

BRIEF ON
MEMO NO 325

Petitioner's Full Name(s) and Address (es)

Senator Olabiyi Durojaiye,
C/O The National Assembly,
Three Arms Zones,
Abuja.

Title of Petition

Otunba Olabiyi Durojaiye Testimony on Human Rights Violation and Cruelty Inflicted on Me By Officers and Men of the Directorate of Military Intelligence (DMI), Apapa, Lagos from April 1996 to June 1998.

Date of Petition

July 22, 1999

Particulars of Petition:

The petitioner wrote to complain about various violations of his rights, the climax of which was his abduction by people he believed to be Government Security agents in the early hours of Tuesday, 3rd December, 1996. Armed soldiers, five in uniform and three in mufti forced their way into the petitioner's house and held his household hostage at gunpoint. They searched his entire house without a search warrant but found nothing incriminating. They then took him away from his residence again without a warrant of arrest. The petitioner revealed that prior to this incident; he had received anonymous and threatening telephone calls. He was also waylaid by a group of men in a numberless car and had on several occasions sighted men outside

the walls of his house. After his arrest, the petitioner was taken to the Directorate of Military Intelligence, Apapa where he was detained for 18½ months. He gave graphic details of his solitary confinement in a poorly ventilated, mosquito-infested cell from which he was let out for only thirty minutes every day to ease himself. He suffered severe mental torture and serious health problems. The petitioner also complained that all court orders ordering his release were ignored by his captors. Also, a court judgment ordering his immediate release and awarding damages to him was also not complied with. The petitioner prays the Commission to right the wrongs against him.

Period Covered by the Petition

1990 — 1998

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The Nigerian Army
- 2) Officers and men of the Directorate of Military Intelligence
- 3) Colonel Frank Omenka

Injury Suffered by the Petitioner

- 1) Unlawful detention
- 2) Emotional trauma to the petitioner and his family
- 3) Financial losses occasioned by his detention.

Relief Sought by the Petitioner:

- 1) That the Commission should unearth the causes of human rights abuses in Nigeria
- 2) That the violators of human rights should be charged and if convicted should face appropriate punishment.

3) Monetary compensation to the petitioner to the tune of N60 million.

Nature of Hearing Received by Petition:

Court orders directing that the petitioner be released from detention were ignored by the respondents, so was a judgment which awarded the petitioner N500,000.00 damages and N5,000.00 for every day he remained in detention.

Years of Service

Not applicable

MODE OF TREATMENT OF PETITION

The petition was heard during the public sitting of the Commission in Lagos. The petitioner gave evidence and tendered some relevant documents and materials.

EVIDENCE OF THE ALLEGED PERPETRATORS

The Commission was not able to effect services of summons on Lt. Colonel Frank Omenka who had fled the country. They alleged perpetrators however claimed in their response to a suit earlier filed by the petitioner at the Federal High Court, Lagos that the petitioner was detained under Decree No. 2.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence adduced by the petitioner and other relevant documents and makes the following findings and observations:

- a) That the petitioner was arrested on the 3rd of December, 1996 by the Directorate of Military Intelligence (DMI) operatives and

detained for over 18 months in a solitary cell.

b) That the petitioner was never charged to Court for any offence throughout the period of his detention.

c) That following his non-release from detention, the petitioner was compelled to file a suit for the enforcement of his fundamental human rights before a Federal High Court in Lagos, whereupon the court ordered for his release and awarded the sum of N500,000.00 as damages to the petitioner and also N5,000.00 for every day he remained in detention.

d) That these orders of the court were not complied with. The petitioner was however released in June, 1998 after the death of General Sani Abacha.

e) That the petitioner was subjected to inhuman and degrading treatment throughout the period of his detention.

RECOMMENDATIONS:

The Commission recommends that the Federal Government of Nigeria should:

- i) Issue a public apology to the petitioner
- ii) Pay the petitioner the sum total of monetary compensation/damages as ordered by the Federal High Court.
- iii) Direct the Directorate of Military Intelligence (DMI) to release any property of the petitioner (The Holy Bible etc) kept in their custody.

Petitioner's Full

PROF. J. ADEBA

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Headquarters, Abeokuta and then transferred him to Zone 2. Onikan, Lagos the next day. The Petitioner was detained for nine days at Onikan before he was released to Rt. Rev. Adetiloyo. The Anglican Bishop of Nigeria and no reason was given for this act other than that he visited Obasanjo's farm. Again, after his Cousin Chief Obasanjo was tried and convicted for the alleged coup plot of 1995, armed policemen invaded his family house at Anthony Village, Lagos on 15/12/95 on a false allegation. That lie was hoarding guns and ammunitions but fortunately for him he had traveled out of the country. Nevertheless, the Policemen broke into his house and after a futile search, arrested nine members of his family and staff who were only released after the intervention of his solicitor, Mrs. O. O. Babayoju. The worst abuse of the Petitioner's right started from the 23rd of April, 1996 when armed and uniformed soldiers swooped into his compound in order to arrest him. The soldiers had earlier trickishly sent a lady army officer (later discovered to be with DM1) in mufti who posed as a journalist requesting to interview the Petitioner on his views on the imprisonment of Gen. Obasanjo. The lady deceptively holding a copy of Weekend Concord Newspapers of 9/3/96 which had a bold Caption "Obasanjo Clocks 59 in Jail". The Petitioner obliged the Lady's interview request but promised to do so after having his lunch with his neighbour upstairs. It was this lunch that really saved his life as the armed soldiers alleging invaded his house few minutes later, shouting "get him, we want him dead or alive". The Petitioner miraculously escaped and left the country on voluntary exile. The invading soldiers were enraged by their failure to apprehend the Petitioner and their anger was violently vented on his children, staff and students of his private school were maltreated, arrested and put in military detention for several months. Most pathetic of this tragedy was the case of an 18-year old Science student late Miss

Bukola Samuel who was arrested, chained and put in detention for two months. She was only released when she was seriously ill but she died two weeks after her release. Similarly arrested and detained for 31 days was the Petitioner's 13 year old son John Paul Mokuolu who came on holiday from Britain and was reluctantly released following British Government intervention in the matter. After the release of John Paul Mokuolu, the soldiers arrested another son of the Petitioner Mr. Muyiwa Mokuolu and detained him for several weeks.

In the process of the invasion and subsequent occupation of the Petitioner's premises by armed soldiers, his properties were vandalized and his three vehicles (280S Mercedes, a Volvo and a Daewoo) were completely damaged. All household properties and furnishings were taken over and stolen by the soldiers who put a warning notice "Military Zone, Keep Off" on the entrance to his large compound at Nos. 21 and 23 Oyedele Ogunniyi Street, Anthony Village, Lagos. When the Petitioner's nephew one Mr. Festus Akanbi who was the Registrar of his college, attempted to stop the looting of the entire properties of the Petitioner by employing some security men to guard the buildings, he was immediately arrested with the security guards by Col. Omenka and Major Asade and detained for several weeks. All the tenants of his building including Anthony Village Community Bank were forced to move out and his properties were left unprotected for 3 years. A convict and ex-staff of the Petitioner who was serving a prison sentence for stealing was allegedly arranged as a false witness by Major Asade and Col. Omenka to accuse the Petitioner of coup plotting and gun-running.

Period Covered by the Petition

1994 to 1998.

**Names and Addresses of Persons or Institutions Petitioned
Against**

1. The Hon. Minister of Defence,
2. The Inspector-General of Police.
3. The Commissioner of Police, Ogun state Police Command.

Injury Alleged Suffered by the Petitioner

1. Incessant harassment leading to unlawful arrest and detention by Police in 1994 and 1995.
2. Invasion and subsequent occupation for several months of the Petitioner's large compound at Nos. 21 and 23 Oyedele Ogunniyi Street, Anthony

Relief Sought by the Petitioner

- i. Full investigation of the matter, particularly as it relates to the invasion of his compound by armed soldiers from DMI;
- ii. Appropriate punishment for all the culprits;
- iii. N100 million compensation for the terrible injuries suffered by the petitioners, his staff, students and family members.

Nature of Hearing Received by Petitioner

The petitioner was not given fair hearing.

MODE OF TREATMENT OF PETITION:

The petition was heard during the public sittings of the Commission in Lagos. The petitioner gave evidence, tendered some relevant documents and was given opportunity to call other witnesses to corroborate his claims.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The Commission was not able to serve hearing notices to the alleged perpetrators (Lt. Col. Frank Omenka and one Lt. Asade) as they could not be located.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by the petitioner and other witnesses together with all the exhibits tendered and make the following findings and observations:

- a) That the fundamental rights of the petitioner, his staff and family members were grossly violated by officers of the Nigerian Army.
- b) That the family house, school premises and other valuable properties of the petitioner were vandalized by the rampaging soldiers.
- c) That the invasion of the petitioner's premises, arrest and detention of his staff and family members and the vandalization of his properties were unlawful and done without any justification whatever.

RECOMMENDATIONS:

The Commission recommends that the Federal Government of Nigeria should:

- i) Issue a public apology to the petitioner, his staff and members of his family.
- ii) Direct the Nigerian Army/Lt. Asade to return all the valuable properties of the petitioner that were removed by the rampaging soldiers.
- iii) Assess the value of the petitioner's properties that were

damaged by the soldiers and pay the petitioner adequate compensations for the damages and effect necessary repairs where possible.

iv) Pay the petitioner the sum of N150,000.00 (One Hundred and fifty Thousand Naira) only as compensations.

BRIEF ON
MEMO NO: 296

Petitioner's Full Name(s) and Address(es)

Prof. A. O. I. Osuntokun
C/O Environmental Protection Society of Nigeria,
5, Jide Osuntokun Street,
New Bodija,
Ibadan - Oyo State.

Title of Petition

Memorandum Submitted to the Chukwudifu Oputa Panel on Human Rights Violations

Date of Petition

3rd August, 1999

Particulars of Petition

The petitioner was a former Ambassador of Nigeria to Germany and a lecturer with the University of Lagos. In 1998, he traveled to Canada with his wife for a conference and also for a medical check up. Upon his return to Nigeria on the 10th of February, 1998, he was arrested by the State Security Service officers at the Airport and was asked to see the SSS Director. His Passport was seized and after a brief discussion with the SSS Director, he was directed to report at No. 15 Awolowo Road, Headquarters of the Service the next day. When he report as directed, he was driven to DMI office at Apapa where he was detained without interrogation or explanation as to the reasons for his arrest and detention. The petitioner was kept in the DMI cell under most inhuman conditions without access to medication or visitation from members of his family. He became very sick and was taken to Navy

Hospital, Ojoo for treatment under leg-chains. After spending about fifty days in the cell, he requested to know the reasons for his detention from Col. Frank Omenka. Omenka responded that he did not know but that he was just asked to keep him. When the former Chief of Army Staff subsequently visited the DMI inmates, one Captain Daramola informed the COAS that the petitioner was being investigated for bomb throwing. Yet the petitioner was never questioned or interrogated throughout his period of detention. It turned out later that Captain Daramola made a damaging allegation just to divert the attention of the former COAS. The petitioner was later released in May 1998 by Col. Omenka with a definite instruction never to mention or relate his experience to anyone. He was finally instructed to be reporting three times a week until June when Gen. Abacha died. The petitioner did not know the reason for his detention until date. He subsequently spent ten thousand dollars (\$10,000.00) for treatment of illness he contracted while he was in detention.

Period Covered by the Petition

1998

Names and Addresses of Persons or Institutions Petitioned Against

- i. The Director-General State Security Services, Abuja
- ii. The Honourable Minister of Defence, Abuja

Injuries Allegedly Suffered by the Petitioner

- i. Unlawful arrest and detention for about four months
- ii. Inhuman treatment, torture and total deprivation
- iii. Ruination of health and loss of over ten thousand dollars (\$10,000.00) in medical treatment over-seas.

Relief Sought By The Petitioner

- i. Full investigation and explanation of the reasons for his detention and those responsible.
- ii. Appropriate restitution and redress

MODE OF TREATMENT OF PETITION:

The petition was heard during the public sittings of the Commission at Lagos. The petitioner gave evidence, tendered relevant documents and was given the opportunity to cross-examine the alleged perpetrator present.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The chief perpetrator, Col. Frank Omenka, could not be served as he was not in the country. One Captain Daramola of the Guards Brigade, Abuja, however gave evidence confirming the allegations of the petitioner.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by the witness and makes the following findings and observations:

- a) That the petitioner was arrested and detained at the Directorate of Military Intelligence (DMI), Apapa Lagos.
- b) That he was not informed of the reason for his arrest and was never charged to Court throughout the 4 months of his detention.
- c) That his detention is patently illegal and without justification whatsoever.

RECOMMENDATIONS:

The Commission recommends that the Federal Government of Nigeria should:

- i) Issue a public apology to the petitioner
- ii) Pay the sum of N50,000.00 (Fifty Thousand Naira) only as compensation to the petitioner.

BRIEF ON
MEMO NO 332

Petitioner's Full Name(s) and Address(es)

Mrs. Silifat Folake Ibrahim,
3rd Close, 4.
3 Avenue, M House
Festac Town, Lagos.

Title of Petition

Submission of a Memorandum in Respect of an Illegal and Unscrupulous shooting of a pregnant Woman Resulting to serious bodily injury and permanent Disability of Mrs. Silifat Folake Ibrahim by Corporal Ayoola Aborowa (Force No. 115967) of the Nigeria Police Force, Orile Iganmu, Police Force, at a Road Check Point located at Alaba-Suru Near Mile 2 in Lagos State on Monday 20 April. 1998.

Date of Petition

26th July, 1999

Particulars of Petition

The petitioner wrote in respect of her unlawful shooting by a Police Corporal, one Ayoola Aborowa (Force No. 115967) on the 20th of April, 1998 at a road Check point in Orile, Lagos. The shooting occurred when the said Corporal attempted to stop a bus in which the petitioner was an occupant following an argument between the Police team at the check point and the bus driver. At the material time, the petitioner was pregnant with twins. Following the shooting, the petitioner's left arm was broken by a bullet and the bone had to be held together with metal plates at the Lagos University Teaching

Hospital. As a result of the shooting the petitioner was delivered of twins through a caesarian section and as a result of being incapacitated by the shooting was unable to take care of her twins. The petitioner disclosed that till date she has spent a total of about N2 million on surgery, drugs and other hospital bills. She also complained that the Police has till date neither replied to any of the letters written to them nor shown any sympathy for her plight. Her studies in the University have also been disrupted as a result of the incident and she has had to retain the services of her mother and other people full time to assist her with her normal household chores. She appeals for redress.

Period Covered by the Petition

1999 till date

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The Nigeria Police
- 2) Corporal Ayoola Aborowa, (Force No 115967 C/o Nigeria Police.

Injury Allegedly Suffered by the Petitioner

- Permanent disability from injury to left arm
- Disruption of studies in the University.
- Loss of business as a result of long hospital admission
- Huge financial losses through employment of help to enable her cope with her present condition.

Relief Sought By The Petitioner

- i. To ensure that justice is done so that the culprit is brought to book;

- ii. To ensure that full and compensation is paid to her to cover her financial and material losses

MODE OF TREATMENT OF PETITION:

The Petition was heard during the public sittings of the Commission in Lagos. The petitioner gave evidence, tendered relevant documents and was given opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The alleged perpetrators gave evidence admitting the unlawful shooting of the petitioner. They however maintained that the officer who did the shooting was dealt with in accordance with the law and subsequently dismissed from the Police Force.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence of all the witnesses and makes the following findings and observations:

- a) That the petitioner, a pregnant woman, was unlawfully shot by a trigger-happy policeman who was on duty on a road checkpoint.
- b) That the shooting pierced her left arm, causing serious injury and damage to her bone. Her arm subsequently treated and joined together with an iron metal (kay nail) by physicians at the Lagos University Teaching Hospital, (LUTH).
- c) That she spent several months at the Lagos University Teaching Hospital (LUTH) where she was subsequently delivered of her twin babies through a caesarian section as a result of the gun shot.
- d) That the police authorities subsequently dismissed the officer who did the unlawful shooting and later charged him to

court.

- e) That the criminal charge against the officer was never prosecuted by the police consequent upon which the charge was struck out by the presiding Magistrate Court.
- f) That the Police authorities did not show any concern about the plight of the petitioner throughout the period of her hospitalization and thereafter.

RECOMMENDATIONS:

The Commission recommends that the Federal Government of Nigeria should direct the Hon. Minister of Police Affairs, the Police Service Commission and the Inspector-General of Police to:

- i) Issue a public apology to the petitioner and members of her family
- ii) to assess and pay the medical bills incurred by the petitioner throughout the period of her hospitalization.
- iii) pay the petitioner the sum of N150, 000.00 (One hundred and fifty thousand Naira) only as compensation to the petitioner.
- iv) Re-arrest and prosecute the police officer who did the illegal shooting.

