forces frequently harassed, arrested, detained, and threatened journalists for a variety of reasons, including the alleged spreading of false information and printing of stories that exposed the actions of government officials (see Sections 2.a., 2.b., and 4).

Ladi Olorunyomi, the journalist wife of a prominent critic of the Government currently living in exile, spent 2 months in detention. The Abuja bureau chief of African Concord magazine, Mohammed Adamu, was arrested on July 27 after his magazine published an article critical of presidential security officer Hamza Al-Mustapha, and he remained in detention at year's end. A reporter for the independent daily Vanguard, George Onah, spent a year in detention after publishing an article about military personnel issues and remained in prison at year's end. Onah spent 7 months in solitary confinement and often had his arms and legs chained. The editor of The Week magazine, Godwin Agbroko, was arrested on December 18, 1996, and not released until May. Chris Ikwunze, a Vanguard correspondent, and

Akandem James, a reporter with The Punch, were arrested on September 4 and detained for several days after reporting that RSISTF members had impounded copies of a book written by the late Ken Saro-Wiwa.

There are no reliable figures for the number of political detainees, but local human rights groups estimates range between 100 and 200.

There were no known instances of forced exile as a means of political control, although several NADECO members, including former Senator Bola Tinabu, retired Air Commodore Dan Suleiman, Nobel laureate Wole Soyinka, and elder statesman and senior NADECO figure Anthony Enahoro live in self-imposed exile. Other activists such as Owens Wiwa, brother of executed Ogoni rights activist Ken Saro-Wiwa, Ledum Mittee, President of the Movement for the Survival of the Ogoni Peoples (MOSOP), and outspoken journalist Dapo Olorunyomi, joined them. An unknown number of Ogoni reportedly fled to neighboring countries, North America, or Europe in search of asylum.

#### e. Denial of Fair Public Trial

The Government has taken several steps to undercut the independence and integrity of the judiciary. To suppress opposition to its rule, the regime first bypassed the regular courts in favor of "tribunals" and then declared itself above the law by prohibiting court review of any government action. Tribunal sentences are generally severe. The Government's reliance on tribunals, which operate outside the constitutional court system, seriously undermines the judicial process and often results in legal proceedings that deny defendants due process, as in the 1995 case of Ken Saro-Wiwa and his eight codefendants. The Government's frequent refusal to respect court rulings also undermines the integrity of the judicial process.

The regular court system is composed of both federal and state trial courts, state appeals courts, the federal Court of Appeal, and the federal Supreme Court. Under the 1979 Constitution, courts of the first instance include magistrate or district courts, customary or area courts, Shari'a (Islamic) courts, and for some specified cases, the state high courts. The nature of the case usually determines which court has jurisdiction. In principle customary and Shari'a courts have jurisdiction only if both plaintiff and defendant agree. In practice, however, fear of legal costs, delay, and distance to alternative courts encouraged many litigants to choose these courts.

Myriad administrative, logistical, and financial hurdles repeatedly hinder the work of the judicial system. One Lagos state judge conducted hearings in prison when prison officials informed him that there were no vehicles to transport the accused to court. Decree One of 1984, the first decree promulgated by the military officers who overthrew the civilian regime of President Shehu Usman Aliyu Shagari in 1983, left the institutional framework of the judiciary largely intact. However, it established a parallel system of military tribunals with sole jurisdiction over certain offenses, such as coup plotting, corruption, armed robbery, and illegal sales of petroleum. A 1991 decree amended Decree One by providing that only sitting or retired civilian judges could preside over tribunals hearing nonmilitary cases. Decree 12 states that "no act of the federal military Government may henceforth be questioned in a court of law" and "divests all courts of jurisdiction in all matters concerning the authority of the federal Government."

Criminal justice procedures call for trial within 3 months of arraignment for most categories of crimes. Inefficient administrative procedures, petty extortion, bureaucratic inertia, poor communication between police and prison officials, and inadequate transportation continue to result in considerable delays, often stretching to several years, in bringing suspects to trial.

Trials in the regular court system are public and generally respect constitutionally protected individual rights, including a presumption of innocence, the right to be present, to confront witnesses, to present evidence, and to be represented by legal counsel. However, there is a widespread perception that judges are easily bribed or "settled," and that litigants cannot rely on the courts to render impartial judgments.

There are no legal provisions barring women or other groups from testifying in civil court or giving their testimony less weight. The testimony of women is, however, accorded less weight in Shari'a courts.

In most cases before the tribunals, the accused have the right to legal counsel, bail, and appeal, although some tribunals substitute a presumption of guilt for the presumption of innocence, and conviction rates in the tribunals reportedly exceed conviction rates in the regular courts.

In June 1996, in response to the report of a U.N. fact-finding team sent to investigate human rights and the transition process, the Government announced two decrees, one repealing Decree 14 of 1994, which had effectively suspended the right of habeas corpus (see Section 1.d.), and the other amending the Civil Disturbances (Special Tribunal) Decree of 1987 to remove members of the armed forces from the membership of the tribunal and allow for a right of appeal to the Special Appeals Tribunal. Military personnel convicted of coup plotting do not, however, enjoy the right of appeal to the Special Appeals Tribunal, and the decree remained silent regarding appeals for civilians convicted of coup plotting, but all indications are that the decree does not apply to them. These changes came in the wake of the international outcry after the November 1995 execution of Ken Saro-Wiwa and eight other Ogoni leaders who were convicted of murder by the Ogoni Civil Disturbances Special Tribunal (which included a military officer) and denied the right of appeal.

The Ogoni 19, originally arrested in 1994 and accused of murder along with Ken Saro-Wiwa and the 8 Ogonis executed in 1995, remained in detention awaiting trial. Although arraigned in July 1996 in connection with the murder of 4 Ogoni leaders, the case of the Ogoni 19 (20 men were originally arrested but 1, Clement Tusiima, died while in custody) has been stymied by the Government's indifference to constituting a new tribunal composed of only civilian members to hear their case. Strict adherence to the amendment of the Civil Disturbances (Special Tribunal) Decree of 1987 precludes the hearing of the case by the tribunal that condemned the Ogoni 9, as a military officer was a member of the board.

Despite assurances that military-style tribunals are no longer used in nonmilitary cases, the practice continued. In the highly publicized trial of seven Nigerian men known as the "Otokoto 7," a three-member tribunal, which included a military major and a police superintendent, convicted and sentenced the alleged armed robbers to death. The seven were permitted to appeal the tribunal's ruling; however, the appeal was heard not by a Special Appeals Tribunal but by the state military administrator. The administrator upheld the death sentences for six of those convicted and commuted the sentence of one juvenile to life in prison. The six were executed by firing squad on July 31.