BRIEF ON
MEMO NO 327

Petitioner's Full Name(s) and Address(es)

Chuks Nwana,
41, Ishaga Road,
Surulere.
Tel: 01/5849576, 5850944, 090/409406

Title of Petition

Untitled

Date of Petition

19th July, 1999

Particulars of Petition

The petitioner, a Lagos based legal practitioner wrote to complain about the violation of his right to personal liberty by the National Drug Law Enforcement Agency (NDLEA), the Inspector General of Police as well as agents of the State Security Service (SSS). The facts of the said violation were that on the 16th of May, 1997, some officers of the NDLEA visited his law office and invited him for an interview in their Lagos office. He honoured the invitation and was subsequently detained for sixty days without access to anyone and without being offered any explanation for his detention. On the 16th of July, 1997, the petitioner was asked to react to allegations of drug trafficking leveled against a certain client of his. The petitioner explained that the individual in question was indeed his client and that his office only handled legal briefs brought to it by the client. According to the petitioner, his explanation appeared to satisfy his captors who

however informed him that the order for his release would have to come from Abuja. An application for the enforcement of his fundamental rights was meanwhile filed at the Federal High Court, Lagos. On the 4th of August, 1997 the court ordered his release on bail (copy of court order attached to petition). However, on the 6th of August, 1997 and in total disregard of the order of the court, the Presidency according to the petitioner directed the Inspector-General of Police to detain him under the State Security (Detention of Persons) Decree No. 2 of 1984 (as amended) (copy of detention order attached to petition).

The petitioner alleges that as soon as he was incarcerated at Kuje Prisons Abuja, fresh charges of involvement in acts prejudicial to State Security were levelled against him. He was also accused of being in charge of a syndicate which was using proceeds from narcotics to buy arms for the purpose of starting an insurgence in Nigeria with Niger Republic as the base. His account was immediately frozen on the orders of the NDLEA. All entreaties to the Presidency on account of his deteriorating health went unheeded. His detention continued despite the subsisting court order directing his release. On the 11th of August, 1998, his detention order was abruptly revoked and he was taken on a two day journey across the Nigerian border to Niger Republic. He was taken across the border in a Police Black Maria containing several jerry cans of petrol. The petitioner finally arrived Niamey where according to him, Niger Officials stated that he had never been to their country and that they did not request for him. When the petitioner's family protested about the treatment being meted out to him, the National Security Adviser wrote to his family claiming that he was taken to Niger Republic for further investigation of security related matters (copy of letter attached). The petitioner was

apparently tried for an unspecified offence in Niger Republic and convicted. The said conviction was however quashed by the Niger Court of Appeal which set him free (translated copy of the said judgment attached to petition). The petitioner alleges that the allegation of drug trafficking was actually a smokescreen used by the Government to use him to get at certain unnamed individuals whom he had refused to implicate during his ordeals. The petitioner maintains that he was never involved in drug trafficking and prays the Commission to redress the violation of his fundamental rights.

Period Covered by the Petition

May, 1997 till date

Names and Addresses of Persons or Institutions Petitioned Against

- The Federal Government of Nigeria
- The NDLEA
- The Nigeria Police Force
- The State Security Service

Injury Alleged Suffered by the Petitioner

- Violation of his right to personal liberty
- Torture, inhuman and degrading treatment
- Illegal abduction and extradition to Niger Republic without due process.
- Economic losses as a result of (1) above.

Relief Sought by the Petitioner

- That the Commission should determine whether a legal practitioner should suffer for the alleged offence of his client.

- That the Commission should determine whether his forceful and illegal extradition to Niger Republic for trial was proper despite a certain letter from the Presidency (not attached) and a valid court order ordering his release.

MODE OF TREATMENT OF PETITION:

The petition was heard during the public hearing of the Commission in Lagos. The petitioner gave evidence, tendered relevant documents and was given the opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The alleged perpetrators denied the allegations of unlawful detention, torture and illegal deportation to Niamey in Niger Republic. They claimed that the petitioner was detained under Decree No.2 based on incriminating evidence of two drug dealers.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by all the witnesses and makes the following findings and observations:

- a) That the petitioner, a legal practitioner was arrested by the officers of the National Drug Law Enforcement Agency (NDLEA) on the 16th of May, 1997 and detained for alleged relationship with drug dealers.
- b) That after about three months in detention without charge or trial, a Federal High Court judge sitting in Lagos ordered for an immediate release of the petitioner on bail.
- c) That instead of complying with the court order, the petitioner was detained for about 14 months under Decree No.2 of 1984.
- d) That the petitioner was forcefully taken to Niamey in Niger Republic to face investigation and trial for alleged drug

dealings.

- e) That the petitioner was subsequently set free by the Niamey Court of Appeal which established that the petitioner was merely a solicitor to a drug dealer.
- f) That the petitioner was released after spending about 2 years in detention.
- g) That the long period of detention under Decree No.2 was without any justification whatsoever.
- h) That the petitioner was humiliated, tortured and subjected to inhuman and degrading treatment on account of his professional relationship with suspected drug dealers.

RECOMMENDATIONS:

The Commission recommends that the Federal Government of Nigeria should:

- i) Issue a public apology to the petitioner.
- ii) Pay the petitioner the sum of N100,000.00 (One Hundred Thousand Naira) only as compensation.

BRIEF ON
MEMO NO: 234

Petitioner's Full Name(s) and Address(es)

Kunle Ajibade
11781 Sunset Blvd, Apartment 12
Los Angeles, CA 90049
USA.

Title of Petition

Unwarranted Imprisonment.

Date of Petition

21st July, 1999

Particulars of Petition

The Petitioner was a journalist with the News Magazine based in Lagos. He was arrested in his Office on the 23rd of May, 1995 by men of the State Security Services in connection with a story in the NEWS Magazine concerning the arrest of some military men for an alleged coup plot. The Petitioner was allegedly questioned to disclose the source of The NEWS Magazine's story on the coup plot but the Petitioner refused, explaining that responsible journalists do not reveal the sources of their stories on professional and ethical grounds. The Petitioner was then locked-up incommunicado for more than two months and subsequently collapsed while in detention. He was rushed to the Military Hospital, Ikoyi where he was chained to the hospital bed on the orders of one Lt. Col. Kola John Olu of the Security Group, DM1, Apapa. The Petitioner was later dragged before the Special Investigation Panel and subsequently arraigned by Major Gen. P. N.

Aziza Special Military Tribunal where he was charged and tried for being responsible for the publication of the story which was capable of inciting the public against the Government He was convicted by the Tribunal and jailed for life on 28/7/95 as an accessory after the fact of treason. He spent over 4 prison Calendar years in various cells and Makurdi prisons until his “pardon” and release by Gen. Abdulsalami Abubakar regime on 20/7/98. He wondered what offence he had committed to be granted “a pardon” by General Abubakar regime and prayed the Commission to clean his name of the historical dent.

Period Covered by the Petition

1995 - 1998

Names and Addresses of Persons or Institutions Petitioned Against

- The President and Commander-in-Chief of the Armed Forces
C/O The Hon. Attorney-General of the Federation and Minister of Justice.
- The Hon. Minister of Defence.
- The Director-General, State Security Services, Abuja.
- Lt. Col. Kola John Olu
C/O The Chief of Army Staff.

Injury Allegedly Suffered by the Petitioner

- i. Unlawful arrest and detention
- ii. Wrongful and malicious prosecution before a special Military Tribunal.
- iii. Wrongful conviction and imprisonment.
- iv. Torture, inhuman treatment and stigmatization.

Relief Sought By the Petitioner

- i. To investigate and clean of the historical dent
- ii. To rehabilitate him

MODE OF TREATMENT OF PETITION:

The petition was heard during the public sittings of the Commission in Lagos. The petitioner gave evidence, tendered relevant documents and was given the opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS

Col. John K. Olu gave evidence confirming that the petitioner was chained on his hospital bed when he was sick. He maintained that it was a routine practice in the Military.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by the witnesses and makes the following findings and observations:

- a) That the petitioner, a journalist, was arrested on the 23rd of May, 1995 and detained in respect of a publication in The News concerning the arrest of some military men for an alleged coup plot in 1995.
- b) That he was interrogated by the Special Investigation Panel and was subsequently arraigned before a Special Military Tribunal and charged with publication of a story which was capable of inciting the public against the Government.
- c) That he was convicted by a Military Tribunal and was sentenced to life imprisonment as an accessory after the fact of treason.
- d) That he spent over 4 prison calendar years in various prisons across the country and was subsequently granted pardon and released in 1998 following the death of General

Sani Abacha.

- e) That the petitioner suffered unduly, and was subjected to torture, inhuman and degrading treatment merely on account of performing his professional duties.
- f) That the process of trial and conviction of the petitioner by the Special Military Tribunal was flawed as the procedure of the Tribunal did not comply with the basic requirements of natural justice and fair hearing.

RECOMMENDATIONS:

The Commission recommends as follows:

- i) That the Federal Government of Nigeria should issue a public apology to the petitioner.
- ii) That the Federal Government of Nigeria should pay the sum of N150,000.00 (One Hundred and Fifty Thousand Naira) only as compensation to the petitioner.

MODE OF TREATMENT OF PETITION:

The petition was heard during the public sittings of the Commission in Lagos. The petitioner gave evidence, tendered relevant documents and was given the opportunity to cross-examine the illegal perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS:

Major Hamza Al-Mustapha gave evidence admitting that the petitioner was tortured during his detention following the 1990- abortive coup. He however explained that the torture and general beating of the petitioner by soldiers was a spontaneous and emotional reaction to a confusing coup situation where many soldiers lost their lives. He also denied the allegation of stealing the petitioner's monies.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by the witnesses and makes the following findings and observations:

- a) That the petitioner was arrested, detained and tortured following the abortive coup plot of April, 1990.
- b) That he was subsequently tried on two-count charges of aiding and concealing treason by the Special Military Tribunal.
- c) That he was convicted on the second charge of concealment of treason and was sentenced to life imprisonment.
- d) That after serving 3 (three) years in prison, he was granted amnesty/pardon along with many others in October, 1993 by the government of Chief Ernest Shonekan.
- e) That the process of his release was not completed when the late General Sani Abacha took over the mantle of leadership on the 17th of November, 1993
- f) That the government of late General Sani Abacha refused to

release the petitioner even though other beneficiaries of the general amnesty and pardon were all released.

- g) That the petitioner accordingly filed and obtained a Federal High Court order declaring his continued detention in prison custody illegal consequent upon which the then Attorney-General of the Federation advised on his immediate release.
- h) That the petitioner was reluctantly released on the 19th of May, 1994 but was immediately re-arrested on the 20th of May, 1994 by the State Security Services and detained under Decree No. 2 of 1984 as amended.
- i) That the petitioner was not released until the 19th of October, 1998 after the demise of late General Sani Abacha.
- j) That the petitioner suffered unduly and was subjected to torture, inhuman and degrading treatment following his unjustifiable detention for five years under Decree No. 2.

RECOMMENDATIONS:

The Commission recommends:

- i) That the Federal Government of Nigeria should issue a public apology to the petitioner.
- ii) That the Federal Government of Nigeria should pay the petitioner the sum of N150,000.00 (One Hundred and Fifty Thousand Naira) only as compensation
- iii) That the Federal Government of Nigeria should order the appropriate authority to release the personal properties of the petitioner that were not otherwise forfeited to the Federal Government on the orders of the tribunal.

BRIEF ON
MEMO NO: 212

Petitioner's Full Name(s) and Address(es)

Godson Offoaro
P. O. Box 55280
Washington DC
e-mail: Offoaro @ yahoo.com.

Title of Petition:

Walter Ofonagoro and the DMI must Account for CHINEDU O.OFFOARO.

Date of Petition

29th June, 1999

Particulars of Petition:

This is a petition presented by Mr. Godson Offoaro, a Nigerian journalist currently based in the United States of America alleging mysterious disappearance and possible death of his younger brother Mr. Chinedu Offoaro since the 26th of May, 1996. The said Chinedu Offoaro was until his mysterious disappearance or possible death, a staff of the Guardian Newspapers in Lagos covering Business Desk Section. The Petitioner strongly alleges that Dr. Walter Ofonagoro (the Minister of Information under Late Gen. Sani Abacha regime) and the Directorate of Military Intelligence are privy to the circumstances leading to the disappearance or possible death of his brother. The Petitioner noted that Dr. Ofonagoro had once summoned his brother to Abuja advising him to warn the Petitioner to put a stop to further circulation of a book titles "Zik, the Last Campaigns" which was

published and released by the Petitioner but which Dr. Ofonagoro found to be very uncomplimentary. The Petitioner further stated that there was another Journalist.

Stations but could not trace Mr. Chinedu Offoaro. The Petitioner similarly wrote enquiry letters to the SSS, Police, DMI, Walter Ofonagoro but only the Police and SSS responded with convincing explanations. He noted further that there were phone calls to the Guardian Newspapers from those who claimed to have Chinedu Offoaro but the Guardian Management advised the Security Officer who was on duty on the date the second call was made (12/8/96) to better keep quiet. He lamented that the same Guardian Management had removed an unnamed member of the Guardian NUJ who was at the forefront in investigating the circumstances of his younger brother's disappearance. He acknowledged that the lukewarm attitude of the Guardian Newspapers Management might not be unconnected with their travails in the hands of Abacha regime, namely the attempted assassination of its publisher, the earlier shut-down order etc. He suspects that his brother must have gone the way of Bagauda Kaltho of the News Magazine who disappeared under similar circumstances.

Period Covered by the Petition

1996 to present.

**Names and Addresses of Persons or Institutions Petitioned
Against**

The Hon. Minister of Defence, Abuja.

The Director of Military Intelligence,
Childs Avenue, Apapa — Lagos.

The Executive Director,

Guardian Newspapers Limited Rutan House,
Oshodi — Apapa Express way,
Lagos.

Injury Allegedly Suffered by the Petitioner

1. Mysterious disappearance of his brother since May, 1996.
2. Possible death of his brother.

Relief Sought by the Petitioner

- i. Investigation of the circumstances leading to the sudden disappearance of his younger brother since May 1996 during late Gen. Sani Abacha regime.
- ii. To help produce him, if alive, or release of his remains to enable his family members accord him his burial rites.

MODE OF TREATMENT OF PETITION

The petition was listed for hearing during the Commission's public sittings in Lagos. Hearing however commenced during the Enugu public sittings and was concluded in Abuja. The Petitioner gave evidence, tendered certain documents and was given opportunity to directly cross-examine one of the alleged perpetrators who appeared before the Commission.

EVIDENCE OF ALLEGED PERPETRATORS

Only Dr. Walter Ofonagoro appeared before the Commission. He vehemently denied the allegations against him. The Directorate of Military Intelligence merely sent a written response denying any complicity in the mysterious disappearance of late Chinedu Offoaro.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence adduced by the witnesses and makes the following findings and observations:

- a) That the circumstances surrounding the disappearance or possible death of MR. CHINEDU ONISMUS OFFOARO, who was last seen by his relations in his home town while he was boarding a bus to Owerri on the 26th of May, 1996 remain a mystery.
- b) That although the activities, modus operandi and function specification of the security agencies under the late General Sani Abacha regime were very confusing and their conducts notoriously overbearing, the circumstances of Chinedu Offoaro's disappearance do not lend itself to any specific conclusion but to a wide range of interpretations, possibilities and conclusions.
- c) That it is now about 6 (six) years since the incident took place and under the Nigerian evidentiary rules, Chinedu Offoaro cannot be presumed death until the 26th of May, 2003 (see Section 144 (1) of the Evidence Act, Cap. 112 Laws of the Federation of Nigeria, 1990).

RECOMMENDATIONS

The Commission recommends:

- i) That the Special Team of the Nigeria Police Force be directed to inspect and check all the detention record or entry books of all the Nigeria Security agencies particularly those of the Directorate of Military Intelligence, and the State Security Services as at May, 1996 with a view to tracing any record of Chinedu Offoaro's possible arrest and detention within the period;

- ii) That the Investigating Team should further investigate the alleged telephone calls of the supposed captors or abductors of Chinedu Offoaro to the Guardian Newspapers about three months after his disappearance;
- iii) That subject to Section 144 (10 OF THE Evidence Act, the Imo State Government of the Nigerian Journalists should be directed to immortalize the name of Chinedu Onismus Offoaro.

BRIEF ON
MEMO NO 313

Petitioner's Full Name(s) and Address(es)

Mrs. Theresa Elikwu
8, Modile Way,
Off Akerele Street,
Surulere - Lagos.

Title of Petition

Re: Mr. Chidi Elikwu of 8 Modile Way, Off Akerele Street, Surulere,
Lagos - Victim of Human Rights Abuse by the Nigeria Police Force.

Date of Petition

23rd July, 1999

Particulars of Petition

The petitioner wrote to complain about the violation of the rights of her son, one Mr. Chidi Elikwu by certain members of the Nigeria Police Force. The petitioner is the mother of the said Chidi Elikwu who lives with the rest of the family in their family house. The Petitioner stated that following an attack on a Commissioner of Police, one Mr. Kehinde Oyenuga at a street adjoining theirs, a team of policemen from the State Anti Robbery Squad arrested the said Chidi Elikwu from their residence on the 19th of January, 1998. Her son was later brought back to the family house in handcuffs but a search of the house revealed nothing incriminating. On the 22nd of January, 1998, the petitioner called at the office of the Special Anti Robbery Squad (S.A.E.S) and was informed that her son was being held in connection with the shooting of ACP Oyenuga which had taken place on the 4th of

January, 1998. In the course of his detention, the petitioner's son Chidi was allegedly severely tortured in a bid to make them confess to the alleged offence. The petitioner alleges that one of the suspects who was detained and tortured with her son died in the course of the torture and was secretly buried by the Police. The petitioner also disclosed that from information which she gathered from the Police, her son was linked to the attack on the ACP as a result of the fact that the latter was short in the house of one Miss Joy Chukwuka who is said to be a girl friend of the said ACP as well as a child hood friend of Mr. Elikwu. The petitioner revealed that on the 31st of March, 1998, after several days of gruesome torture, her son was arraigned at an Ikeja Magistrate Court along with two other individuals on charges of armed robbery. They were remanded in prison custody but following a petition by ACP Oyenuga to the Inspector-General of Police, the case was taken over by the Federal Armed Robbery Squad (FARS) prompting the transfer of the suspects again to the FARS under inhuman conditions. The petitioner further stated that despite the arrest of a Police Sergeant who has since confessed to the shooting following an anonymous petition by a motor-cyclist who claimed to have conveyed him to the scene of the crime, her son and the other suspects remain in custody under very inhuman conditions. The petitioner further alleges that after the arrest of the Sergeant who has confessed to the crime, the Investigating Police Officer, one Sam-Sam still roped her son in through a spurious identification parade. She urges this Commission to intervene to save the life of her son who is being slowly tortured to death.

Period Covered by the Petition

1998 till date

Names and Addresses of Persons or Institutions Petitioned Against

The Nigeria Police Force

Injury Allegedly Suffered by the Petitioner

- Unlawful arrest and detention
- Torture, inhuman and degrading treatment
- Denial of her son's right to fair hearing and the due process of the law

Relief Sought by the Petitioner

The petitioner seeks that the Commission's urgent intervention to save her son's life.

MODE OF TREATMENT OF PETITION:

The petition which was heard during the public sittings of the Commission in Lagos was concluded in Port Harcourt. The petitioner gave evidence, tendered some relevant documents and was the given opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The alleged perpetrators gave evidence denying the allegations of torture, ill-treatment and trumped-up charges of armed robbery. They claimed that the petitioner's son was arrested, detained and arraigned in court for armed robbery and gun attack on Assistant Commissioner of Police, Kehinde Oyenuka.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence adduced by all the witnesses and makes the following findings and observations:

- a) That the Mr. Chidi Elikwu, the son of the petitioner, was arrested on the 19th of January, 1998 by men of the Lagos State Special Anti-Robbery Squad of the Nigeria Police for alleged complicity in the shooting and armed-robbery attack on Mr. Kehinde Oyenuga (an Asst. Commissioner of Police) on the 4th of January, 1998.
- b) That he was subsequently arraigned before a Magistrate's Court which remanded him in prison custody.
- c) That allegations of torture, brutality and other forms of inhuman and degrading treatment of suspects by the police at the police torture centres of Ikeja and Adeniyi Adele called 'Theatre' or 'Operation room') are too rampant, consistent and utterly deplorable.
- d) That the Commission had at the conclusion of hearing in Port Harcourt, sent a letter requesting the Hon. Chief Judge of Lagos State to expedite action in the matter by ensuring fair and speedy trial in respect of the armed robbery charges before the court and also consider the possibility of bail in view of the surrounding circumstances of the case.

RECOMMENDATIONS

The Commission recommends that the Federal Government of Nigeria should:

- i) Request the Hon. Chief Judge of Lagos State and the Hon. Attorney-General and Commissioner of Justice, Lagos State, to ensure speedy prosecution and conclusion of the armed robbery charges against Mr. Chidi Elikwu and others.
- ii) Direct the Hon. Attorney-General of the Federation and

Minister of Justice and the Hon. Minister of Police Affairs to conduct an inquiry in respect of the allegations of torture which subsequently led to the death of one Joshua Nzedomi (a.k.a. Malone) in police custody with a view to prosecuting the alleged perpetrators.

MEMO BRIEF
MEMO NO. 1392

Petitioner's Full Name(s) and Address (es)

Mrs. Olubusola Arinola Adebusuyi
Plot 8/9 Adeyemo Layout,
Adeoya Village,
Akobo, Ibadan

Title of Petition

Memorandum Submitted by Mrs. Olubusola Arinola Adebusuyi To The
Human Rights Violations Investigation Panel (HRVIP)

Date of Petition

10th August, 1999

Particulars of Petition

On December 24, 1996, the Petitioner's husband was arrested horn their home in Ibadan by security agents and taken to Lagos where he was detained under tern He conditions, About ten days later die Petitioner and her hither-in-law were similarly detained and taken to the Police Station at Alagbon, Lagos, where she was interrogated by one Mr. Enoape and Mr. Zakari Biu. She was accused of conspiring with and concealing her husband and transferred to a female cell where she was to spend nearly three months in appealing conditions. During this time she was harassed and intimidated by her captor including Mr. Biu and one Mrs. Adokie. The Petitioner was brought to the place of her husband's detent ion to see him undergoing torture and inhuman restraints, She was later taken for further interrogation to the State Security Service other in Ikoyi, Lagos where she save her

father-in-law in a terrible state Mr. Bin continue to pressure the Petitioner to Convince her husband to do what was asked of him so that she would be released immediately, which inducement she consistently refused. The Petitioner was released without charge or explanation in March 1997 having spent 77 days in detention.

Period Covered by the Petition

1997 to date

Names and Addresses of Persons or Institutions Petitioned Against

- The Inspector-General of Police Force Headquarters, Abuja
- The Director General, State Security Service, Headquarters, Abuja.
- Mr. Zakari Biu,
c/o Inspector-General of Police,
Force HQ, Abuja.

Injury Allegedly Suffered by the Petitioner

- Unlawful arrest and detention without charge or trial
- Mental torture and inhuman treatment.

Relief Sought by the Petitioner

Prosecution of all persons involved in the acts of gross violations of her rights.

Nature of Hearing Received by Petition

NIL

MODE OF TREATMENT OF PETITION

The petition was heard during the public sittings in Lagos. The Petitioner gave evidence and was given opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS

The alleged perpetrators gave evidence denying the allegations of unlawful detention and torture. They were also given opportunity to cross-examine the petitioner.

FINDINGS AND OBSERVATIONS

After carefully reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds and observes as follows:

- a) That the Petitioner was unlawful arrest detained for 77 days and subjected to inhuman and degrading treatment.
- b) That she was not charged to Court for any offence.
- c) That the detention was in bad faith and was politically motivated.

RECOMMENDATIONS

The Commission accordingly recommends:

- a) That the Federal Government of Nigeria should issue a public apology to the petitioner.
- b) That the Federal Government of Nigeria should pay the sum of N100,000.00 (One Hundred Thousand Naira) as compensation to the Petitioner.

BRIEF ON
MEMO NO 186

Petitioner's Full Name(s) and Address(es)

Alfa Bello Oyedemi Olorunkosebi
Mrs. Serifat Olorunkosebi
Aihaji Ganiyu Ajiboye
Aihaji Jimoh Adebayo
L. A. Ayankojo
c/o the Family of the Late Asipa of Oyo,
The Asipa's Palace. Isale-Oyo.
Oyo.

Title of Petition

The Search for Justice by the Late Asipa Family (1992 — 1999):
Memorandum on Gross Violation of Human Rights Arising from
Perversion of Justice, Mis-application of Judicial Power and Extreme
Abuse of Office in the Desperate Bid to Cover up the Assassins of the
Late Asipa of Oyo by the Military Regimes in Oyo State Under Col.
Nwosu and Col. Hammed Usman (rtd)

Date of Petition

12th July, 1999

Particulars of Petition

This memorandum was submitted by five petitioners on behalf of the children, wives, family and entire community respectively of the late Asipa of Oyo, Chief Amuda Olorunkosebi in protest against the gross violation of the right to life of the late Chief and alleged cover up of the heinous crime as well as the principal suspect through the machinery

of Government during the Military regimes of Colonels Ike Nwosu and Hamined Usinan (rtd). The Petitioners narrated in painstaking detail how the late Asipa was lured to his farm in November, 1992 by two of the suspects on the pretext that they wanted to buy a piece of land for fish farming from him. The two suspects conveyed themselves and the late Chief to the farm in a blue Datsun 1.8 Bluebird car with registration number KD 158 BDU. When the party got to what later became the scene of the crime, they were accosted by two masked men who attacked both the Asipa and his two brothers who accompanied the party to the farm. The brothers managed to escape, one of them with severe machet cuts. The witnesses stated that the Asipa was thereafter shot by the two assailants who also poured acid on his body. The petitioners allege that before the assassins murdered the Chief, one of the suspects who accompanied the party to the farm, one Biodun Faseyitan had showed him (the late Asipa) a photograph of the Alaafin of Oyo, Oba Lamidi Adeyemi III and told the deceased to hold the Oba responsible for his death. The petitioners further alleged that the Datsun car which conveyed the assassins to the Oba's palace was recovered by the Police in Ibadan on the 28th of December, 1992. The right hand steering wheel had been changed to left and the car now bore a foreign number. Eventually, the fourteen suspects were arrested out of which only two were charged to the Ibadan High Court namely Biodun Faseyitan and Sule Obagbori. According to the petitioners, both accused persons were discharged but not acquitted by the court. It is not clear why this state of affairs arose. An appeal initiated by the State and a cross-appeal at the instance of Faseyitan were eventually abandoned by both parties.

Being dissatisfied with the handling of the Asipa's murder, his family petitioned the Inspector-General of Police who ordered a re-

investigation. According to the petitioners, this re-investigation unearthed among other things the fact that the Datsun car used by the assassins was imported by one Adelakun Enterprises, a company owned by Oba Adeyemi. Documents recovered by the Police from the Corporate Affairs Commission established the fact that Oba Adeyemi was a Director of the said Adelakun Enterprise, and the documents of importation of the said Datsun car equally tied Adelakun Enterprises to the car. The petitioner went to great length to link Oba Adeyemi, Biodun Faseyitan and one Dr. Segun Oduneye to the murder of the Late Asipa. Oduneye was eventually convicted of conspiracy in the murder and sentenced to seven years imprisonment. The petitioners also accused the Attorney-General during this period, one Alhaji Yusuf Akande of obstructing the course of justice by refusing to charge the Oba as recommended by the DPP. The petitioners allege that the legal advice which indicted the Oba was withheld by the Attorney-General for fifteen months after which he expunged the Oba's name the advice. In protest against the murder of the Asipa and the alleged mishandling of the crime, the family of the late Asipa have refused to bury him until justice is done to him and to them.

Period Covered by the Petition

1992 till date

Names and addresses of Persons or Institutions Petitioned Against

1. The Government of Oyo State
2. The Alaafin of Oyo, Oba Lamidi Adeyemi III
3. The Attorney-General of Oyo State between 1995 and 1998
4. The Nigeria Police Oyo.

Injury Allegedly Suffered by the Petitioner

Denial of the right to life of Chief Amuda Olorunkosebi, the Asipa of Oyo.

Relief Sought by The Petitioner

1. That the Commission should direct the present Attorney-General of Oyo State to demand the duplicate case files of the investigations conducted between 1994-1995 -1999
2. That the Oyo State Attorney-General be directed to rectify all issues relating to the handling of the Asipa's case and to consider the overwhelming evidence implicating the Alaafin of Oyo.
3. That all those implicated in the murder should be prosecuted by the Oyo state Attorney-General.
4. That the Force Headquarters, Alagbon Close be directed to send the missing statement of Biodun Faseyitan made between 1995 – 1996 at the General Investigations Section, Alagbon to the DPP
5. That the Commission should direct Force Headquarters through the Inspect-General of Police to investigate any person connected with the murder of the Asipa however highly placed.
6. That the Commission should instruct the Attorney-General to make the principle of impartially of the law fully functional.
7. That the Commission should condemn in absolute terms the numerous instances of abuse office and violation of human rights perpetrated by the Military Administrators and Ministry of Justice of Oyo State between 1995 and 1998 and recommend that the present Attorney-General

redress the ugly situation in the interest of justice.

8. That the Commission is enjoined to make further recommendations that may be deemed necessary to redeem the lost hope of the less privileged.

BRIEF ON
MEMO NO. 664

Petitioner's Full Names and Address(es)

Lt. Col. Femi Mepaiyeda (rtd)
No 12 Ogundana Street,
P. O. Box 55751, Falomo Post Office,
Ikoyi - Lagos.

Title of Petition

Case of illegal arrest and unjust conviction by the' government of General Sani Abacha (1995 Phantom Coup) Lt. Col. Femi Mepaiyeda (N/5840).

Date of Petition

28th July, 1999

Particulars of Petition

The Petitioner, retired Military Officer, was arrested on the 28~February, 1995 in connection with the alleged coup of 1995. He was taken to Jos, detained for 3 weeks and taken to 555 Detention Centre in Lagos and spent 3 months before he was tried by Special Military Tribunal (SMT) who finally sentenced him to 10 years imprisonment and subsequently reduced to one year. He was finally released in July, 1996 from Enugu Prison yard. The petitioner alleged that he was arrested that day and taken to Jos from there to Lagos. And that he was not interrogated until after 3 months. He was locked up in a dark room without ventilation. He stated that on the interrogation day, the interrogating officers tried to force words into his mouth but all efforts failed. He averred that he was highly surprised when he was arraigned

before the Special Military Tribunal headed by General Patrick Aziza and was charged with treason. In the tribunal the accused persons were not allowed to call witnesses. According to the petitioner, attempts were promptly rejected by the Tribunal, the SMT even told/informed them that they were not interested in the technicalities. The petitioner alleged that he was sent to the prison without the normal issuance of warrant as the normal practice. The prison conditions were made very harsh to him. He was strictly disallowed to receive/see any visitor.

Period covered by the Petition

February 1995 – July 1996

Names and Addresses of Persons of Institutions Petitioned Against

Government of the Federal Republic of Nigeria
Nigerian Army Headquarters, Abuja

Injury Allegedly Suffered by the Petitioner

Unlawful detention

Relief Sought by the Petitioner

Investigation and compensation

BRIEF ON
MOME NO 116

Petitioner's Full Name(s) and Address(es)

Col. G. A. Ajayi, N/3018 Inf.
C/o Abiola & Partner (Chartered Accountants),
26 Allen Avenue, P.O. Box 9138, Ikeja,
Lagos. Tel: 01/4968282 Fax: 01/4968282

Title of Petition

Memorandum to the Hon. Justice Oputa Human Rights Violations
Investigation Panel on the 1995 Phantom Coup Saga.

Date of Petition

12th July. 1999.

Particulars of Petition

The Petitioner, the then Colonel Administration and Quarter-Master General of the Lagos Garrison Command was arrested in February, 1995 on the orders of General Ishaya Bamaïyi for alleged involvement in the so called 1995 "Phantom Coup". After a fifteen minute trial by the General Patrick Aziza Coup Tribunal, he was adjudged quilts and sentenced to death by firing squad (later commuted to 25 years imprisonment). He subsequently served time in Minna Prisons where he was subjected to torture, cruel and inhuman treatment. He prays the Commission to right the wrongs done to him.

Period Covered by the Petition

1995 till date.

Names and Addresses of Persons or Institutions Petitioned Against

- 49) The Nigerian Army (Chief of Personnel and Administration)
- 50) The Gen. Patrick Aziza Coup Tribunal
- 51) The Gen. Felix Mujakperuo Special Investigation Panel
- 52) Col. Frank Omenka
- 53) Col. J. K. Olu
- 54) Col. Santuraki
- 55) A.C.P. Zakari Biu

Injury Allegedly Suffered by the Petitioner

- 1) Unlawful arrest and detention.
- 2) Torture and inhuman treatment.
- 3) Unfair trial.
- 4) Unjust and unlawful death sentence.

Relief Sought by the Petitioner

- The Commission should quash the judgment of the Coup Tribunal.
- His period of unjust and illegal incarceration (February 1995 — March, 1999) as a period of captivity in a hostile nation's prisoners' of war camp.
- Re-absorption into the Nigerian Army on the appropriate rank due with effect from the date he was unjustly cashiered from the Army without loss of seniority, status, honour and integrity.
- Payment of his salaries and emoluments with effect from the date of stoppage in 1995 till date.
- Medical examination and treatment for any lingering and debilitating ailment sustained as a result of the cruel torture and

harsh prison conditions he endured.

- Restoration of all his personal effects including passports, certificates, course works etc.
- Payment of adequate financial compensation to assuage the personal injuries.

MODE OF TREATMENT OF PETITION:

The petition was heard during the public sittings of the Commission in Lagos. The petitioner gave evidence, called other witnesses to corroborate his claims, tendered relevant documents and a video tape. He was also given the opportunity to cross-examine the alleged perpetrators.

EVIDENCE OF THE ALLEGED PERPETRATORS:

The alleged perpetrators gave evidence denying the allegations of torture and inhuman treatment. They however admitted that the Petitioner was arrested, detained, arraigned before a Special Military Tribunal, tried convicted and sentenced to death for involvement in the alleged coup plot of 1995.