In March the Government formally charged 16 people with treason, including elder statesman Chief Anthony Enahoro, Nobel laureate Wole Soyinka, prodemocracy advocate Dr. Fred Fasehun, and prominent politician Chief Olu Falae. While 12 of the accused had been in official custody for several months without charge, 4 of those accused reside in self-imposed exile. Arrest warrants were issued for those living abroad. By year's end, little progress had been made in the case and the substance of the Government's investigations had not been revealed. The 12 accused remained in detention while a team of lawyers, including prominent attorney Chief Gani Fawehinmi and senior advocates former Senator Abraham Adesanya and Chief Bola Ige, filed motions to enforce court orders granting the detainees leave to seek bail, access to medical treatment, and improved detention conditions. At year's end, there had been no action on these motions.

The number of political prisoners (as distinct from political detainees) held by the Government is also unknown (see Section 1.d.). Thirty-three individuals convicted in 1995 of coup plotting and related charges by a secret military tribunal remained in prison. These included former Head of State Olusegun Obasanjo; editor in chief of The Sunday Magazine Chris Anyanwu; Tell magazine assistant editor George Mbah; The News magazine editor Kunle Ajibade; Weekend Classique editor Ben Charles Obi; and chairman of the prominent human rights organization Campaign for Democracy (CD) Beko Ransome-Kuti. Two others convicted by the 1995 coup plot tribunal died while in prison: former Obasanjo deputy and national constitutional conference delegate Shehu Musa Yar'Adua, and Sergeant Patrick Usikekpo.

Eleven military men allegedly involved in a 1990 coup plot against the regime of former President Ibrahim Babangida and convicted for their actions remained in detention despite an October 31, 1991, state pardon granted on their behalf. The Constitutional Rights Project (CRP), took their case to court and obtained in July a release order for seven of the men. The Government ignored the court order, and at year's end the men were still in detention.

Queenette Allogoa, detained in 1996 after finishing her sentence, was released. The case of the Ogoni 19, arrested in 1994 in connection with the murder of 4 Ogoni politicians and arraigned in July 1996, is unresolved and those arrested remain in jail.

#### f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Provisions of the 1979 and 1989 Constitutions provide for the right to privacy in the home, in correspondence, and in oral electronic communications. However, the military Government regularly interfered in the lives of citizens, and if the authorities desired to use a warrant in a particular search case, they often secured it from a military tribunal rather than a regular court. Human rights and prodemocracy leaders reported that security agents regularly followed them and cut off or monitored their organizations' telephones. Police routinely detain relatives and friends of suspects without charge to induce suspects to surrender (see Section 1.d.).

### **Section 2 Respect for Civil Liberties, Including:**

#### a. Freedom of Speech and Press

Constitutional provisions providing for freedom of speech and of the press were not enforceable because of the continued suspension of constitutional rights. The regime often publicly declared support for these freedoms, but it nevertheless sought to limit or confine public political dialog. The Government continued its arbitrary intimidation and harassment of the press through legal and extralegal means.

Although there is a large and vibrant independent domestic press that is frequently critical of the Government, the Government also owns or controls many publications. All newspapers and magazines are required to register with the Government under the Newspaper Registration Board Decree 43 of 1993, and Minister of Culture and Information Walter Ofonagoro threatened to close newspapers not registered with the board. The registration fee is about \$3,000, and the registration process requires editors to provide their home as well as office address. Although no newspaper had registered by year's end, the Culture and Information Minister regularly threatened to close unregistered newspapers. The regime has, at various times, shut independent newspapers for offenses, but there were no known cases of papers being prosecuted for failing to register. Ofonagoro also called repeatedly for a "press court" to check the "excesses" of the media. A decree establishing such courts was reportedly drafted but had not been promulgated by year's end. Throughout the year, security agents frequently harassed, arrested, and

detained journalists (see Section 1.d.). Virtually all senior editors of publications critical of the Government were subject to surveillance and harassment by security agents. Some were driven underground by fear of arrest and operated clandestinely from numerous locations scattered throughout Lagos; others fled the country. Government security forces continued to intimidate the media with a series of arrests of editors and reporters from journals critical of the Abacha regime. One human rights group estimates more than 30 journalists are in prison, including 9 journalists who were arrested during the year and remain in detention at year's end. This figure also includes four journalists convicted of involvement in an alleged 1995 coup plot (see Section 1.e.). Security forces detained for varying lengths of time but released at least 17 other journalists during the year.

On July 27, the Abuja bureau chief of the African Concord was arrested. Beginning in October, security forces stepped up pressure with a series of arrests of editors and reporters from journals critical of the Abacha regime. The weekly magazines *The News* and *Tell* were particularly hard hit. On October 2, Iyoboisa Uwugiaren, correspondent for *The News* was detained by police in Lagos and released later the same evening. On October 10, Henry Ogbolue, Kaduna correspondent of *The News* was detained, reportedly beaten, and released later that day. On October 17, Gbenga Alaketu and Ademola Abimboye, both assistant editors of *The News*, were arrested in Lagos. Alaketu and Abimboye were released by year's end. On October 24, Soji Omotunde, editor of *The African Concord*, was abducted by security operatives on a busy Lagos street. On November 4, Aotokunbo Fakeye, defense correspondent for *The News*, was arrested. On November 8, Jenkins Alumona, editor of *The News*, was arrested by SSS agents at a Lagos television station. On November 9, Onome Osifo-Whiskey, managing editor of *Tell* magazine, was arrested by SSS agents in Lagos while driving to church with his children. On October 29, Osifo-Whiskey had warned that the magazine had received a written death threat, which listed the names of 27 staff members. On November 16, SSS agents arrested Babafemi Ojudu, editor of the *News/Tempo*. Rafiu Salau, an administration editor for the *News/Tempo*, was also arrested in mid-November. On December 28, armed soldiers reportedly from the Directorate of Military Intelligence arrested for unknown reasons four journalists in Lagos from the *Diet* newspaper, including editor Niran Malaolu. Three were released after 1 day and instructed to report to DMI office weekly, while editor Malaolu remained in detention at year's end.