FINDINGS AND OBSERVATIONS:

The Commission carefully reviewed the evidence adduced by all the witnesses and examined all the relevant exhibits tendered during the public hearing. The Commission further visited all the alleged torture centres in Lagos in order to confirm the veracity of the petitioner's claims in the light of consistent denials by the alleged perpetrators. The Commission makes the following findings and observations:

- a) That the petitioner was arrested, detained, arraigned before a Special Military Tribunal headed by Brig-Gen. P. N. Aziza, tried, convicted and sentenced to death for alleged complicity in the alleged coup plot of 1995.
- b) That his death sentence was later commuted to 25 years imprisonment by the then ruling Provisional Ruling Council (PRC).

- c) That the petitioner spent over 4 years in detention and prison custody and was released in March 1999 after he was granted state pardon by the Government of General Abdulsalami Abubakar.
- d) That the Commission finds the allegations and claims of the petitioner that he was tortured to be truthful based on the following:
 - 1) The Commission visited the alleged torture centres at 'Inter Centre' and No.67 Alexander Avenue, Ikoyi and also the underground cell at the Directorate of Military Intelligence, (DMI), all in Lagos and discovered horrifying structures and instruments of torture all over the place.
 - 2) All the victims of the alleged coup plot of 1995 gave consistent and corroborative evidence of torture and brutality.
 - 3) The Commission heard eye witness accounts of the Petitioner's torture
 - 4) The petitioner has debilitating scars and disabilities as clear evidence of physical torture
 - 5) The conditions, circumstances and long periods of petitioner's detention are clear pieces of evidences of psychological and mental tortures.
- e) That the procedure, process and circumstances of the petitioner's arraignment, trial, conviction and sentence are flawed as it severally negates the basic and elementary demands of justice and the provisions of the African Charter on Human and Peoples Rights.
- f) That the law under which the petitioner and other victims of the alleged coup plot were tried and convicted is a bad law in that:
 - i) it did not allow any right of appeal to the superior courts of the land by the convicts.
 - ii) it did not guarantee the petitioner's rights to fair hearing and recourse to due process of law.
- g) That no law, anywhere in the world, allows torture or maltreatment of detainees or prisoners in any circumstances.

RECOMMENDATIONS

The Commission recommends that the Federal Government of Nigeria should:

- 1) Issue a public apology to the petitioner
- 2) Pay the sum of N200,000.00 (Two Hundred Thousand Naira) only as compensations to the petitioner.
- 3) Grant the petitioner free medical treatment in any government hospital in respect of any injury or disability suffered while in detention.
- 4) Allow the petitioner to retire voluntarily from service with full benefits.
- 5) Pay the petitioner all his outstanding emoluments and other entitlements and return all his seized properties from the Nigerian Army.
- 6) Refer the conviction to appropriate court for nullification.

The Commission further recommends as follows:

- 7) That the Federal Government of Nigeria should dismantle and demolish the following torture structures and centres, namely:
 - a) The underground detention centre (otherwise called “The tunnel”) at the Security Group’s office of the Directorate of Military Intelligence (DMI), Apapa, Lagos.
 - b) The “Inter Centre” cell at the grave yards of Ikoyi Cemetery.
 - c) The Interrogation Centre at No.67 Alexander Avenue, Ikoyi and transfer the premises and buildings to the use of the National Human Rights Commission.

BRIEF ON
MEMO NO 123

Petitioner's Full Name(s) Address(es)

Lt. D. K. Olowomoran
((N19432), No address Supplied

Title of Petition

Memorandum on Human Rights Abuse

Date of Petition

Undated

Particulars of Petition

Between the months of February and October, 1995, the petitioner, a Legal Officer with the Nigerian Army was subjected to physical and mental torture as well as cruel and inhuman treatment. The perpetrators were named in his petition. His offence was a vague allegation of having run an errand for Col. R.S.B. Bello-Fadile, his then boss and later an alleged coup plotter. After several months of incarceration, he was brought before the Patrick Aziza Coup Tribunal. The charges against him were thrown out yet his detention continued. He was subsequently compulsorily retired from the Army in October, 1995 along with some other officers and one civilian.

Period covered by the Petition:

1995 – October, 1995

Names and Addresses of Persons or Institutions Petitioned

Against

- 1) Col. J.B. Yakubu
- 2) The Nigerian Army
- 3) Col. Frank Omenka
- 4) Lt. Col. Santuraki
- 5) ASP Zakari Biu

Injuries Allegedly Suffered by the Petitioner

- 1) Physical and mental torture
- 2) Cruel and inhuman treatment
- 3) Premature compulsory retirement from the Army
- 4) Truncation of his Military career and loss of benefits

Relief Sought by the Petitioner

- 1) Reinstatement
- 2) Restoration of his rank with commensurate compensation
- 3) Alternatively, if reinstatement is impracticable an alternative job opportunity should be provided for him in line with his training as a Barrister and Solicitor.

Mode of Treatment of Petition:

The petitioner's case was heard during the first Abuja sitting of the Commission.

Evidence of alleged perpetrators:

ACP Zakari Biu and Colonel K.. Olu testified. ACP Biu in his testimony admitted that he was a member of the Special Investigation Panel which allegedly tortured the petitioner but maintained that he took all instruction from General Felix Mujakperuo, head of the SIP and Colonel Santuraki head of the Investigation unit. He denied

torturing the petitioner, Col. K.J. Olu also testified and admitted that he was involved in the arrest but not the torture of the petitioner.

Findings and observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators adduced during the public hearing of the case, the Commission observes as follows:

- a) The petitioner's evidence of his torture was consistent with those of the victims of the 1995 coup plot and the petitioner displayed scars of injuries he sustained from the said torture.
- b) The petitioner's account of his torture was largely an controverted by the alleged perpetrators
- c) Despite being discharged and acquitted by the Special Military Tribunal, the petitioner's detention continued

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- a) That the petitioner be allowed to retire voluntarily from service on the rank currently held by his course-mate as against the compulsory retirement meted out to him.
- b) That the petitioners accrued emoluments be paid to him with effect from the time of his arrest till date in line with the salaries and emoluments being presently enjoyed by his course mates.
- c) That the petitioner be paid the sum of N250,000.00 (two hundred and fifty thousand naira) as compensation for the physical and mental torture inflicted on him by the Special Investigation Panel.
- d) A written apology from the Federal Government.

BRIEF ON
MEMO NO: 7

Petitioner's full name(s) and Address(es)

Mr. John Jojotoye,
c/o his Solicitors, Prime Chambers
1st floor J. Inkande House, Wuse
Zone 1, P.O.Box 2528, Abuja

Title of Petition

Petition of the Jokotoye family against the brutal murder of Mr. David Jokotoye

Date of Petition:

10th August 1999

Particulars of Petition:

The petition relates to the murder of one Mr. David Jokotoye. According to the Petitioner (who is the brother of the deceased) the deceased was returning to Suleja from Kano, in company of two other persons, where they had gone to purchase a motor vehicle. He had in his possession a sum of about ₦100,000 being the amount left over after the purchase. They were accosted on the Kano/Zaria Expressway by policemen who halted their car and immediately shot the driver to death. They also shot and wounded both other occupants of the car. On the protest of the deceased and his friend, and on the pleas of the villagers in the area, the policemen agreed to convey the wounded persons to the hospital. However the Petitioner alleges that a little distance further away the policemen shot dead the two persons

and buried them along with the driver at the next village.

Acting on information received discreetly, relations of the deceased persons contacted the State CID, Kano who ordered an investigation. The bodies of the three men were exhumed while the car was recovered in a private residence. The bodies were released to the relations for burial but the Petitioner alleges that since then the Police have taken no further step to prosecute the killers nor to apologise or make redress to the families of the deceased persons, despite repeated demands made to the former Inspector-General of Police, Alhaji Ibrahim Coomassie. The Petitioner contends that the Nigeria Police Force has made frantic efforts to cover-up this crime. The deceased, Mr. David Jokotoye, is survived by five children of school age, a wife, mother and many dependants. He was a member of the Police Public Relations Committee in Suleja.

Period Covered by the Petition

1998 till date

Names and Addresses of Persons or Institutions Petitioned Against

1. Hon. Minister, Ministry of Police Affairs, Federal Secretariat, Abuja;
2. Inspector-General of Police, Force HQ, Abuja;
3. Commissioner of Police, Kano State Police Command, Kano.

Injuries allegedly suffered by the Petitioner:

1. Unlawful killing of the deceased;
2. Anguish, travails and sorrow of the family of he deceased.

Relief sought by the Petitioner

1. Prosecution of all those involved in the murder of the late David Jokotoye;
2. Compensation of not less than ₦10 million to the family of the deceased;
3. Unambiguous apology from the Nigeria Police Force to the family of the deceased.

Nature of Hearing Received by Petitioner:

Several petitions and demands to the Inspector-General of Police have not been answered

Mode of Treatment of Petition

The petition was publicly heard during the first Abuja sitting of the Commission, The petitioner gave oral evidence and adopted the contents of his petition.

Evidence of Alleged Perpetrators

Superintendent of Police, Thomas Bangajiya testified before the Commission on behalf of the Inspector-General of Police. He stated in his testimony that the deceased had been shot while attempting to run away from the police who had mistaken them for armed robbers.

Findings

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- a) The testimony of the police witness that the deceased had been shot while attempting to run away from the police was contradicted by Exhibit 3 a medical certificate of death which was tendered by the petitioner and which was tendered by the petitioner and which indicated that the late Jokotoye had been shot in the fore head, not shot while trying to escape from the police.
- b) From the totality of the evidence adduced before the Commission, the Commission finds that the late Jokotoye and two others were shot and killed by the police in error having been mistaken for armed robbers.

Recommendations:

The commission in the light of its findings and observations above recommends as follows:-

- a) Payment of the sum of five hundred thousand naira compensation for the unlawful killing of the late David Jokotoye
- b) An apology from the Inspector General of Police.

BRIEF ON
MEMO NO 26

Petitioner's Full Name(s) and Address(es)-

Ex. Major J.A. Achimugu (N/4951), c/o Samuel S. Ikani, National Universities Commission, Wuse 11, Maitama, Abuja.

Title of Petition

Review of Case: Ex Major J.A. Achimugu (N/4951)

Date of Petition-

27th June, 1999

Particulars of Petition

The Petitioner was the quarter master (officer in charge of stores) before his dismissal from the Army in 1991. He alleged that in 1991 one Colonel Umar Malami Mohammed whom he claimed to be a junior brother of Mrs. Mariam Abacha and his Commandant at the Nigerian Army Depot, Zaria, collected six sub-machine guns from the store under his control after administering some harmful drugs on him. When he regained his senses, he prepared Army Form AFG 1033 for the said Col. Umar to sign in respect of the six guns he collected but Col. Umar told him not to worry. Subsequently however, the petitioner claimed that Col. Umar told him not to worry. Subsequently however, the petitioner claimed that Col. Umar refused returning the arms and outright denied over collecting arms from the store. The Petitioner was arrested, court martialled, convicted and sentenced to 5 years imprisonment. Upon his release on June 12th, 1996, he wrote the Chief of Army Staff through the Civil Liberties Organisation for a review of his case. The Army headquarters invited him to appear

before a panel. When he reported, he was again detained and tortured for 14 days by col. Hamid Ali and Col. Frank Omenka. During his detention, he was chained together with one Major Adeyemi Adeyemo who later died as a result of the torture. He further claimed that the said late Major Adeyemo was similarly drugged by Col. Umar and was given the same treatment like him. He was subsequently released on the intercession of one Col. Gabriel Kubile on 27th August, 1996.

Period Covered by the Petition

1991 - 1996

Names and Addresses of Persons or Institutions Petitioned

Against-

- 1) The Nigerian Army c/o The Chief of Army Staff, Department of Administration, Army Headquarters
- 2) Col. Umar Malami Mohammed (address not provided)
- 3) Col. F.B.D. Dandodo (address not provided)
- 4) Col. Hammid Ali (address not provided)
- 5) Col. Frank Omenka (address not provided)

Injury Allegedly Suffered by the Petitioner-

- 1) Wrongful dismissal
- 2) Wrongful imprisonment for 5 years
- 3) Arrest, detention and torture for 14 days
- 4) Humiliation

Relief Sought by the Petitioner

Conversion of his dismissal order to retirement to enable him earn due benefits

Years of Service

28 years

Mode of Treatment of Petition

The hearing of the petition commenced during the first Abuja sitting of the Commission and was concluded during the third Abuja sitting. The petitioner in his oral testimony adopted the contents of his petition.

Evidence of Alleged Perpetrators

The alleged perpetrator, Colonel Umar Mohammed did not give evidence before the Commission but his Counsel cross examined the petitioner after his testimony and sought in his cross examination to exonerate his client from the allegations.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- a) The petitioner's evidence of torture was not controverted by the cross-examination of the Counsel to the alleged perpetrator.
- b) The Commission further observes that following the petitioner's conviction by a court martial for alleged loss of owns, he was convicted and sentenced to a tem of imprisonment for five years. The petitioner was also dismissed from the Nigerian army after twenty eight years of service

- c) From the evidence put before it, the Commission finds that reasonable doubt exists as to whether the petitioner received a fair trial.

Recommendations:

The Commission in the light of its findings and observations above recommends as follows:

- a) That the Petitioner's dismissal after 28 years of service and after serving five years imprisonment for the same alleged offence be converted to retirement with effect from the date of the said dismissal to enable him earn benefits due to him.
- (b) The Commission further recommends the grant of state pardon to the petitioner.

BRIEF ON

MEMO NO 38

Petitioner's Full Name(s) and Address(es)

Col. R.N. Emokpae (N/3139),
5, Ozolua Avenue ,
Off Ekenwan Road,
Box 4740, Benin City,
Tel- 052/252623

Title of Petition

Re:Memorandum of the Abuse of Human Rights: The case of Col.
Roland Nosakhare Emokpae

Date of Petition

1st July, 1999

Particulars of Petition

The Petitioner, a Colonel in the Nigerian Army was arrested on the 27th of February, 1995 while he was assuming duty as the new Deputy Provost Marshall-General. His arrest was effected by Col. Segun Oladeinde and Col. Olu of the security Group and no reason was given for the said arrest. He was detained at the SSS Inter centre, Ikoyi Cemetery for about two months until the 1st of May 1995 when he was interrogated for the first time by the duo of Col. Omenka and Zakari Biu for an allegedly supervised by Major Gen. Mujakpero the head of a Special Investigation Panel set-up by the Abacha regime to investigate the alleged coup plot. The Petitioner alleged that he passed through

several stages of graduated mental and physical tortures beyond human imaginations. He was regularly stripped bare naked by a private soldier, chained hand and foot, flogged and suspended on a vertical pole while several instruments were passed through him. All these were done in order to obtain a confession of a crime he never committed. The Petitioner alleged that when his innocence became obvious to his tormentors and would appear to embarrass the Government, false charges relating to accidented vehicle and treason contrary to the Criminal Code were leveled against him before a Special Military Tribunal head by Gen. P.N. Aziza. During the trial, the Petitioner claimed that he was never implicated by any of the witnesses making it impossible for the prosecution to prove the five count charges against him. However, since the Abacha Government wanted to get rid of him at all costs, he was convicted and sentenced to death on a substituted and legally non-existent charge of "Constructive Conspiracy to treason" by the desperate Gen. Patrick Aziza tribunal. The Petitioner gave detailed account to his military/professional background, attaching several letters of commendation from General Muhammadu Buhari, Gen. Chris Garuba, Gen. Ike Nwachukwu, etc. and emphasised that the reasons Gen. Abacha and his fellow travelers wanted to get rid of him include (1) His crime bursting role as a provost Officer which made him to step on some sacred toes and fraudulent officers like Abacha, (2) his insistence on Military professionalism and hatred by Gen. Abacha. (3) His complaint to the Chief of Army Staff in 1979/80 against discrimination meted out to him by Abacha for denying him sponsorship training abroad, (4) His stand on the actualisation of June 12, and (5) his participation in a Military Law Seminar which was approved by Army authorities and held at Enugu in 1994.

Period Covered by the Petition

1979-1999

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The Hon. Minister, Ministry of Defence
- 2) The Chief of Army Staff, Defence Headquarters, Abuja

Injury Allegedly Suffered by the Petitioner

- 1) Unlawful arrest, detention, torture, trial and conviction
- 2) Wrongful dismissal from the Army
- 3) Loss of his Mercedes Benz Car and other properties
- 4) Loss of income and other benefits
- 5) Excessive and inhuman torture resulting in severe bodily injuries to his waist, Knee, private part, sight (he attached medical certificates)
- 6) The Petitioner underwent three surgical operation whilst in Birnin Kebbi and Kaduna prisons
- 7) Humiliation, stigmatization and total alienation, etc.

Relief Sought by the Petitioner

- 1) Quashing of the entire trial and conviction
- 2) Repealing any enactment or gazette relating to his conviction and dismissal
- 3) Restitution and redeployment
- 4) Promotion the next higher rank
- 5) Compensation for loss of job & trauma experienced
- 6) Damages for excessive human right abuse and physical injuries
- 7) Immediate medical treatment overseas

- 8) Punishment of all officers/person that participated in the abuse of his rights, including late Gen. Sani Abacha posthumously

Names of Hearing Received by Petition-

The Petitioner emphasised that the whole process leading to his conviction was flawed and devoid of any fair hearing

Mode of Treatment

The petitioner was absent during the first Abuja sitting of the Commission because he was undergoing treatment in the USA on account of injuries he received from being tortured during his interrogation for alleged coup plotting. The petitioner's petition was consolidated for hearing with the other coup cases and was heard during the second Abuja sitting of the Commission.

Evidence of the alleged Perpetrator

Generals Patrick Aziza and Felix Mujakperuo other than presiding over the Special Military tribunal and the Special Investigation Panel respectively denied any link with the torture of the petitioner

Findings and Observations of the Commission

The petitioner's case was heard during the first Abuja sitting of the Commission and concluded during its second Abuja sitting. The following cases which deal with the same subject matter were consolidated with it namely: ABC. The petitioner's testimony at the hearings was based mainly on the facts stated in his petition. ACP Zakari Biu, Generals Felix Mujakperuo who headed the SIP and Patrick Aziza who was Chairman of the Special Military Tribunal testified. The three witnesses denied ordering or partaking in the torture or ill treatment of any of the suspects.

After reviewing the evidence of the petitioner and the alleged perpetrators adduced during its public hearings, the Commission observes as follows:-

- a) The evidence of all the petitioners in this category was consistent and tended to support both their claims of having been tortured during their incarceration as well as the mode of torture inflicted on them. The same individuals were consistently named as having masterminded their torture. The Commission found their evidence both compelling and credible.
- b) Despite the denials of all the alleged perpetrators, on the basis of the evidence put before it, the Commission finds that all the petitioners accused of complicity in the 1995 coup plot were victims of mental and physical torture.
- c) The Commission observes that in contravention of section 364 CFRN, 1999 which provides that any person charged with a criminal offence shall be entitled to fair hearing in public within a reasonable time by a court or tribunal, the Special Tribunal which tried the accused persons sat in secret and journalists were barred from covering its proceedings.
- d) The accused persons were denied legal representation of their choice contrary to section 36(5)c CFRN, 1999. Military lawyers who were clearly answerable to the Military authorities were imposed on the accused persons in some cases two hours before their trials commenced thus denying them the opportunity of adequately briefing their lawyers as guaranteed in section 36(5)b CFRN, 1999.
- e) The accused persons were allowed to confer with their

defence lawyers only within earshot of the security agents guarding them, and who subsequently passed all the information gathered from listening to such conversations to the prosecuting team.

- f) The Commission also observes that documents required by the defence team for the defence of the accused persons were not readily made available to them. The Commission therefore finds that the Petitioner and the other officers in his category were denied their constitutional right to fair hearing.
- g) The Commission further finds that the 1995 Coup convicts many of whom were sentenced to death were denied their constitutional right of appeal to a higher Tribunal.
- h) General Patrick Aziza who was the chairman of the Special Military Tribunal which tried, convicted and sentenced the petitioners was also a member of the PRC which ratified or varied their sentences as the case may be.
- i) It is therefore the finding of the Commission that due process and fair hearing were not adhered to in the conduct of the trials of the accused persons.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:-

- 1) That the convictions of all the 1995 coup convicts for treason be referred to the courts for nullification.
- 2) That all the petitioners be allowed to retire voluntarily from service with full benefits.
- 3) Payment of the sum of _____ Naira to each

of the petitioners in this category for their unwarranted incarceration and for the physical and mental torture they underwent.

- 4) Payment of all the outstanding emoluments of the petitioners in this category with effect from the time of their arrest till date.

MEMO NO 497

Petitioner's Full Name(s) and Address(es)-

Olugbenga Obasanjo,
Ota farm,
Ota Ogun State

Title of Petition

Petition of Rights Against Violation of Human Rights

Date of Petition-

28th July, 1999

Particulars of Petition

The Petitioner is a physician and the son of General Olusegun Obasanjo, the present head of State. He petitioned for himself and all the entire Olusegun Obasanjo immediate and extended family. The Petitioner traced how his father handed power to the civilian democratic government of Shehu Shagari 12 years ago. He stated that his father's passport was seized and on his return from Denmark on 13th March 1995 and taken to his Ota residence on 13 June, 1995. The Petitioner alleged that sometime in June, 1995 Olusegun Obasanjo was brought before a Military tribunal headed by Patrick Aziza who denied him fair hearing by forcing him to take Military lawyers. One Bello Fadile was also brought in to testify falsely against him and his father Olusegun Obasanjo was convicted for concealment of treason and sentenced to 25 years in jail for an offence he knew nothing about. The Petitioner stated how his father was taken as a convict to Kirikiri Maximum prison in Lagos on the 13 June 1995 until

October 18, 1995 when he was transferred to Jos prison and subsequently to Yola Prison. The Petitioner stated that his father was unlawfully detained for a period of 3 years and made to face very inhuman treatments, which brought embarrassment on the family. They therefore seek redress in the Commission.

Period Covered by the Petition

1995 till date

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The State Security Services c/o SSS Headquarters
- 2) The Nigerian Army c/o Army Headquarters
- 3) The Security officers to General Sani Abacha i.e. Hamza Al-Mustapha, Ismaila Gwarzo c/o the Presidency
- 4) The Military Tribunal, Headed by Major Gen. Aziza & Co. c/o Army Headquarters.

Injury Allegedly Suffered by the Petitioner

- 1) Denial of complainant's freedom for 3 years.
- 2) Subjection to jeopardy and inhuman treatment
- 3) The Stigma associated with the conviction
- 4) Disruption in all ramifications, of the life of the complainant

Relief Sought by the Petitioner-

The Petitioner and the members of Olusegun Obasanjo's family in the interest of justice want their father to be returned to a completely free state before the conviction and they also ask for compensation for injustice, injury and loss on Olusegun Obasanjo.

Names of Hearing Received by Petition

The complainant was brought before a military tribunal and he was forced against his wish, to take military lawyers and false evidence was brought against him also. From the facts of the case, the complainant did not get fair hearing.

Years of Service

Not stated. The subject of the petition, Chief Olusegun Obasanjo's rose to the rank of a General in the Nigerian Army before his retirement.

Mode of Treatment of Petition

The petition was heard during the first Abuja sitting of the Commission. The petitioner who was said to be resident overseas was absent but was represented by Counsel. The subject of the petition Chief Olusegun Obasanjo appeared in response to the Commission's summon during this phase of it and testified. He acknowledged his son's petition as representing a correct account of his travails following his being linked with the alleged coup d'etat Chief Obasanjo also gave oral evidence.

Evidence of alleged Perpetrators

Colonel Bello Fadile who was alleged by Chief Obasanjo to have falsely implicated him in the alleged coup plot appeared before the Commission and testified. He confirmed that he indeed wrote a letter of apology to Chief Obasanjo and stated that he was tortured into implicating Chief Obasanjo in order to lend credence to the coup plot story. The Commission decided that it had received enough evidence

the alleged coup plot of 1995.

Findings and Observations of the Commission:

After reviewing the evidence of Chief Olusegun Obasanjo and the alleged perpetrator, the Commission finds as follows:-

- a) The evidence of torture as narrated by the petitioner and corroborated by Chief Obasanjo was credible and consistent with the evidence of other petitioner connected to the 1995 alleged coup.
- b) The evidence of torture as narrated in the petition and corroborated by the subject of the petition, Chief Obasanjo was not controverted by the alleged perpetrators.
- c) Based on the evidence put before if especially the testimony of Colonel Bello Fadile, the Commission finds that Chief Obasanjo was a victim of torture inhuman and degrading treatment contrary to section
- d) 31(1) of the 1979 Constitution of the Federal republic of Nigeria therein force.
- e) The Commission further finds that Chief Obasanjo and the others who were tried with him for alleged complicity in the 1995 alleged coup plot were denied fair hearing and their constitutional right of appeal to a higher tribunal.

Recommendations

The Commission in the light of its findings and observation above recommends as follows:

- a) That the trial and conviction of Chief Obasanjo for concealment of treason be referred to the courts for nullification.

- b) That Chief Obasanjo cashiering from the Army be reviewed by the Military Authorities with a view to restoring his Military honours and benefits.

- (c) An apology to Chief Obasanjo by the Federal Government.

MEMO NO 430

Petitioner's Full Name(s) and Address(es)

Lt. I.S. Umar (rtd)
c/o Jibrin Mohammed Isoho,
M.B.G.S.C.,
P.M.B 19,
Minna, Niger State

Title of Petition

Memorandum Submitted to the Human Rights Violations Panel Instituted by the President, Federal Republic of Nigeria, Chief Olusegun Obasanjo on 14th June, 1999 to investigate Human Rights Abuses from January 1st 1995 to May 28th 1999.

Date of Petition

29th July, 1999

Particulars of Petition

The petitioner was arrested on 7th January, 1998 and taken to Jos for interrogation by the Special Investigation Panel (SIP) in connection with the 1997 alleged coup plot. However, on 10th January, 1998, the SIP cleared him with a letter directed to the Commandant, ICS to allow him continue with the course he was attending at that time. He was however reasserted the following day by Major Hamza Al-Mustapha and sent to Jos Prison on 13/1/98 where he was kept under dehumanising conditions till 17/4/98. On the 17/4/98, he was released and handed a letter of retirement from Military Service.

Period Covered by the Petition

20/12/97 to 17/4/98

Names and Addresses of Persons or Institutions Petitioned

Against

- 1) The Nigeria Army, Headquarters, Abuja
- 2) Major Hamza Al-Mustapha
- 3) Col. Frank Omenka
- 4) Sgt. Barnabas Jabila (Rogers)

Injury Suffered by the Petitioner

- 1) Torture, inhuman and degrading treatment
- 2) Loss of Employment and means of sustenance

Relief Sought by the Petitioner

Reinstatement

Mode of Treatment of Petition

The petition was publicly heard during the First Abuja sitting of the Commission and was concluded during the Lagos sitting. The petitioner adopted his petition gave oral evidence.

Evidence of Alleged Perpetrators

Brigadier General Ibrahim Sabo, General Ishaya Bamaiyi and Major Hamza Al-Mustapha who were all mentioned in the petition as having violated the petitioners rights all testified. Brigadier General Sabo denied responsibility for the petitioner's ordeal. Major Hamza Al-

Mustapha in his testimony confirmed that the petitioner worked under him as a member of the Strike Force. He also disclosed that a surveillance report linked the petitioner with one of the 1997 coup suspects, one Major Isyaku. Major Al-Mustapha denied ordering the arrest of the petitioner and stated that he was in Libya at the time of the said arrest. The witness disclosed that the arrest of the petitioner was ordered by the Special Investigation Panel which investigated the 1997 coup plot. General Ishaya Rizi Bamaiyi on his own part stated in his testimony that even through he was the Chief of Army Staff at the time of the events complained of, he did not know the petitioner prior to meeting him at the Commission sitting. The witness also stated that he was neither a member of the Special Investigation Panel which investigated the alleged coup plotters of 1997 nor was he a member of the Special Military tribunal which tried them. He therefore denied any complicity in the arrest, detention or torture of the petitioner. The petitioner was also cross examined by counsel to General Bamaiyi and Major Hamza Al-Mustapha.

FINDINGS AND OBSERVATIONS

After due consideration_of the evidence of the petitioner and the alleged perpetrators, the commission finds as follows;

- a) That the petitioner was arrested and detained without trial for one hundred days in connection with the alleged coup plot of 1997.
- b) The petitioner stated that while he was in custody, he was kept in chains like a criminal, tortured and brutalized. His evidence of his torture was not contradicted by the alleged perpetrators.
- c) The petitioner was absolved of coup plotting by the Special

Investigation Panel.

RECOMMENDATIONS

The Commission in the light of its findings and observation above recommends as follows:

- 1) That the petitioner be allowed to voluntarily retire from the Army.
- 2) Payment of arrears of his emoluments from the time of his arrest till date]
- 3) Payment of the sum of N250,000.00 (two hundred and fifty thousand naira) as compensation for the torture meted out to him and for his missing personal belongings.
- (4) An apology from the Federal Government for the torture meted out to him.

MEMO NO 324

Petitioner's Full Name(s) and Address (es)

Ex. Major Bello Mohammed Magaji,

P.O. Box 7810,

Kaduna

Title of Petition

Petition On Inhuman Treatment, Victimization, Unlawful Arrest, Torture Of Myself And Children And Denial Of Justice: Passionate Plea To Investigate My Case.

Date of Petition

22nd July, 1999

Particulars of Petition

The petitioner was until January, 1997 a Major and a legal officer in the Nigerian Army. He was convicted by a General Court Martial for offences of a sexual nature and sentenced to seven years imprisonment. The officer's problems started when he was appointed by the then Chief of Army Staff, Major General Ishaya Bamaiyi to act as prosecutor in the case of Brigadier General Gabriel Ayankpele and six others who were charged with illegally bringing in cars from Liberia. The petitioner alleges that a few days before the

commencement of the trial, he was approached by an unnamed officer who confided in him that the Commander of Lagos Garrison Command, then Brig. General Patrick Aziza was not happy with the trial and sought the co-operation of the petitioner to undermine the case against the accused persons. Before this incident, a similar request had been made to him by one Lt. Col. Ahmed when he (the petitioner) acted as Judge Advocate during the trial of one Col. O.A. Azazi. The said Col. Azazi and some other officers of the DMI were on trial on charges of complicity in the escape of a drug baron from the premises of the DMI in 1994. The petitioner stated that he refused to be influenced in each case and the accused officers were found guilty in each instance. The petitioner also disclosed that in December, 1996 while he was serving as the National chairman and Acting Legal Officer of the defunct task Force on Telecommunications and Postal Offences, he received an official complaint about an attempt to use a forged cheque to the tune of N4.5 million to settle a Nitel bill. Again, attempts were made by the then Lt. Col. Frank Omenka of the DMI to influence him in the handling of the matter and in the treatment of one Mr. Uche who was involved. The petitioner stated that again, he refused to be influenced. The petitioner submitted that his steadfastness in performing his duty and attempts to be above board led to a well set up plan against him culminating in his trial, conviction and sentence for an alleged sexual offence which he was innocent of. On the 24th of January, 1997, the petitioner stated that he was summoned by Col. Frank Omenka and on arrival at the latter's office, three boys were brought before him and he was accused of having carnal knowledge of them. He was thereafter hand cuffed and subjected to various humiliating treatments details of which he gave in his petition including being photographed with the boys. The petitioner's two children were also arrested and detained along with

him. After investigations were over, Col. Omenka, alleged arranged to have the petitioner tried by Brig. General Aziza who had earlier expressed his displeasure over his (the petitioner's) handling of the cases of the officers who were prosecuted by him. After a trial fraught with irregularities, the petitioner was convicted and the maximum sentence of seven years was imposed on him (later reduced to five years). The petitioner alleges denial of his right to fair hearing at every stage of the trial. He accused the court of taking sides with the prosecution and of being mis-directed by the Judge Advocate among other short-comings. The petitioner highlighted a good number of irregularities in his trial process which had the combined effect of denying him a fair trial. In line with the provisions of the Armed Forces Decree, he logged an application with the Armed Forces Disciplinary Appeal Committee (AFDAC) for leave to appeal to it. Five months later, the AFDAC wrote him refusing him leave to appeal. No reason was stated for this. An appeal lodged by the petitioner at the Lagos Division of the Court of Appeal was struck out in October 1997 on the ground that it was incompetent since the AFDAC was yet to hear the appeal in keeping with the provisions of the Armed Forces Decree. The petitioner was now caught in a legal tangle between the AFDAC and the Court of Appeal. Attempts by the petitioner to seek redress through the National Human Rights Commission and the Office of the Attorney-General of the Federation did not yield fruits. He also wrote to the Chief of Army Staff requesting for a review of his case after having served.

Period Covered by the Petition

Names and Addresses of Persons or Institutions Petitioned Against

Injury Allegedly Suffered by the Petitioner

Relief Sought by the Petitioner

Number of Years of Service

17 years

Mode of Treatment of Petition:

The petition was publicly heard during the first Abuja sitting of the Commission. The petitioner adopted the contents of his petition and also gave oral evidence.

Evidence of Alleged Perpetrators

The petitioner blamed Generals Patrick Aziza Ishaya Bamaiyi and Colonel Frank Omenka for the violation of his rights. None of the alleged perpetrators testified.

Findings and Recommendation

After reviewing the evidence before it, the Commission finds as follows:

- a) The Petitioner upon his arrest for the alleged offence was subjected to serve torture, cruel, inhuman and degrading treatment
- b) The petitioner's children who were not parties to the alleged offence were arrested, detained and torture along with him.
- c) The petitioner was denied the right of appeal to a higher Tribunal when the Armed Forces Disciplinary Appeal Committee then in existence refused to grant him leave to appeal

d) Following his conviction, the petitioner served a term of imprisonment for five years and was also dismissed from the Nigerian Army after 18 years of service.

Recommendation

The Commission in the light of its findings and observation above recommends as follows:

- a) The petitioner having served his prison term for five years should be considered for state pardon
- b) That the Army authorities should consider converting the petitioner's dismissal to retirement to enable him get his benefits.