Subsequent to the December 21 arrest of second-in-command Lieutenant General Oladipo Diya and 11 others for alleged coup plotting, the Government repeatedly warned journalists that they could face treason charges if they repeated unsubstantiated reports carried in international media. In issuing these strong warnings, the government spokesman referred to the four journalists convicted of coup-related offenses after the fact by a secret military tribunal in 1995 (see Section 1.e.).

The Government used other means to harass and intimidate the press. These methods included intimidation of advertisers, surveillance of printers, seizure of print runs, and withholding information. For some publications, the relationship with the Government is so adversarial that they are forced to operate essentially as underground publications. The Government did not proscribe any newspapers during the year, although it has done so in the past.

The Government granted broadcasting rights to private radio stations in 1994, but maintains careful watch over broadcasts. Television, both Nigerian and otherwise, is widely available. Access is limited more by substandard cable installation, electrical power surges and outages, and technical broadcasting difficulties than by government intervention. However, government-controlled broadcast media still dominate the country, and even private broadcasters do not transmit stories that criticize the Government. The Government continued to enforce laws permitting only government broadcasters to air programs nationwide, limiting the scope of private stations. The Government has used the foreign content provision of the Press Law of 1993 to revoke licenses granted to some broadcasters. The regulation requires local television stations to limit programming from other countries to 40 percent;

satellite broadcasters are limited to 20 percent. Despite the limitations, however, private television and radio broadcasters gained wider audiences and more robust advertising support. While government broadcasters complained that government funding and advertising were inadequate for their needs, private stations thrived on advertising support alone.

Foreign journalists are routinely required to inform the Nigerian embassy of the subject matter of their proposed coverage before they are granted visas. Proposing political coverage is discouraged and may result in the visa request being refused. There are fewer than 10 resident foreign correspondents.

The Government increased its efforts to limit academic freedom. Security forces routinely monitored and on occasion interfered with conferences they perceived as forums for prodemocracy or human rights groups (see Section 2.b.). The Government tape records faculty conversations. The May 1996 government ban on activities by the National Association of Nigerian Students (NANS) continued. The Government also continued a ban on university staff unions (see Section 6.a.). Nigerian embassies often refused to issue visas to visiting lecturers and artists. This policy limited discussions between foreign and Nigerian academicians on topics of mutual interest.

In 1996 the American Studies Association of Nigeria (ASAN) annual conference was banned on opening day by the SSS. In April the annual conference was postponed until August when the Nigerian Universities Commission (NUC) sent a letter to all university vice chancellors recommending that they discourage their staff from attending the conference, and later canceled entirely when it became clear that the authorities would not allow the conference to proceed. In June the University of Jos announced with great fanfare the establishment of an American studies diploma program. Only days later, the program was officially put on indefinite hold by the NUC, reportedly acting on instructions from the Government.

Security forces were called in to quell campus disturbances several times during the year. Some student activities, such as elections, were disrupted by security agents. Student groups believe that university authorities followed government directives to suspend or expel activist students. In a January 29 crackdown at the Federal Polytechnic in Offa, Kwara state, 10 students were arrested, reportedly as a result of their involvement in student elections. The students were held without charge for 2 weeks, released, and then expelled from school. The parents of two other students, who were sought but not found on campus, were arrested in place of their children. The parents were released by September. On February 10, the Vice Chancellor of Lagos State University (LASU) called on Operation Sweep forces to quell disturbances on campus that he attributed to "cult violence." Two students were shot and killed by the sweep team and several others were injured. On December 10 and 11, security forces were again used to stop student demonstrations at LASU that erupted after the university's dismissal of student union leaders.

Eighteen professors were arrested at the University of Nigeria, Nsukka, after student unrest on the campus in February. Eight of the professors, one of whom was the former chairman of the Nsukka wing of the banned Academic Staff Union of Universities (ASUU), were later charged with sedition and arson. The professors maintained their innocence and argued that the student demonstration was merely a reaction to proposed increases in school fees. The professors were reportedly released, although their cases have yet to be resolved. In August thousands of secondary school students demonstrated in Kaduna, calling for the resignation of state military administrator Colonel Hameed Ali. When tear gas proved ineffective in dispersing the demonstrators, police spokesman Tanimu Bindawa warned that, in the future, police would have "no other option than to shoot;" no further student protests took place by year's end.

#### b. Freedom of Peaceful Assembly and Association

The two Constitutions provide citizens with the right to assemble freely and associate with other persons in political parties, trade unions, or special interest associations. However, the Government proscribed all political activity 1 day after coming to power in 1993. In August 1994, Abacha announced that "individuals or groups may henceforth canvass political ideas, but they cannot form political parties for now." In June 1995, the Government announced a partial lifting of the ban on political activity, but it was not until June 1996 that a reconstituted National Electoral Commission of Nigeria (NECON) announced cumbersome and complex requirements for registering political parties. Parties were allowed an unrealistic 6-week period in which to satisfy requirements that included registering 40,000 members in each of the then 30 states and 15,000 in the federal capital territory of Abuja and issuing photo identity cards to each of them. Despite the logistical difficulty of satisfying NECON's requirements, 23 parties purchased registration forms from NECON for approximately \$6,000; 18 of them submitted the forms and supporting documentation by the deadline.

In response to widespread protests over the registration process, NECON announced in 1995 a new exercise allowing the 18 groups to apply for mergers. The merger requests required another burdensome set of documents, including addresses of the national, state and local government council chapters of the party; the new name, constitution, acronym, symbol, and manifesto of the party; and the names of proposed staff members at all levels of the organization. In September 1996, NECON announced the registration of five parties and ordered all other parties to be dissolved, effectively preventing the participation of the majority of established politicians and potential opposition leaders.

Although Abacha announced the lifting of remaining restrictions on political activities in his October 1, 1995, Independence Day address, he did not issue the enabling decree until February 1996. When the text of the decree was released in March 1996, it became clear that the Government had negated its decree lifting restrictions on political activity by establishing vague new categories of crimes for impeding the transition to democracy, which carried a penalty of

5 years in prison for those found guilty. This action effectively allowed the regime to remove its opponents from the political scene until after completion of the transition program

(see Section 3).

The Government continued to repress the political activities of opposition groups. A number of public meetings were arbitrarily canceled or prevented during the year, including cultural events, academic conferences, and human rights meetings (see Section 2.a.). While permits are not normally required for public meetings indoors and permit requirements for outdoor public functions are often ignored by both government authorities and those assembling, the Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Security forces used permit requirements as one of the justifications for disrupting prodemocracy conferences, meetings, or seminars. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country (see Section 2.c.). Although most religious, professional, and other organizations do not have to register with the Government and are generally permitted to associate freely with other national and foreign bodies, the regime significantly tightened regulations on organized labor (see Section 6.a.).