MEMO NO 482B

Petitioner's Full Name(s) and Address (es)

Chief Frank Ovie Kokori,
9 Jibowu Street, Jobowu Bus Stop,
Ikorodu Road, Yaba, Lagos.
01-846233, 836966, Res. 01-4702698, 5454343

Title of Petition

Memorandum to the Human Rights Violations Investigation Panel the
Road to my four years Sojourn at Bama Prisons, Borno state

Date of Petition

24th July, 1999

Particulars of Petition

The Petitioner is a unionist by professional and the current Secretary General of the National Union of Petroleum and Natural Gas Workers (NUPENG). He stated that (NUPENG) in a meeting at Efurun, Delta State on the 18th April 1994 resolved as follows;

- 1) That before 30th June 1994 the National Association of Road Transport Owners (NARTO) should implement an interim agreed and stated in a communiqué of 28th May, 1994 and also go into full scale bargaining with the union.
- 2) That the Ministry of Petroleum and Mineral Resources implement without delay the industrial court judgment that petroleum

Training Institute Workers should enjoy conditions of service applicable to workers in NNPC.

- 3) That NNPN should pay the over \$90m owed oil companies to avoid further redundancy and job losses in the oil industry.
- 4) That the deteriorating political situation in the country is traceable to the annulment of June 12 election results
- 5) That NUPENG is in support of calls by democratic forces both in and outside Nigeria and the stand of NLC that the military should quite and perform their professional duties
- 6) That in quitting, the military should restore the political and democratic structures in place in 1993 and call on the winner of June 12 for a peaceful settlement
- 7) A call on the declare winner of June 12 elections to from Government of National Unity and convene a sovereign national conference
- 8) The Union condemned the arrests and detention of Nationalists, Politicians and elder statement and other people who called for a change of the status quo; the therefore asked for the immediate release of the same people and the opening of closed media houses. The petitioner stated that the union decided to resort to a sit at home strike if the government refused to listen to them and when the ultimatum expired on the 4-7-94, a sit at home strike ensued.
- 9) After so many attempts to arrest the petitioner failed, he stated that he was eventually abducted, badly brutalised on the 19th of August 1994. He disclosed that he was taken from Shangisha to Awolowo road and from there to Bama Prisons in Bornu State where he was made to live in solitary confinement, and being a diabetic and hypertensive patient, he stated that his health

problems sky rocketed and his spine injury went to a very painful and dangerous proportion.

10) He disclosed how he was denied medical care and his wife and children placed under very humiliation situations by the incessant searches carried out in his homes and the surveillance of the private life of his family. The Petitioner stated that he could not describe his whole ordeal in this petition but shall be prepared to be interviewed at anytime by the Commission.

Period Covered by the Petition

1993 till date

Names and Addresses of Persons or Institutions Petitioned Against

The Military Regime of Late Gen. Abacha

Injuries Allegedly Suffered by the Petitioner

- Unlawful imprisonment
- Extreme torture
- Denial of access to information, family, legal representation and medical care
- Humiliation of members of family during period of incarceration

Relief Sought by the Petitioner

The Petitioner is recommending that in order to prevent future generations of our people from experiencing such “inhumanity of man to man” again, all those found guilty (whether living or dead) of these crimes of total abuse of inherent human rights of our people should properly be made to pay for their sins, while the victims of their evil

actions are adequate compensated to serve as a deterrent against future deviants.

Mode of Treatment of petition

The petitioner's case was heard publicly during the first Abuja sitting of the Commission. The petitioner amplified the contents of his petition through oral testimony.

Evidence of alleged Perpetrator(s)

The petitioner was one of a large number of people who suffered persecution as political prisoners during the regime of General Sani Abacha. No specific alleged perpetrators were invited to testify as the petition and other in this category represented a pattern of violation of the rights of citizens by the Government of the day using the instrumentality of Decree 2 forever. He petitioner was cross examined by Counsel representing the State Security Service who conversed the argument that the petitioners detention under decree 2 was lawful an argument with which the petitioner vehemently disagreed.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- a) The Petitioner was one of the numerous victims of the state Security (Detention of Persons) decree No. 2 of 1984 which empowered the Inspector General of Police at the Chief of General Staff to detain persons for up to three months without trial upon suspicion that they were involved in acts prejudicial to state security such acts could be either political or economic or for any other reason and no writ ofor any other court order could e issued for the production of a person detained under decree 2

- b) Overzealous Security agents r....acted in excess of their lawful power hiding under the cloths of Decree 2 to arrest and detain perceived enemies of the Government for real or imaginary offences.
- c) The Commission further observes that many journalists' pro-democracy activists, Labour and student union leaders amongst other citizens were detained under decree 2.
- d) The Commission observes with satisfaction the welcome repeal of decree 2 by.....

Recommendations

The Commission in the light of its findings and observation above recommends as follows:

- a) An apology to the petitioner by the Federal Government for the mental and physical torture he underwent during the period in question.
- b) Payment of the sum of N100,000.00 (One hundred thousand naira) as compensation for the ordeal undergone by the petitioner.

MEMO NO 230

Petitioner's Full Name(s) and Address (es)

Lisa Olu Akerele,
Concord Press of Nigeria,
12, Yaounde Street,
Wuse, Zone 6, Abuja.

Title of Petition

Victimization and inhuman treatment in the Hands of Major Al-Mustapha and his Cronies in connection with the 1993 Political Crisis:
Appeal for Compensation and Apology

Date of Petition

22nd July, 1999

Particulars of Petition

The Petitioner was the Personal Assistant to the Late Chief MKO Abiola and also a Managing Editor of Concord Press Nig. Following the controversial annulment of the 1993 Presidential elections and in his capacity as the Personal Assistant to late Chief Abiola who was adversely affected by the annulment, the Petitioner claimed that he was constantly harassed by the security agents of Late Gen. Sani Abacha on the orders of Major Al-Mustapha who was the CSO to Abacha. This harassment culminated in his arrest on 25/10/94 by 8 armed mobile policemen from the Aso Rock Police detachment under the then CSP. Abba. His driver one Samuel Karatu was earlier arrested and his official car impounded. The petitioner was taken

before Major Al-Mustapha who accused him of making plans with foreign agents to ferry-out Chief Abiola from detention. The Petitioner was immediately stripped naked in the presence of Al-Mustapha CSP Abba and Major Aminu (then boss of Gen. Abacha's intelligence unit) and was mercilessly beaten with horsewhips. His house was searched the following day during which his valuable documents and other properties were seized including two additional cars. On 29/10/94 he was taken before a Panel composed of the then FCT Police Commissioner Yusuf Mohammed as Chairman), CSP Abba, Major Aminu and Mr. A.A. Darma of the SSS as members. The allegation against him was that he "attempted to snatch Chief Abiola abroad". The Petitioner was allegedly given the worst beating of his life in the office of Alhaji Yusuf Mohammed which resulted in his treatment by an SSS Doctor at Asokoro. His captors cajoled him to frame some prominent politicians opposed to the Abacha regime. He was allegedly asked to write and confirm that he held clandestine meetings with 38 different personalities with a view of making Abuja city ungovernable by setting up fires in filling stations and planting bombs in strategic areas. He was further requested to confirm that Chief Abiola and certain foreign governments had set up guerilla training camps in Jos and Kaduna and also imported a powerful radio for anti-Abacha propaganda. The Petitioner was also informed by A.S. Darma of the SSS that they have arrested refused to co-operate as requested he was allegedly detained naked at the SSS Headquarters for four months on bare concrete floor. The Petitioner was subsequently transferred to Gowon detention Centre in February 1995 and later to Lugbe Police Station. His kid brother and fiancée were released in September, 1995 while the Petitioner was released in December, 8, 1995 after the FCT Police Commissioner had extracted a pledge from him not to disclose his detention experiences. Upon his release the Police only returned

his International passport, mobile phone and 2 out of the 3 cars seized from him. Subsequently, Gen. Abdulsalami Abubakar regime helped him to recover the last car. He lamented however that his official documents and various Certificates of Occupancy seized by the Officers are yet to be returned to him till date.

Period Covered by the Petition

1994 – 1995

Names and Addresses of Persons or Institutions Petitioned Against

- 1) the Director-General, State Security Services Headquarters, Abuja
- 2) The Commissioner of Police, FCT, Abuja
- 3) Major Hamza Al-Mustapha c/o Hon. Minister of Defence, Abuja

Injuries allegedly Suffered by the Petitioner

- 1) Unlawful arrest and detention for over 14 months
- 2) Torture, degrading treatment and total deprivation
- 3) Seizure of his vital documents and Certificates of Occupancy belonging to late Chief Abiola, family and himself
- 4) Detention of his kid brother and fiancée.

Relief Sought by the Petitioner

- 1) Restoration of the various official documents and Certificates of Occupancy removed from his house.
- 2) Payment of adequate financial compensation to assuage aggravated injuries and tortures.
- 3) Similar compensation for his detained brother and fiancée
- 4) Public apology

Mode of Treatment of petition

The petition was publicly heard during the first Abuja sitting of the Commission. The petitioner adopted his petition and also gave oral evidence

Evidence of alleged Perpetrator(s)

Assistant Commissioner of Police Suleiman Abba who was at the material time the officer in charge of the Aso Rock Mobile Police unit as well as Mr. Sani Darma of the State Security Service testified. ACP Abba stated in his testimony that the petitioner was arrested along with his driver on the 26th of October, 1994 while both were trailing the convoy of the then Head of State, General Sani Abacha at about 5 am within the premises of the Presidential Villa. He also stated that the petitioner had been passing information and documents secretly to the late Chief MKO Abiola who was then in custody. The witness confirmed that he participated in questioning the petitioner. He also confirmed that the petitioner was beaten by security operatives but denied ordering or partaking in the beating. The witness stated that on one occasion he rescued the petitioner from being beaten. Mr. Sani Darma of the SSS also testified. He confirmed that the petitioner was detained for some time at the headquarters of the SSS after his arrest. The witness equally confirmed the evidence of the petitioner and ACP Abba that the former was beaten.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- a) The petitioner's evidence of torture by security operatives during his interrogation was corroborated by the testimonies of the two alleged perpetrators, ACP Abba and Mr. Sani Darma

- b) The Commission further noted the forthrightness of the two witnesses ACP Abba and Mr. Sano Darma who assisted the Commission in unearthing the truth about the petitioner's case instead of hiding under the cloak of "official orders"
- c) The petitioner was arrested at about 5a.m within the premises of Presidential Villa, a high security area of Abuja
- d) The Commission further observes that there was no satisfactory explanation for his being found at the said place and time
- e) The Commission however condemns the torture inhuman and degrading treatment meted out to the petitioner upon his arrest by Security operatives.

Recommendations

The Commission in the light of its findings and observation above recommends as follows:

- a) Payment of the sum of N25,000,00 (twenty five thousand naria) to the petitioner for the torture meted out to him by security operatives.

MEMO NO 345

Petitioner's Full Name(s) and Address (es)

Dennis Ocheje Ochoge and John Ogori Aboh for the Agila Youths Development Association,
c/o church of Christ,
No. 5 Owerri Street,
High level,
P.O. Box 1689,
Makurdi, Benue State.

Title of Petition

Wanton Acts of Aggression

Date of Petition

Undated

Particulars of Petition

This petition was presented by the President and Vice President respectively of the Agila Youths Development Association, Agila is in Ado Local Government Area of Benue State. The petitioners who described themselves as members of the Osiroko and Efofu Royal Families of Agila District wrote to complain about the infringement of the rights of their people i.e members of the ruling families. According to them, trouble started when a group of educate elite in Agila District sought to change the traditional set up in Agila which preserved the traditional administration of the community in the hands of the ruling

families to the exclusion of the non ruling families whose cause was championed by the Akpoge Ogbilolo Association. The petitioners revealed that the non-ruling class became empowered when one of their sons Mike Okibe Onoja was appointed Permanent Secretary, Ministry of Defence in 1994. The Petitioners allege that with Mr. Onoja's encouragement, the non ruling class embarked on a series of violent acts against the ruling class including burning of their houses and even murder of one of their sons. The royals fled their homes in their hundreds and became refugees. The attack lasted for four days. Following these acts of violence, the Benue State Government instituted a Judicial Commission of Inquiry headed by Justice Terma Puusu to look into the disturbances. The report of the Commission is yet to be implemented by the Government. The aggressors according to them therefore remain unpunished. The petitioners also accused Mr. Mike Onoja of sponsoring an unqualified candidate for the position of Ona-Ogene of Ado and of using dubious means to secure victory for his candidate. The petitioners finally depreciated the role of the Police during the crisis whom they accused of taking sides with the Akponge-Ogbilolo Association. The Petitioners attached a list of the dead and wounded as well as another list of all the houses burnt or vandalised during the crisis.

Period Covered by the Petition

1996 till date

Names and Addresses of Persons or Institutions Petitioned Against

- 1) Chief Mike Onoja
- 2) Peter ochonu Achege (alias 99)
- 3) Godwin Otokpo Unogwu

- 4) Isaiah Oja
- 5) Sameul Ede Otokpa
- 6) Officials of Akpoge

Injuries Allegedly Suffered by the Petitioner

Murder of two of the sons of Agila and wounding of many others; Burning and looting of the home of Agila people; Creation of a refugees situation in Agila.

Relief Sought by the Petitioner

- 1) That all those accused in the petition should be arrested and prosecuted
- 2) That the Akpoge-Ogbilolo Association and other similar groups should be banned
- 3) That all persons or groups in illegal possession of arms in Agila should be made to surrender them to the Government
- 4) Adequate compensation of all those who lost their homes and property during the crises
- 5) That all Agila refugees should be resettled in their ancestral land in Agila
- 6) That the Government should endure effective policing of Agila to maintain the safety of lives and property
- 7) That the Benue state Government should be prevailed upon to release the Justice Puusu Panel Report.

Mode of Treatment of petition

The petition was heard publicly during the first Abuja sitting of the Commission. The petitioners and the alleged perpetrators were present. The petitioners adopted the Commission that uptill the time of the hearing o the petition, the Government white paper on the Justice Terma Puusu Panel of Inquiry set up by the Benue State

Government after the disturbances was yet to be released. They sought the release of the White Paper in order to avert future crises.

The Chairman of the Commission conveyed the sympathy of the Commission to all the victims of the crisis and stated that the Commission had taken steps towards the resolution of the problem. The Commission further informed the petitioners that it had been in touch with the Benue State government which had assured it that the White Paper on the Panel Report would be released. The Commission advised the petitioners and the alleged perpetrators on the need to always seek peaceful solution to all problems, the case was closed.

Evidence of alleged Perpetrator(s)

The petition was treated without recourse to the hearing of full evidence as indicated above.

Findings and Observations of the Commission

After a careful study of the petition the Commission observes as follows:-

- a) The subject matter of the petitioners complaint was the communal clash of April, 1997 which pitched the ruling class against the non ruling class in Agila
- b) Following the crisis, the Benue State had set up a panel of inquiry headed by Justice Terma puusu.
- c) Up to the time of the hearing of the petition, the Government White Paper on the Report of the Panel was yet to be implemented.

Recommendations

The Commission in the light of its findings and observation above

recommends as follows:

- a) That the Benue State Government should endeavour to release the Government White Paper on the Justice Terma Puusu Report for implementation.

BRIEF ON
MEMO NO 595

Petitioner's Full Name(s) and Address (es)

Dr. Charles Ekanem,
17, Udo Eduok Street,
Uyo,
Akwa Ibom State.

Title of Petition

Submission Of Memoranda.

Date of Petition

July 4, 1999.

Particulars of Petition

Petitioner was resident in Uyo, Akwa Ibom State at the time of alleged infringement. On Thursday, March 27, 1997, petitioner's house was raided by members of the Presidential Task Force on Recovery of NITEL Bills, who were armed and who brutalized, tortured and dragged him in handcuffs to the NITEL: territorial headquarters in Uyo, after parading him as a cult member and a fraud.

Petitioner says he never had a telephone, a fax machine, or any sort of telecommunication equipment or machine in his possession.

Petitioner's Panasonic television and a tape recorder were seized.

Petitioner was hospitalized for a day.

Petitioner had approached a lawyer who advised against court action, but had reported the matter to the Police and had written to the

Military Administrator of the State and copied the NITEL Territorial Manager.

Period Covered by the Petition

1997

Names and Addresses of Persons or Institutions Petitioned Against

The Presidential Task Force on Recovery of NITEL Bills.

NITEL Territorial Office, Uyo State.

Injury Allegedly Suffered by the Petitioner.

- Invasion of his privacy.
- Assault and battery on his person.
- Suffered physical injury.
- Loss of property.
- Suffered humiliation.
- Loss of prestige and image.
- Suffered psychological trauma.

Relief Sought by the Petitioner

- Full investigation of the incident.
- Compensation for the loss, damage injury and pain trauma suffered.

Mode of Treatment

This matter came up for hearing during the Port-Harcourt sittings of the Commission.

Evidence of the alleged Perpetrators

The alleged perpetrators were absent and un-represented at the hearing of this petition.

Findings and observations

After reviewing the evidence of the petitioner, the Commission finds as follows:

- a) That there is need for a police investigated unto the allegation made by the petition against the alleged perpetrator before damages (if any) the petitioner is entitled can be ascertained;
- b) That until a case is established against the alleged perpetrator, liability can not be imposed.

Recommendations

The Commission in the light of the findings above, recommends as follows:

- i) The Commissioner of Police Akwa Ibom State is hereby directed to carry out a Police investigation into these allegations and make its findings available to the Secretary to the Government of the Federation
- ii) The petitioner is also advice to seek the enforcement of his right in a court of law.

MEMO NO 674

Petitioner's Full names(s) and Address(es)

Okoi Ofem Obono-Obla, 98 Marina Road, State Housing, P.O. Box 153, Calabar

Title of petition

Re: Extra Judicial Murder of Mr. Omini Eno Otu, by Sgt. Ike Eni (Police No. 146667)

Date of Petition

20th July, 1999

Particulars of Petition

The petitioner is a solicitor to the family of one Mr. Omini Eno Otu, now deceased. The petitioner alleged that on 2nd February, 1998 the deceased was brutally murdered by one Sgt. Ike Eni (Police No, 146667) of the Cross River State. The team of Ugep-Ediba Road, Ugep, Cross Rover State. The team which was deployed to the area to maintain law and order allegedly embarked upon crude and brutal harassment against the populace.. The petitioner avers that on the fateful day, the deceased left his house with one Bassey Ewa Out, for Ediba to sell his merchandise. At the Community Secondary school, Ugep Patrol team No 1, which Sgt. Ike belong shot the deceased who was on a commercial motorcycle and he died instantly. His remains was allegedly packed into the boot of the patrol team 504 wagon with registration No Patrol 1 and taken to the Divisional Police Headquarters, Ugep, and later to General Hospital, Ugep for post mortem examination. The examination was never carried out and

since the Police had refused investigation into the matter, inspite of a call from the Human Rights Commission. Abuja for same after a complaint was lodged with it by deceased family.

Period covered by the Petition

2nd February, 1998

Names and addresses of persons or institutions petitioned against

- 1) The Inspector General of Police, police Headquarters, Abuja
- 2) Commissioner of Police, Cross Rivers Police Command, Calabar

Injuries allegedly suffered by the petitioner

Loss of Breadwinner's Life

Relief sought by the Petitioner

- 1) Investigation of the said brutal murder
- 2) Compensation

Mode of treatment of petition

This matter came up during the Port Harcourt sitting of the Commission.

Evidence of Alleged Perpetrator(s)

The issue in this case falls within a very narrow compass in the refusal and inability of the Attorney-General's office to prosecute the alleged perpetrators inspite of a favourable Police report. It was revealed during the hearing that the National Human Rights commission had advised the Commissioner of Police of Cross River state to set the machinery in motion towards prosecuting the culprits. However, the petitioner in his oral testimony further revealed that it

was lance corporal Suleiman Bello that killed Omni Eno Out.

Findings and observations of the Commission

After reviewing the evidence of the witness the Commission finds as follows:

- i) That the evidence of the petition disclosed that there was death and that the identity of the person who caused the death was not in doubt;
- ii) That investigation of this crime has since been concluded by the Police and forwarded to the office of the Attorney-General and Commissioner for Justice Cross Rivers state
- iii) That notwithstanding the above, nobody has been charged to court.

Recommendations

In the circumstance, the Commission recommends as follows:

- a) That the recommendation of the National Human Rights Commission as contained in exhibit 2 be implemented
- b) That any other person or persons who may be implicated in the course of the proceedings should equally be charged
- c) As for the payment of fifty million naira compensation, the Commission decline toward source as such as award may be premature.

MEMO

NO. 1626

Petitioner's Full names(s) and Address(es)

Mr. Joseph Uzeroh, c/o Yime Numeh Yowka & Co., Orosi House (2nd Floor) 28 Forces Avenue Old GRA, Port Harcourt.

Title of petition

Petition to the Human Rights Violation Investigation Panel in respect of the brutal murder of Corporal Samuel Uzeroh (late) Force No. 138665.

Date of petition

Particulars of Petition

The Petitioner is writing on behalf of late Corporal Samuel Uzroh (Late) who was murdered on 15th November 1994 while on official assignment. He was ordered by the Commissioner of Police – Mr. Bukar Ali to arrest Mr. Danjuma – the then DPO at Omo Ku in Ogba/Egbema/Udoni Local Government Area of Rivers State. Mr. Danjuma was the then DPO attached to Omoku Divisional Police Command. The Police did not investigate the alleged murder and did not assist the family of the deceased to bury him. The only thing the Police did was a confirmation of the incident by the then Police Public Relation Officer in Rivers State. Mr. Agbenebi Akpoebi. He also acknowledged the arrest of the perpetrators for questioning and the subsequent transferred of one of the perpetrators to one of the Northern States. He claimed that uptill now, not even a condolence letter of the outcome of any investigation has been sent to the family and also the deceased's benefits. Entitlements and/or compensation

have not been paid.

Period Covered by the Petition

November 1994

Names and Addresses of Persons or Institutions Petitioned Against

- Mr. Danjuma DPO, Divisional Police Command Omoku Rivers State
- Mr. Bukar Ali, Commissioner of Police Rivers State Police Command, Port Harcourt
- Alhaji Ibrahim Coomasie, (former I.G of Police), c/o Force Headquarters, Abuja
- Mr. Agberebi Akpoebi Police Public relations Officers Rivers States Police Command, Port-Harcourt

Injuries Allegedly suffered by the Petitioner

- Infringement of Constitutional Provision of Right to life
- Failure to conduct inquiry or investigation
- Non payment of Compensation

Relief sought by the Petitioner

- Investigation into the murder
- Arrangement of the perpetrators before a court of law
- Payment of his entitlements and pensions benefits
- Compensation of N100m against
- The Nigeria Police Force

Mr. Bukar Ali – Commissioner of Police

Mr. Agberebi Akpoebi – PRO

Mr. Danjuma DPO

Number Of Years Of Service (Where Applicable)

13 years

Mode Of Treatment Of Petition

This matter was heard and concluded during the Port Harcourt sitting of the Commission.

Evidence Of Alleged Perpetrator(S)

The alleged perpetrator did not testify rather the entire proceedings centered on the Legal Advice proffered by the Director of Public Prosecution Rivers State. The said Legal Advice claimed that Mr. Danjuma shot the deceased in his honest belief that the team sent to Omoku to fetch him was a gang of armed Robbers notwithstanding that they escorted by an officer from Omoku Police Station who was on uniform

Findings and observations of the Commission

After reviewing the evidence, the Commission finds as follows:

The Commission disbeliefs the opinion of the Director of Public Prosecution (DPP), Mr. Koffi Appah.

Mr. Danjuma the then Divisional Police Officers of Omoku Police Station ought to have known that the said officers were not a gang of armed robbers since an officer from the Police Station Omoku were among them.

A *prima facie* case has been abundantly made out hence the need to prosecute.

Recommendations

The Commission therefore finds as follows:

- That the case file concerning this matter be re-opened with a view to prosecuting all the alleged perpetrators.
- That the said Legal Advice proffered by the DPP Rivers State Mr. K. O. Appah be disregarded.
- That the family of the deceased be compensated.

MEMO NO. 900

Petitioner's Full Names(s) and Addresses

Mr. T.U. Akhidime,
PAW-FE, Shell Petrol Dev Co.,
Box 230, Warri.

Title of Petition

The assassination of Dr. J.A.F. Akhidime

Date of Petition

Undated

Particulars of Petition

The petitioner is the first son of Dr. J.A.F. Akhidime (deceased) who prior to his assassination, was the University Librarian of the University of Abuja.

The deceased led a simple life and worked very hard to see to the success of the University Library (see attachment 2 and attachment 3) the then Vice Chancellor Professor Isa Mohammed allegedly never made use of the Librarian in purchasing books instead he used his right hand man Prof. U.M. Birai. Trouble started for the deceased when he signed the nomination form of Prof. Udjor contesting for the Vice Chancellor of the University when it became vacant. It was then he became a marked man. Thefts began to happen in the library in a way that suggested insider's hand. The security man in the deceased house was withdrawn. When Prof. Tijani Suleiman was appointed acting V.C. by the Abubakar regime, some people became uncomfortable that the deceased was going to expose them. This

culminated in the cold-blooded murder of the deceased in his compound at Giri by 1 a.m.

Period Cover by the Petition

31st July, 1998 till date

Names and Addresses of Person or Institutions Petitioned Against

- 1) University of Abuja
- 2) Professor Isa B. Mohammed
- 3) The Chief Security Officer, University of Abuja
- 4) The FCT Commissioner of Police

Injury Allegedly Suffered by the Petitioner

Death of their father

Relief Sought by the Petitioner

Full investigation of the case and order that may seem just.

Mode of Treatment

The petition was originally, listed for hearing during the first Abuja sitting of the Commission. However, the petitioner could not be located at the address he supplied for service. The petitioner subsequently appeared during the second Abuja sitting of the Commission and the case proceeded to hearing. The petitioner adopted the contents of his petition and also submitted an addendum to the Commission.

Evidence of Alleged Perpetrators

The Police was represented by Counsel but the Commission decided to treat the petition along the same line it had adopted for the other

cases of unlawful killing.

Findings and Observations

After reviewing the evidence of the petitioners and the alleged perpetrators, the Commission finds as follows:

- a) The petitioner's father was the Librarian of the University of Abuja until his death on the 30th of July, 1998 by suspected hired assassins.
- b) He had been deprived of security protection since 1996 in line with the terms of his employment. The petitioner contended before the Commission that this lapse on the part of the University Authorities facilitated his murder by yet to be identified individuals.

Recommendation

In the light of its findings and observation above the Commission recommends as follows:

- a) Full investigation of the case by a Special Panel to be constituted by the Inspector General of Police
- b) Judicial proceedings should be commenced against all those suspected of complicity in the murder of the deceased at the conclusion of the investigation.

MEMO NO. 21

Petitioner's Full Names(s) and Address(es)

Petition was presented by Prof. E.E. Ezewu on behalf of himself and Mr. Fred S. Alasia and Prof. R.N.C Okarfor Nwanya,
c/o Faculty of Education,
University of Port Harcourt,
Port Harcourt – Rivers State

Title of Petition

Human Rights Violations at the University of Port Harcourt

Date of Petition

8th June, 1999

Particulars of Petition

This petition was presented by Prof. E.E. Ezewu (as per column one above) recounting multiple instances of human right violations and victimization against the Petitioners by the University of Port Harcourt authorities which culminated in their removal from office under Decree No. 17. The petition equally chronicled the manner the UNIPORT authorities randomly disobeyed court orders made by different judges of the State High Court at different times. Prof. E.E. Ezewu's plight started when in 1997 he addressed a 55 paragraph petition to the Head of state against the Vice Chancellor Prof. Theo Vincent wherein he made far-reaching allegations bordering on fraud, financial malpractices and incompetence. Following this, he alleged that the V.C. reported him to SSS which invited him and cautioned him (after extracting an undertaking from him) not to write petition against the V.C again. Barely a month after that, his first son was

murdered under a mysterious manner at the University campus and all attempt made by him to make the police investigate the University authorities (which he claimed to be the suspects) proved abortive till date. Again in July 1997, he wrote the VC and condemned the unprocedural manner he awarded two honorary degrees to two eminent Nigerians and requested him to regularise them. The Press published the letter following which he was queried alongside Mr. Fred S. Alasia for embarrassing the University. Both of them were subsequently suspended. His appointment was then terminated on 9/2/98 and he was a member of UNIPORT Governing Council was similarly treated for insisting on the investigation of allegation of fraud reported by the University Bursar against the school of Post Graduate studies headed by the Deputy Vice Chancellor. Prof. Okarfor-Nwanya was on the other hand unlawfully suspended and stripped of his entitlements by the Vice Chancellor. All the petitioners were evicted from their official quarter.

Period covered by the Petition

1997 - 1999

Names And Addresses Of Persons Or Institutions Petitioned Against

- Prof. Theo Vincent Chancellor, University of Port Harcourt, P.M.B. 5323, Choba, Port Harcourt].
- University of Port Harcourt Governing Council.
- The Inspector-General of Police for not investigating the mysterious murder of his son.

Injuries Allegedly Suffered By The Petitioner

- Bereavement – Loss of his first son (in respect of Prof. E.E. Ezewu alone).
- Loss of job and income by all the Petitioners
- Loss of due status in the University Community
- Professional embarrassment and humiliation
- Harassment by the State Security Services
- Eviction from their official residential quarters

Relief Sought By The Petitioner

- Investigation of their complaints
- Investigation by the Police of the murder of Prof. E.E. Ezewa's son in 1997
- Appropriate redress, compensation and recommendation

Mode of treatment of Petition

This matter came up for hearing during the Port Harcourt sittings of the Commission.

Evidence of Alleged Perpetrator(s)

The alleged perpetrators in their evidence tendered a total of seven exhibit (exhibit 3–9) to discredit the testimony of the petitioner and possibly to establish the motive behind the action of the petitioner in naming them as the suspects in the murder of the son. The alleged perpetrators also relied on the initial Police investigation report, which attribute the death of the petitioners son to his activities as a member of a secret cult.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as

follows:-

- a) That the petitioner son who was shot dead on the 29th of June, 1997, as at January, 2001 when the Commission took evidence in this case, no suspect(s) has been prosecuted in connection with the death of the victim;
- b) The Commission also finds that the Police report on the reinvestigation it ordered served little or no purpose as the report concluded that the victim was killed by “unknown persons” even when evidence before the Commission points to the fact the shooting of the deceased took place in the early evening with people who witness the incident running helter skelter
- c) The Commission also finds that the Killing of the petitioner’s son was not an isolated case as evidence before the Commission showed that between November, 1996 and 30th of June, 1997 the University of Port Harcourt witnessed a services of assassinations in which seven persons, including the petitioner’s son met their untimely death due to either cultism or other mysterious circumstances, yet no person or group were prosecuted;
- d) The Commission finds also that the then Commissioner of Police, Rivers State was not diligent in carrying out his duties of securing the lives and properties of people within the state.

Recommendations

In the light its findings, the Commission recommend that the Nigeria Police force leave the case file on this matter open for another period of four years to enable them make further investigations.

MEMO NO. 4

Petitioner's Full Names(s) and Address(es)

Lt. Col. Sam Inokoba (rtd)
33, Inoabasi Street, D/Line,
Port Harcourt, Rivers State
Tel: 084/238631

Title of petition

25th June, 1999

Date of petition

Brutal Murder of my son, Tari Inokoba by Police, Port Harcourt

Particulars of petition

This is a petition presented by Lt. Col. Sam Inokoba (rtd) on behalf of himself and family on the alleged murder of his son by the men of Rivers State Police Command at Mgbuoba Post under the Rumuokoro Divisional Police Office in August, 1998. The petitioner alleged that his late son was a student of School of Basic studies Rumuola. Port Harcourt and a member of a drama group in the School. On 14/8/98. Tari Inokoba, with the permission of his parents went for a drama rehearsal with his colleagues at Pin Place along NTA Road and never returned. His family mounted a search for him and on 18/8/98 the DPO of Rumuokoro Divisional Police Office, Pricillia Olisa sent word to the family to come forward to identify Tari Inokoba. N getting there, the boy was found to have been brutally beaten with external injuries on his head and trunk. He was immediately conveyed to Rivers Clinic" from where he was subsequently referred to the University of Port Harcourt Teaching Hospital. He died at the Hospital on Friday, 21st

August, 1998. The petition narrated that his late son was arrested on 16/8/98 unnamed three Police Constables under Mgbuoba Police Post on the allegation that he was a suspect of an undisclosed offence. He was tortured and detained for 3 days without any facilities and only rushed to a nearby hospital when the Police discovered that he was dying. The Petitioner allege serious complicity by the then State Commissioner of Police MUSA ABDULKADRI whom he accused of not investigating the murder of his son by his men despite repeated appeals, requests and visits. He accused the Police of cover-up and use of force and torture on his son to procure an incriminating statement. He further alleged that the Police procured false medical reports from a doctor at St. John's Clinic (which is a stone throw to the Police Post) which was subsequently shown to be false by medical reports from Rivers Clinic and University of Port Harcourt Teaching Hospital. He claimed that the Police acted as hired killers in order to discourage him from the gubernatorial elections in the state at the point in time, emphasizing threat the failure of Police to investigate the murder and issue a Report is a pointer to his claims.

Period Covered by the Petition

1998

Names and addresses of persons or institutions petitioned against

- 1) The Inspector-General of Police, Force Headquarters, Abuja
- 2) The Commissioner of Police Rivers State Police Command Headquarters, Port Harcourt

Injuries Allegedly suffered by the petitioner

- 1) Loss of his son

2) Non-investigation of the circumstances leading to the death of his son by the Police

Relief sought by the Petitioner

To be given appropriate justice

BRIEF ON

MEMO NO. 244

Petitioner's Full Name(s) and Address(es)

Stephen Sarki

Ushafa Village

Bwari – Abuja

Title of Petition

Criminal Activities of ACP Mr. Moses Saba Including the Brutal Murder of John Zephaniah Haruna

Date of Petition

8th July, 1999

Particulars of Petition

The Petitioner alleged that one Mr. John Zaphaniah Haruna a staff of the Federal Road Safety Commission was murdered by ACP. Mr. Moses Saba on 28/5/99 while the deceased was in detention at Wuse Central Police Station. ACP Saba and his men Messrs Taiwo Atoba and Cpri. Ndase allegedly misrepresented facts by informing the family of the deceased that Mr. Haruna died on admission in the hospital. The Petitioner, who did not disclose his relationship with the deceased alleged that Late Haruna was tortured to death while in detention by ACP Saba and his men who subsequently directed that his corpse should be dumped at Gwagwalada Specialist Hospital. The Petitioner referred to a Newspaper. The Petitioner referred to a Newspaper Publication, Abuja Star of July 1-7 1999 and alleged that ACP Saba

refused to release the deceased from bail even after collecting huge sums of money from the relatives. He accused ACP. Saba of distortion of facts and random corrupt practices and prays for the investigation of the matter.