The Government continued to ban political organizations that it contended were founded primarily along ethnic, tribal, religious, or other parochial lines for the purpose of sponsoring various political candidates. Only the five government-sanctioned political parties may sponsor political candidates.

In February a seminar organized by the Katsina state branch of the Nigeria Union of Journalists (NUJ)

was cordoned off by anti-riot police, who turned away union members and dignitaries. Police officers in the northern city of Kaduna prevented the holding of three meetings scheduled by NGO's for March 1. The various venues of the meetings, which were to address the issues of human rights, labor unions, and the progress of the transition program, were closed by police, who in two cases used tear gas to disperse participants. A May 1 workshop on conflict management in Port Harcourt was canceled when the SSS warned local coordinators that such a meeting could not be held on Workers Day, a local holiday. Similar workshops elsewhere proceeded unimpeded despite the holiday. In August a seminar organized by the Bureau of African Labor, Human, and Democratic Rights was canceled after police occupied the seminar site and ordered participants to disperse.

On August 27, police canceled a reception and award ceremony organized by the domestic NGO, Human Rights Africa (HRA), in honor of Justice Elizabeth Kayissan Pognon, President of Benin's Constitutional Court, arrested HARA director Tunji Abayomi, and detained him for 3 days. On September 25, police and SSS agents broke up an HRA seminar for students in Jos, arrested Abayomi and 4 others, and briefly detained some 70 students. Abayomi and the others were held for 10 days and then released on bail. On August 28, security forces prevented the public launching of a book entitled "Abiola, Democracy and Rule of Law," which was published subsequently. In September a farewell reception hosted by Nigerian democracy and human rights NGO's in honor of a departing foreign ambassador was dispersed by uniformed military and police officers, who forced their way into the private residence where the party was being held and ordered guests at gunpoint to disperse.

### c. Freedom of Religion

The Government generally respects freedom of belief, practice, and religious education provided for by the suspended 1979 and 1989 Constitutions. Both Constitutions also prohibit state and local governments from adopting an official religion. The Government instituted a ban in 1987 (which is still in effect) on religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship.

Distribution of religious publications remained generally unrestricted. There is a lightly enforced ban on published religious advertisements, and religious programming on television and radio remains closely controlled by the Government. While it did not outlaw the practice, the Government discouraged proselytizing in the belief that it stirs up religious tensions. The Government continued to enforce a ban on open-air religious services away from places of worship (see Section 2.b.).

Both Christian and Muslim organizations allege that the Ministry of Foreign Affairs and the Immigration Department restrict the entry into the country of certain religious practitioners, particularly persons suspected of proselytizing.

Isolated incidents of religious tension, either motivated by or resulting in government intervention, occurred throughout the year. Both Muslim and Christian groups were affected by these incidents. The continued detention of Shi'ite religious leader Sheikh Ibrahim al-Zakzaky sparked demonstrations in northern Nigeria that were handled harshly by government security forces. In January over 100 people were arrested in Sokoto when police raided a meeting in a mosque where plans to "breach the peace" were allegedly being discussed. On February 7, the Muslim holy day marking the end of Ramadan, police opened fire on unarmed demonstrators in Kano and killed at least five persons. The Government took no action against the police who had fired on the demonstrators. In July similar protests in Kaduna also resulted in some deaths.

Over 100 people were arrested in late 1996 after the September arrest of Zakzaky led to a series of

demonstrations by his followers. Zakzaky was arraigned in late July on charges of inciting disaffection against the federal and Kaduna state governments and publishing and distributing magazines critical of the regime. Zakzaky has repeatedly called for the establishment of Islamic government and urged supporters to reject the authority of the present regime. Many of his followers who were arrested during demonstrations in 1996 remained in detention without charge.

In June Lagos state police and Operation Sweep members raided the Agege area of Lagos and arrested at least 36 people believed to be members of the Maitatsine religious sect. A subsequent raid in August reportedly resulted in over 200 arrests, and those detained remain in prison at year's end. The Maitatsine follow the teachings of Maitatsine Marwa, an Islamic leader from Cameroon whose activities in Nigeria led to his expulsion from Kano in 1960 and a series of bloody uprisings in the 1980's in which more than 4,000 persons are believed to have died. According to many sources, hundreds of supporters of the two main Islamic groups in northern Nigeria, the Islamic Brotherhood and the Tajdid Jihad Islamiya, were detained for varying periods during the year, while others "disappeared."

A Palm Sunday procession in Ilorin, Kwara state was dispersed by soldiers after a member of the procession asked a car owner, a military officer, to remove his vehicle from the procession route. In response the officer reportedly ordered his colleagues to disperse the crowd, and the soldiers proceeded to whip members of the religious gathering. The Government took no action against the officer or the soldiers. Several Christian leaders who were outspoken on political issues reported being harassed, being threatened by unknown persons, and receiving threatening letters.

A debate over taxation of religious organizations was sparked in June when the Ifelodun/Ajeromi local government council of Lagos state sent notices to local churches that they would soon be required to pay a fee of about \$110 (10,000 naira) under a new religious premises permit edict. Christian and Muslim leaders united against the proposed legislation, and the federal Internal Revenue Service soon denied that there was any plan to tax religious bodies.

#### d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The two Constitutions entitle citizens to move freely throughout the country and reside where they wish. However, increasing violent crime in many parts of the country prompted police to set up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Section 1. a.).

The Constitutions also prohibit expulsion or denial of exit or entry to any citizen. In practice, however, women must often obtain permission from a male family member before being granted a passport, and the Government commonly prevented travel for political reasons. Throughout the year, the Government seized the passports of critics.

Journalists reported harassment at the nation's airports by security officials, including being required to fill out special entry and exit forms detailing their movements abroad, reasons for traveling, and names of friends and associates overseas. Security officials continued to interrogate and temporarily confiscate the passports of journalists seeking to travel. The Government assigned security personnel to Murtala Mohammed International Airport to screen departing passengers and apprehend prodemocracy supporters. Government security agents questioned extensively citizens who had been issued U.S. visas. Agents reportedly had orders to seize passports and detain citizens whose responses were not satisfactory. Some travelers were transferred to military intelligence officers or SSS personnel for further questioning.

The passport of Eke Ubiji, Executive Secretary of Amnesty International Nigeria, was seized in December 1996 when he attempted to travel to London for an official workshop. The passport remained with security officials throughout the year. On July 26, the Executive Director of the independent human rights monitoring group Media Rights Agenda, Edetaen Ojo, was prevented from traveling when security agents seized his passport at the airport. After his flight had departed, his passport was returned and he was allowed to go home. NADECO leader Abraham Adesanya sought in July to regain his passport, which had been held since his detention in the wake of the 1995 murder of Kudirat Abiola, to enable him to travel for a special meeting of the Commonwealth Ministerial Action Group. The passport was returned the day before his proposed travel but had expired and was not renewed. Former chairman of the editorial board of the daily *The Guardian* and a visiting professor of journalism at a U.S. university, Olatunji Dare, was detained overnight and his passport seized upon his arrival from the United States on June 2. He was told to report to the SSS to retrieve his passport. After being interrogated on June 17 by SSS officials about his activities abroad, his passport was returned. Many human rights and prodemocracy activists preferred to use alternative travel routes for fear of being stopped by security agents, and some reported that they circumvented potential problems with travel documents by having them renewed at embassies and consulates abroad.

The Government cooperates with the Lagos office of the United Nations High Commissioner for Refugees (UNHCR) and other humanitarian agencies in assisting refugees through the National Commission for Refugees and its Federal Commissioner. Regulations governing the granting of refugee status, asylum, and resettlement are outlined in Decree 52 of 1989, which incorporates many aspects of the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. Refugee and resettlement applications are reviewed by the Eligibility Committee established under Decree 52. A representative from the UNHCR participates in this committee. The issue of the provision of first asylum has not arisen since the establishment of the National Commission for Refugees under Decree 52.

There are an estimated 5,000 to 6,000 Liberian, 1,400 Chadian, 1,500 Cameroonian, 140 Ghanaian, 100 Sierra Leonean, and an undetermined number of Togolese, Somalian, Sudanese and Ethiopian refugees. The UNHCR, in cooperation with the Government, began a program of voluntary repatriation of Liberian refugees in July. There were no reports that refugees were expelled. There were no reports of the forced return of persons to a country where they feared persecution.

### **Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government**

Citizens did not have the right to change their government in 1997. There was little indication that Abacha's military regime intended to allow citizens to exercise this right other than through a process tightly controlled by the regime. Laws continued to be made by decree approved by the Head of State. Throughout the year, the regime committed numerous, repeated, and serious human rights abuses in its effort to prevent citizens from mounting peaceful opposition.

After coming to power, the PRC headed by General Sani Abacha promised to return the country to civilian, democratic rule but did not provide a timetable until Abacha's 1995 Independence Day address. In this speech, Abacha announced a transition timetable leading to inauguration of a civilian president on October 1, 1998. The transition process provided for a series of local, state, and federal elections over the 3-year period. After significant delays and repeated organizational problems marred the original transition program, the head of the Transition Implementation Committee, a government body set up to oversee and advise on the program, announced in July significant changes to the transition timetable delaying the dates for gubernatorial and state assembly elections. The National Assembly elections, however, are still scheduled to take place in the second quarter of 1998 and the date for inauguration of a new government remained October 1, 1998.

By year's end, there was little meaningful progress towards democracy despite Abacha's 3-year transition program. Local government elections originally scheduled for late 1996 were held March 15, but significant problems with voter registration, the delineation of constituencies, guidelines for the conduct of elections, and the screening of candidates remained even after the elections were held, casting doubts on the process. At year's end, disputes over the results of several elections were still pending before the government-appointed election tribunals, and questions remained as to whether the boundaries of local government areas and wards would again be shifted, leading to the removal of some elected officials. In April the Government promulgated a decree granting the Head of State the authority to replace at will any elected, local government official with a sole administrator and forbidding court review of election contests. At year's end, the Government had not used this authority.

Most leading politicians remained outside the political arena, after key political parties were denied registration by the National Electoral Commission of Nigeria (NECON) in 1996 (see Section 2.b.). NECON retained the right to revoke the registration of political parties at any time, leaving a loophole to disqualify parties for arbitrary reasons. Individual members of unregistered parties are permitted to join the officially registered parties. Former Petroleum Minister and prominent political figure, Don Etiebet, founded the National Center Party of Nigeria (NCPN), which was registered by NECON. Early in the year, Etiebet made public his intention to run for the presidency under the NCPN banner. On March 15, the day of local government elections, security operatives arrested Etiebet. He was detained for several days; upon his release, he gave a press conference in which he renounced his presidential ambitions and announced his decision to transfer to the dominant United Nigeria Congress Party (UNCP).

At the end of the year, the electoral process had failed to generate popular support for the authorized political parties or their leadership. The possibility of the transition program producing a serious presidential candidate other than Abacha appeared remote. State assembly elections took place on December 6, but voter turnout was very low.

The Government took no further action against 10 former state administrators removed from their positions in 1996, reportedly for their activities while holding office. None of the administrators were formally charged with any offense.

Politics remained dominated by men. However, there are no legal impediments to political participation or voting by women or members of any minority group. There are three women in the Cabinet announced on December 15 and female judges and magistrates at all levels of the judiciary. Government regulations restrict the participation of dual nationals in politics (NECON guidelines for local government elections stipulated that dual nationals may not run for office), but the regulations were only loosely enforced. There were several reports that minority voters living outside their traditional regions were prevented from voting by overly zealous government officials.

#### **Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights**

The Government permitted local human rights groups to operate but often interfered with their activities, detaining and intimidating their members, and preventing them from criticizing the Government's human rights record (see Sections 1.d. and 2.a.). High-level government officials regularly denounced the activities of the human rights community, often accusing its members and the independent press of participating in foreign-inspired plots to destabilize the country.

Notwithstanding the Government's hostile attitude, domestic and international human rights groups engaged in a vocal and public campaign to promote human rights. Among the most active organizations

are: the Civil Liberties Organization; the Committee for the Defense of Human Rights; the Constitutional Rights Project; the National Association of Democratic Lawyers; Human Rights Africa; and the Legal Research and Resource Development Center. A number of prominent authors, artists, educators, and jurists, in addition to professional and labor organization leaders, spoke out frequently on human rights issues as well. Amnesty International is active and the International Committee of the Red Cross has a regional office in Lagos.

The regime established a National Human Rights Commission (NHRC) in 1996, but the scope of its activities was hindered by lack of adequate funding and organizational support. Although some NGO's agreed to coordinate with the NHRC, the Commission lacked credibility as an independent monitoring body. The Commission was further hampered by the lack of a clear mandate to do anything other than convene meetings. The Commission did begin reviewing some cases submitted for adjudication and was instrumental in procuring the release of some people who had been detained without trial for periods exceeding 10 years. The Commission embarked on a factfinding tour of the nation's prisons. However, repeated requests for the NHRC to review the cases of alleged coup plotters and political detainees went unanswered.

The Government impeded visits by foreign human rights monitoring groups and individuals by delaying or refusing visas and attempting to manipulate their schedules. The most notable example was the aborted trip in February of United Nations special rapporteurs who intended to review problems of judicial independence and extrajudicial killings. The rapporteurs, who initially had received government assurances of access to detainees, were later denied assurances of access to alleged coup plotters convicted by secret military tribunals and detained political figures such as M.K.O. Abiola and postponed the trip "indefinitely." After the Government prevented a delegation from the Commonwealth Ministerial Action Group from meeting with human rights and prodemocracy leaders, several groups were invited to London by the Commonwealth Ministerial Action Group to present their points of view.

In August a prominent jurist from Benin, who was to receive an award from Human Rights Africa, canceled her trip to Lagos following a warning by government officials to diplomats at the Benin embassy in Lagos that she should not enter Nigeria.

Since November 1995, the International Labor Organization (ILO) has repeatedly called on the Government to receive an ILO direct contacts mission to examine violations of workers rights and to visit prominent detained labor leaders. In a June 18 letter to the ILO, the Government agreed that such a mission could take place in September. Several days before the planned departure of the mission, however, the Government notified the ILO that September was no longer suitable. The ILO has expressed "grave concern" over the Government's continual postponement of the mission.

### **Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status**

Both the 1979 and 1989 Constitutions provide citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, and tension between the Government and disaffected minority groups also continued.

#### **Women**

Reports of spousal abuse were common, especially those of wife beating in polygynous families. Police did not normally intervene in domestic disputes, which were seldom discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous

harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life-endangering injuries. In more traditional areas, courts and police were reluctant to intervene to protect women who formally accused their husbands, if the level of alleged abuse did not exceed customary norms in the area. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women also bore the brunt of attacks for social and religious reasons, particularly for "immodest" or "inappropriate" behavior. There were credible reports that suspected prostitutes in Lagos (prostitution is not illegal; pandering is) were detained routinely by security forces and subjected to involuntary HIV testing. The extent to which this action was part of a national government policy was not clear, and what sanctions would be placed on those who tested positive for the virus remained undetermined. In January women wearing trousers were prevented from entering the federal secretariat in Abuja, sparking a national debate over standards of immodest or inappropriate dress for women. In February the Government announced that women in trousers were to be permitted free access to government buildings.

Women experienced considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment, but women often experienced discrimination because the Government tolerates customary and religious practices that adversely affect them. Women remained underrepresented in the formal sector, but played an active and vital role in the country's increasingly important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or obtain tax deductions or rebates as heads of households.

While some women have made considerable individual progress, both in the academic and business world, most remained underprivileged. Although women are not legally barred from owning land, under some customary land tenure systems only men can own land, and women gain access to land through marriage or family. In addition many customary practices do not recognize a woman's right to inherit her husband's property, and many widows are rendered destitute when their in-laws take virtually all of the deceased husband's property. In other areas, a widow is considered part of her husband's property and she too may be "inherited" by his family. Polygyny continued to be widely practiced among all ethnic groups in both Christian and Islamic communities. Women were sometimes required to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in Shari'a courts (see Section 1.e.).

## Children

The Government remained only sporadically committed to children's rights and welfare. Public schools continued to deteriorate, and limited facilities precluded access to education for many children. The requirement for compulsory primary education is rarely enforced. While the Government has increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children.

Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are routinely incarcerated along with hardened criminals. The Government only occasionally condemned child abuse and neglect and made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income. Young girls were often forced into marriage as soon as they reached puberty, regardless of age, to prevent the "indecent" associated with premarital sex.

The Government publicly opposed female genital mutilation (FGM) which is widely condemned by international health experts as damaging to both physical and psychological health. However, the Government took only limited steps to abolish the procedure. Government officials have supported the campaign against FGM, which is spearheaded by private groups. In February the Minister of Health, Ihechukwu Madubuike, announced that the Government had established a 25-person committee to study the issue, but no results from the study were available at year's end. FGM is practiced extensively in all parts of the country and among all religious groups, and many ethnic groups continued to subject young females to FGM. Current estimates place the prevalence of FGM between 60 and 90 percent. According to a 1997 World Health Organization (WHO) study, an estimated 30.6 million women and girls, or about 60 percent of the nation's total population, have experienced FGM. A 1996 United Nations Development Systems (UNDS) study reported a similar number of 32.7 million women affected by FGM. However, according to recognized experts in FGM study in Nigeria, the actual prevalence of FGM may be much higher than either of the figures reported by WHO or UNDS, for there is speculation that many communities may be less than straightforward with information regarding their FGM practices. For example some data indicate that the prevalence of FGM could be as high as 90 percent. Other local experts estimated that as many as 50 percent of women have undergone FGM, and most agreed that the number of young girls now facing FGM is declining. Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to FGM varies from the first week of life until after a woman delivers her first child. The Ministry of Health and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press openly condemned the practice.

#### People With Disabilities

While the Government called for private businesses to institute policies ensuring fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation nor did it formulate any policy specifically ensuring the right of the disabled to work. The Government announced its intention to establish a National Rehabilitation Institute and resource center in Abuja and encouraged the work of private organizations involved with the disabled.

#### Religious Minorities

The law prohibits religious discrimination. Nonetheless, reports were common that government officials discriminated against persons practicing a religion different from their own. Private businesses are frequently guilty of informal religious discrimination in their hiring practices.

Religious tensions led to several instances of violence during the year. There were regular clashes in northern Nigeria between Shi'ite Muslim groups and Sunni Muslims, which resulted in deaths and injuries. Sporadic incidents of attacks on individual religious leaders were reported, but the nature and perpetrators of the attacks were various, and there was not a pattern of one religious group attacking another.

#### National/Racial/Ethnic Minorities

The Government has promulgated no official policy concerning discrimination against any of the more than 250 ethnic groups, and laws do not favor one group over another. However, there is a long history of tension among the diverse ethnic groups. Clashes continued between rival ethnic groups in Delta, Rivers, Benue, Cross River, Bayelsa, Osun, Kaduna, Plateau, and Taraba states, often resulting in casualties. Tradition continued to impose considerable pressure on individual government officials to

favor their own ethnic group, and ethnic favoritism persisted. The ongoing government review of boundaries for state and local government areas sparked several communal clashes, most notably in Ife-Modakeke, Osun state (that by some estimates cost over 100 lives), and the Ijaw-Itsekiri conflict in Delta state (that has led to over 110 deaths according to unofficial estimates).

The Ogoni, an ethnic group indigenous to Rivers state in eastern Nigeria (one of the oil-producing regions), maintained that the Government continued a systematic campaign to deprive the group of its land and wealth. Members of the Ogoni group claimed that the Government seized their property without fair compensation, ignored the environmental impact of oil production on Ogoni land, and failed to provide adequate public services, such as water and electricity. The confrontation between the Government and the Ogoni remained tense at times. The Movement for the Survival of the Ogoni People (MOSOP), an NGO that campaigns for Ogoni autonomy, described government policy toward the Ogoni as genocide. Ogoni concerns about environmental degradation and the quality of social services have merit. The Ogoni 19, accused of murdering 4 Ogoni leaders in July 1994, remained in detention at year's end (see Section 1.e.) as did other Ogonis suspected of opposing the Government. On November 10, military authorities in the Ogoni area banned all public meetings to prevent public demonstrations on the second anniversary of the hanging of Ogoni leader Ken Saro-Wiwa. The ban, backed by a heavy armed forces presence, was effective. MOSOP leaders claimed on December 29 that authorities had increased harassment of Ogoni residents and arrested 20 people in an alleged attempt to forestall the January 4 commemoration of Ogoni Day.

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa and Akwa Ibom states have echoed Ogoni claims of environmental degradation and government indifference to their development. Groups such as the Ijaw, Itsekiri, and Urhobo grew increasingly vocal in expressing their unhappiness, while incidents of ethnic conflict and confrontation with government forces increased significantly in these areas.

## **Section 6 Worker Rights**

### **a. The Right of Association**

Worker rights further deteriorated as the Government continued its far-reaching interference in the affairs of organized labor. Since 1994, the Government has systematically weakened the independence and viability of the labor movement by enacting decrees to restrict selection of union leaders; directing union mergers; dissolving some unions entirely; and throwing into question the legal status of other labor organizations. In 1997 the Government officially announced two new decrees that seriously infringe upon worker rights: Decree 26 of 1996 grants the Labor Minister broad administrative authority to dissolve unions, while Decree 29 of 1996 prohibits union affiliation with international labor organizations, except with express government approval. The Government continues to administer directly the central labor body and two key petroleum unions, refusing to allow a return to freely elected leadership. Despite domestic and international pleas for their release, two prominent union leaders remain detained without charge. Nigeria's frequent disregard for the right of association drew concern and condemnation from the International Labor Organization (ILO).

Workers, except members of the armed forces and employees designated as essential by the Government, may join trade unions. Essential employees include firefighters, police, employees of the central bank, the security printers (printers of currency, passports, and government forms), and customs and excise staff. Since issuing the Teaching Essential Services Decree in May 1993, the Government has considered education an essential service. The Decree did not, however, proscribe education sector unions.

By law any nonagricultural enterprise employing 50 or more people in commerce or industry must allow blue-collar and clerical employees to unionize and must institute a compulsory dues checkoff. The Government has in the past withdrawn the obligatory dues checkoff provision when unions pursue strikes, as in the cases of the 1993 general strike and the 1994 petroleum strike.

Approximately 11.5 percent of the total work force belong to unions. With the exception of a small number of workers in food processing enterprises, the agricultural sector, which employs some 70 percent of the work force, is not unionized. Most of the informal sector and practically all small businesses remain nonunionized.

The right to strike is recognized by law, except for those performing essential services. However, workers are required to give 21 days' notice prior to commencing a strike. Numerous public and private sector strikes occurred, often due to nonpayment of salaries or noncompliance with previous agreements.

There are no laws prohibiting retribution against strikers and strike leaders, but strikers who believe that they experience unfair retribution may submit their cases to the Industrial Arbitration Panel (IAP) with prior approval of the Labor Ministry. Decisions of the IAP are binding on all parties, but may be appealed to the Nigerian Industrial Court (NIC). Union representatives have described the arbitration process as cumbersome and time consuming.

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the Nigeria Labor Congress (NLC). The NLC claims to represent 3 million workers out of a total work force of 30 million. In 1994 the Government dissolved the elected National Executive Council of the NLC and placed it under the authority of a government-appointed sole administrator. Despite repeated promises over a period of several years that a freely elected executive council would replace the sole administrator, the Government took no credible steps to hold such elections. Although state-level NLC executive councils continue to function, direct government control over the NLC at the national level prevents it from representing workers in any credible manner.

In 1994 the Government also dissolved the elected national executive councils of two key oil sector unions, the National Union of Petroleum and Natural Gas Workers (NUPENG), and the Petroleum and Natural Gas Senior Staff Associations (PENGASSAN). The unions remain under the authority of government-appointed sole administrators, despite ILO calls for a return to freely elected leadership.

In 1996 the Government unveiled the Trade Unions (amendment) Decree, known as Decree 4. The measure reduced the number of industrial trade unions from 41 to 29 through directed mergers; barred full-time union managers and organizers from seeking elective positions in the NLC or the unions that employ them; directed unions to collect dues on behalf of the NLC; and included a clause to preclude judicial challenges to the decree. The Government has yet to officially register four of the newly merged unions prescribed by Decree 4.

In the past, mid-level employees, termed "senior staff," have been allowed to form labor unions, called senior staff associations, but these were not permitted to affiliate with the NLC. These staff associations formed a nationwide body, the Senior Staff Consultative Association of Nigeria (SESCAN), in 1985. Though comprised of 22 affiliates with a potential membership of some 600,000, SESCOAN is not recognized by the Government. In the midst of a 1986 strike involving senior university staff, the Government ruled that a dues checkoff for senior staff is not compulsory, although many private companies continue the practice. Decree 4 did not mention senior staff associations, leaving their status ambiguous and resulting in legal challenges to their authority in labor matters.

In August 1996, the Government dissolved three campus-based unions in response to a nationwide strike launched in April 1996 by the Academic Staff Union of Universities (ASUU). In addition to proscribing the ASUU, the Government dissolved two non-striking unions, the Nonacademic Staff Union (NASU) and the Senior Staff Association of Nigerian Universities (SSANU), and seized their assets.

The Government further strengthened its control over organized labor with the January release of an additional amendment to the Trade Unions Act, Decree 26 of 1996, granting the Labor Minister broad administrative authority to revoke the registration of any union "due to overriding public interest." The Decree stipulates that the Minister's decision cannot be appealed in a court of law.

In an apparent violation of ILO Convention 87, the Government promulgated the Trade Unions International Affiliation Decree in April, which bars labor federations and trade unions from affiliating with international labor organizations, except with express government permission. The Decree requires all unions to sever any existing links. Labor leaders who fail to follow the decree face criminal penalties and deregistration of their unions.

Civil servants in Kaduna state began a strike on June 16 to demand full implementation of an increase in allowances originally approved in 1994. Relying upon Decree 4, the state administration refused to negotiate with representatives chosen by the workers. The state administrator subsequently dismissed all civil servants who failed to return to work by June 30, an order affecting some 16,000 employees. Criminal charges were pending against some 21 strike leaders in Kaduna at year's end.

The Government used threats of arrest and short-term and long-term detention without charge to intimidate labor activists. The Government continues to hold without charge NUPENG General Secretary Frank Kokori, detained since August 1994, and former PENGASSAN General Secretary and Secretary General of SESCO, Milton Dabibi, imprisoned since January 1996 (see Section 1.d.).

In 1997 Nigeria was again the subject of a special paragraph at the International Labor Conference (ILC), due to the Government's disregard for worker rights and violations of Convention 87. The ILC expressed great concern that, although the Nigerian case had been the subject of two previous special paragraphs (in 1995 and 1996), "no concrete progress had been made to date in relation to the very grave trade union situation in the country." The ILO's Committee on Freedom of Association, meeting in March, noted with concern a "persistent deterioration of trade union rights." The committee's report called on the Government to release Kokori; repeal decrees dissolving the executive councils of the NLC, NUPENG, and PENGASSAN; allow independently elected officials to exercise their trade union functions; and urgently authorize an ILO direct-contacts mission without further delay. The ILO called repeatedly and urgently for the Government to accept a direct contacts mission to examine complaints of serious violations of worker rights. The Government did not give permission for an ILO mission and failed to respond officially to the ILO proposal for a September visit.

#### b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining continues in many sectors of the economy. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation and conciliation. Unresolved disputes subsequently may be taken to the Industrial Arbitration Panel (IAP) and the NIC (see Section 6.a.). Union officials have questioned the independence of the NIC in light of its refusal to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public employees.

In his January budget speech, Sani Abacha announced the abolition of the uniform national salary structure and deregulation of collective bargaining in the civil service. The Government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the minimum wage (see Section 6.e.). The Government announced this decision without consulting the civil service unions. The Government abolished the uniform wage structure for state enterprises in 1991.

An export processing zone remains in development in Calabar, Cross River state, and a second is planned for Port Harcourt, Rivers state. Workers and employers in such zones are subject to national labor laws.

#### c. Prohibition of Forced or Compulsory Labor

The 1974 Labor Decree and the 1979 and 1989 Constitutions prohibit forced or compulsory labor, and it is not known to occur with any prevalence. Although employment of persons under 18 years of age, except for agricultural and domestic work, is generally prohibited, the Government does not specifically prohibit forced and bonded labor by children. Reports of such practices are infrequent. In 1996 one private organization reported an illegal child trade exporting Nigerian children to other West African nations and also importing children into the country. The children are reportedly sold into domestic servitude or forced to work as prostitutes. In August police in Benin reportedly arrested 3 men trying to transport 90 children to Nigeria to be sold in Lagos. In October the Lagos press reported that child "traders" from other parts of the country and from Gabon were operating in the southeast state of Akwa-Ibom, allegedly shopping for children to serve as house boys and maids. The ILO has noted that, with no constitution in force, the Government may be unable to enforce the ILO Convention against forced labor.

#### d. Status of Child Labor Practices and Minimum Age for Employment

The 1974 Labor Decree prohibits employment of children under 18 years of age in commerce and industry, and restricts other child labor to home-based agricultural or domestic work. The law further stipulates that children may not be employed in agricultural or domestic work for more than 8 hours per day. The decree allows the apprenticeship of youths at age 13 under specific conditions.

Primary education is compulsory, although this requirement is rarely enforced. Studies indicate declining school enrollment due to the continuing deterioration of public schools and to increased economic pressures on families. The lack of sufficient primary school infrastructure has ended some families' access to education, forcing them to place children in the labor market. Growing economic difficulties have led to a substantial increase in the use of children for commercial activities aimed at enhancing meager family income. The use of children as beggars, hawkers, and bus conductors is widespread in urban areas. Private and government initiatives to stem the growing incidence of child employment have not been effective.

The Government does not specifically prohibit forced and bonded labor by children, and reports of such practices are rare. However, there were reports of trafficking in children (see Section 6.c.).

#### e. Acceptable Conditions of Work

The 1974 Labor Decree sets a minimum wage, which is reviewed on an ad hoc basis. The last review, undertaken in 1991 by a tripartite group consisting of representatives of the NLC, the Nigeria Employers' Consultative Association, and the Ministry of Labor, raised the monthly minimum wage to

about \$5.30 (450 naira)--a level now rendered meaningless by inflation and depreciation of the naira--which does not provide a decent living for a worker and family.

The 1974 Labor Decree called for a 40-hour workweek, prescribed 2 to 4 weeks of annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The Decree also stated that employees who work on Sundays and statutory public holidays must be paid a full day's pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

The 1974 Labor Decree contains general health and safety provisions, some aimed specifically at young or female workers. While it requires that the factory inspectorate of the Ministry of Labor and Employment inspect factories for compliance with health and safety standards, this agency often neglects safety oversight of construction sites and other nonfactory work. The Decree also requires employers to compensate injured workers and dependent survivors of those killed in industrial accidents. The Labor Decree does not provide workers with the right to remove themselves from dangerous work situations without loss of employment. The Labor Ministry, which is charged with enforcement of these laws, has experienced large staff turnover and has been largely ineffective in identifying violations. The Government has failed to act on various ILO recommendations since 1991 to update its moribund inspection and accident reporting program.

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