Period Covered by the Petition

May, 1999

Names and Addresses of Persons or Institutions Petitioned Against

- 1) ACP, Moses Saba, Wuse Central Police Station, Wuse, Abuja
- 2) Commissioner of Police, FCT Police Command Abuja
- 3) Inspector-General of Police

Injuries allegedly suffered by the Petitioner:

- 1) Bereavement
- 2.) Non-investigation of circumstances leading to the death of Mr. John Zephaniah Haruna in detention.

Relief Sought by the Petitioner

Investigation of the matter and punishment of the culprits

Nature of Hearing Received by Petitioner

None stated

Mode of treatment

The case was listed for hearing during the first Abuja sitting of the

Commission. However, when the case was called for hearing, the petitioner was neither present nor was he represented by counsel and he remained absent on the next adjourn date convinced that the petitioner had no further interest in prosecuting his petition the Commission struck it out.

MEMO NO 448

Petitioner's Full Name(s) and Address(es)

Atsenda Ishwa,
New GRA,
Gboko – Benue State.

Title of Petition

Violation of Human Right: Re Mr. Atsenda Ishwa

Date of Petition

Undated

Particulars of Petition

The petitioner was arrested and detained alongside others based on the report written by Engr. S. I Nyagba former MD/CEO BCC, Gboko Benue State. The said letter forwarded by Engr. S. I. Nyagba alleged threat to his life, members of his family and top management of BCC and also alleged threat of sabotage activity to disrupt production activity. The said letter was further supported by another one addressed to the Head of State by HRH the Ter Gboko second class chief of Gboko. This was titled “petitions of wrong doings at Benue Cement Plc and threat to its management”. It was also signed by HRH Akaahai Adi, Ter Gboko and HRH David Afaityo Ter Buruku. The Petitioner was arraigned before a magistrate court on a trumped up charge of conspiracy, armed robbery culpable homicide etc. Even though he was granted bail, his detention was subsequently brought under the purview of Decree no 2 Therefore he was taken to Enugu Prison custody and released only on the 26th of August, 1996, one year after his arrest.

Period Covered By The Petition

18/6/95 – 26/8/96

**Names and Addresses of Persons or Institutions Petitioned
Against**

- a) Engr. S. I. Nyagba (former MD/CEO BCC Plc, Gboko)
- b) HRH the Ter Gboko, Akaahai Adi
- c) HRH David Afaiyo, Ter Buruku
- d) IGP Coomasie (former IGP)

Injury Suffered by the Petitioner

1. Ill health
2. Inconvenience
3. Unlawful detention

Relief Sought by the Petitioner

- Public apology Sanction former COP Benue State
- Compensation to the tune of N20,000,000.

MEMO NO 424

Petitioner's Full Name(s) and Address(es)

Mr. Peter Ichull,
26 Aliade Road,
Gboko, Benue State.

Title of Petition

Illegal detention under State Security Detention of persons, Decree 2.

Date of Petition

29th July, 1999.

Particulars of Petition

The petitioner claims to be a politician, businessman and Christian Evangelist. On the 23rd of June, 1995, one Police Superintendent Mr. Musa Omika came to him and invited him to Benue State Police Command Headquarters, Makurdi. After spending one month in detention the police then explained that he was being detained for the following reasons:

- a) That he was a threat to State Security;
- b) That he contributed to the economic adversity of the nation.

On 8th August, 1995, he was moved to Calabar prisons when he was detained until August, 1996 thereby spending a total of fourteen months in detention. His arrest was predicated on a written report forwarded to the then Commissioner of Benue State by Engineer Solomon I. Nyagba, the then MD/CEO Benue Cement Company, Plc.,

Period Covered by the Petition

23rd June, 1995 to 26th August, 1996.

**Names and Addresses of Persons or Institutions Petitioned
Against**

1. Engineer Solomon Nyagba (former MD/CEO Benue Cement Company)
2. State Police Headquarters, Makurdi.
3. Alhaji Musa Omika (State Police Headquarters, Makurdi.
4. Mr. Reuben Ekundayo (former Commissioner of Police Benue)

Injury Suffered by the Petitioner

- Detention in Police cell and Calabar Prison custody without trial.
- Torture leading to ill-health.

Relief Sought by the Petitioner

Redress of the injustice meted to him.

MEMO 423

Petitioner's Full Name(s) and Address(es)

Durby Moti

Title of Petition

Unlawful Arrest and detention under Security Detention decree 2

Date of Petition

29th July, 1999

Particular of Petition

The petitioner was arrested on the 15th of June, 1995 by the POLICE B Division Gboko and detained . From there he was moved to SIIB Makurdi and detained till 19th July, 1995. On the 19th of July, the Gboko High Court granted him leave pursuant to his application for Habeas Corpus. To counter this development, Police then arraigned him in company of others before the Chief Magistrate Court Markurdi on a First information report alleging conspiracy and publication of anonymous write ups against Engr. Solomon Nyagba MD, BCC PLC, Gboko. He was taken to the Commissioner of Police alongside others and they were accused of masterminding the write-ups. Thereafter, he was sent back to the cell where he was subjected to series of torture and threat with a view to forcing him to sign already prepared statement. C.S.P. Musa Omika carried out the torture. On 7/8/95 he was taken to Enugu Prisons where he was detained as from 8\8\95 to 26/8/96. This incident however is the same as petition Nos 422 and 424. This petition has two annexure to buttress the allegation of the petitioner. The first annexure is a petition written by Engr. S. I. Nyagba (then MD/CEO, BCC Plc) and addressed to the Commissioner

of Police, Police Headquarters Makurdi. It has as its title “Threat to Life and acts of Sabotage against BCC Plc”. It was on the basis of this document that the petitioner was arrested, tortured and detained. The second annexure is a plea forwarded to the said Engr. S. I. Nyagba by the petitioner herein with four others detained at Enugu Prisons, pleading with him for an amicable resolution of the matter. This annexure is dated 15/11/95.

Period Covered by the Petition

15th of June to 26th of August, 1996

Names and Addresses of Persons or Institutions Petitioned Against

- Engineer Solomon Nyagba (former MD/CEO Benue Cement Company);
- State Police Headquarters, Makurdi;
- Alhaji Musa Omika (State Police Headquarters, Makurdi)
- Mr. Reuben Ekundayo (former Commissioner of Police Benue)

Injury Suffered by the Petitioner

- Detention without trial
- Torture
- Psychological and Economic loss

Relief Sought by the Petitioner

- Full investigation of the incident by the Commission
- Punishment for those responsible for the abuse of his right.

NO. 634

Petitioners Full Name(s) and Address(es)

Mr. Bobby Adams,
No. 1093, Bobby Adams Close,
off Gyadao, GRA,
P.O.Box 1232,
Gboko, Benue State.

Title of Petition

Re: Conspiracy, Human Rights Violation, Illegal Detention and Humiliation of my person by Engr. Solomon Nyagba M.D. BCC Plc and the Police.

Date of Petition

10th July, 1999

Particulars of Petition

The petitioner alleges that he wrote an open letter to the late Head of state, General Abacha, notifying him of the marginalisation of the People of Jemgbagh Community in BBC Plc and Benro packaging company and demanded for the removal of the MD of the companies. Consequently, the Police visited him on the 16th June, 1995 he reported at the 'B' Divisional to find out the reason for their visit. He avers that upon arrival at the station, one Yohanna Adamu, a Police officer showed him write ups and asked whether he had knowledge of them and was detained and a search conducted on his house. After two days he was taken to the Benue Police headquarters, Makurdi where he was tortured for 31 days on an allegation of disturbance of

peace. While still in detention, his wife went to court to enforce his Fundamental Human Rights to personal liberty. As the case was heard, he was Markurdi for disturbance, Armed Robbery and kidnapping with intention to commit culpable homicide. He was granted bail but the Police still detained him under Decree 2 and hence he allegedly spent a year and 15 days at the Enugu Maximum prisons. On the arrival at the Police Headquarters, Markurdi he was detained for another 3 days.

Period Covered by the Petition

1995 – 1996

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The Nigeria Police Force, Force Headquarters, Abuja
- 2) Engr. Solomon Nyagba, MD, Benue Cement Company Plc, Gboko

Injury Allegedly Suffered by the Petitioner

- Unlawful arrest and detention, physical torture, loss of right to personal liberty, humiliation etc.

Relief Sought by the Petitioner

Compensation and apology

MEMO NO 264

Mode of Treatment of Petition

This matter was heard during the Enugu public sitting of the Commission

Evidence of the Alleged Perpetrators

The alleged perpetrators in this case were not at the centre of the proceedings in the Police investigation. Report and the legal advice given by Anambra State Ministry of Justice were brought under critical evaluation. Exhibit 2 which is the case file and exhibit 3 Legal Advice did not indicate that anyone should be charged to court even though some persons were suspected to have committed this offence based on circumstantial evidence.

Findings and Observations

After reviewing the case file and the Legal Advice proffered by Ministry of Justice Awka Anambra State in addition to the evidence of the Petitioner, the commission finds as follows:

- a) That it is not the duty of the Police or Ministry of Justice to the functions of the Judiciary, hence mere suspicion is enough to prefer a charge;
- b) That exhibit 2 and 3 are enough to prefer a charge

Recommendations

That this matter be investigated by a special squad set up by the Inspector General of Police.

MEMO NO 396

Mode of Treatment of Petition

This matter was heard during the Enugu public sitting of the Commission.

Evidence of the Alleged Perpetrators

The alleged Perpetrators did not testify because the issue borders on the property of retroactive legislation and the executive of the petitioner's brother Mr. Bartholomew Owoh. Attorney-General Buhari, (former Head of State) a-d the Attorney General and Minister for Justice Chike Ofodile (SAN) were named as the perpetrators, none appeared before the Commission to shed light into the circumstances and the motive behind this piece of legislation and the resultant trial and execution of the said Mr. Bartholomew.

Findings and Observations

After considering the evidence, before the Commission finds as follows:

- a) That retroactive legislation is on abbreviation which is not in consonance with modern civilization.
- b) That the Fundamental human right move particularly right to life as cushranoid in the constitution of the Federal Republic of Nigeria and indeed the African Charter on Human and peoples Rights were recklessly breached
- c) That the late Bartholomew was derived the right of appeal hence due process was not followed

Recommendations

The Commission therefore recommends as follows:

- a) That the Federal Government should apologise to the petitioner and indeed to all those other families that were whose sons were executed
- b) That compensation should be paid to the families of the victims
- c) That the Federal Government should strive to put those structures in place that may make it impossible for Nigeria to experience undemocratic rule ever again.

NO. 269

Petitioners Full Name(s) and Address(es)

Hon. Ate Ahur,
No. 4 Kusaki Road,
Gboko North,
Gboko, Benue State

Title of Petition

Re: Arrest and Detention of Hon. Ate Ahur, 16th June, 1995, 28th August, 1996, (14 Months)

Date of Petition

26th July, 1999

Particulars of Petition

The Petitioner is a businessman and a former chairman of Buruku Local Government Council in Benue State. He is a native of Jemgbagh, the host community of Benue Cement Company Plc. The Community has a "Think Tank" pressure group of which the petitioner was the Chairman at the relevant time to this petition. As a pressure group, the Think Tank had been agitating for the provision of basic amenities in Jemghagh from the Benue Cement Company Plc. The Company was said to have neglected the host community completely immediately Engr. Solomon Nyagba was appointed MD/Chief Executive of BBC in April, 1994. And the neglect was in part attributed to mal-administration, corruption, victimisation and also marginalisation of Jamgbagh indigenes. The Jem bargh Think Tank as a result became very critical of Engr. S. Nyagba's administration

whom they accused of intransigence, rampant corruption and favouritism. As a result of all these, Engr.. Nyagba allegedly sent a petition dated 9/6/95 to the then Benue State Police Commissioner, Mr. Reuben Ekundayo alleging threat to his life and acts of sabotage against BBC Plc. The Petitioner was arrested on 16/6/95 by one Superintendent Musa Omika and his team namely ASP. Akaasar, Inspectors Soga and Suleiman. The Petitioner alleged that these Policemen led by Reuben Ekundayo and SP. Musa Omika were heavily compromised and commissioned by Engr. Who directed the police officers never to release the Petitioner and eight others who were criticising his administration? To fulfill their own part of obligation, the Police led by SP. Omika allegedly arrested the Petitioner and kept him in detention with hardened criminals and endlessly filed a Habeas Corpus Application before the High Court and served same on the police. The Police thereafter arraigned the Petitioner and others on a spurious charge of conspiracy and armed robbery and they were remanded in Makurdi prisons. The Petitioner was therefore forced to abandon the habeas Corpus application and concentrate on an application for his bail before the magistrate. On the 1st August, 1995 when bail was expected to be granted to the Petitioner and others in respect of the criminal charges, the Police strangely procured reproduction warrants and immediately transferred the Petitioner and others from Makurdi prisons back to Police cell. The Petitioner and his codetermines were again tortured and interrogated. Thus, w while the bail application of the Petitioner and other were being granted in respect of the two earlier charges, the Police re-arraigned the Petitioner and his co-detainees before another Magistrate Court on two separate count charges of conspiracy and criminal abduction of one Akaata Dzuaze. With these new charges, the Petitioner was again remanded in prison custody. The Petitioner immediately filed a

motion for bail which was argued and granted on 18/8/95 but the prison officials could not release them as the Police immediately procured a Detention Order under Decree No. 2 of 1984 which permanently frustrated his bail bid. The prison officials handed the Petitioner and others to a team of Mobile Policemen which chained then leg to leg, put them in a 911 Mercedes Lorry and drove them to Calabar prisons form where he was subsequently released on 28/8/96 after spending about 14 months in detention without trial.

Period Covered by the Petition

1995 - 1996

Names and Addresses of Persons or Institutions Petitioned Against

- 1) The Inspector-General of Police
- 2) Reuben Ekundayo c/o Police Headquarters
- 3) SP. Musa Omika, Benue State Police Command
- 4) Engr. Solomon Nyagba, c/o Benue Cement Company Plc, Gboko
- 5) Management of Benue Cement Co. Plc. C/o Managing Director/Chief Executive
- 6) Messrs ASP Akaasar, Inspector Soga 7 Suleiman, c/o Police Headquarters

Injury Allegedly Suffered by the Petitioner

- 1) Unlawful arrest and detention for 14 months without trial
- 2) Reckless use and abuse of state power by SP. Musa Omika, Engr. Solomon Nyagba and others
- 3) Fabrication of false charges as cover for the illegal detention
- 4) Developed stomach ulcer and became hypertensive
- 5) Lost his father as a result of lack of medical attention

6) Lost unquantifiable earnings

Relief Sought by the Petitioner

- 1) Full investigation of the matter with a view to punishing the culprits
- 2) Compensation, restitution and total rehabilitation
- 3) Public apology.

Nature of Hearing Received by Petitioner

The Petitioner was frustrated and denied fair hearing.

279 PRESENTED BY MIKE MORCHIR O. JUKWE

269 PRESENTED BY HONOURABLE ATE AHUR

422 PRESENTED YINA KOGI

423 PRESENTED DURBY T. MOTI

424 PRESENTED BY PETER ICHULL

448 PRESENTED BY ATSHENDA ISHWA

634 PRESENTED BY BOBBY ADAMS AND

- PRESENTED BY SIMON ABUA YAJIR

MODE OF TREATMENT

This group of petition involving seven petitioners was heard publicly. Hearing of the petition commenced during the first Abuja sitting and was concluded during the second Abuja sitting. In view of the fact that their petitions revolved around the same issues namely; their unlawful arrest, detention and torture for a period of over one year, the Commission ordered that their petitions be consolidated for hearing. Each of the petitioners gave oral evidence amplifying the contents of their memoranda.

EVIDENCE OF ALLEGED PERPETRATORS

Superintendent of Police, Musa Omika who was alleged by the petitioners to have headed the team which arrested, detained and tortured the petitioners testified. He confirmed that the arrest of the petitioners was indeed effected pursuant to the receipt of the letter of complaint written by Mr. Solomon Nyagba, the then Managing Director of Benue Cement Company (BCC). The witness further stated that the petitioners were detained under the State Security (detention of Persons) Decree 2 of 1984. He however denied ordering or engaging in the torture of any of the petitioners. Mr. Solomon Nyagba who apparently evaded service of the Commission's summons failed to show up at the public hearing.

FINDINGS AND OBSERVATIONS OF THE COMMISSION

After reviewing the evidence of the petitioners and the alleged perpetrators, the Commission finds as follows:

- a) The petitioners were each detained for over one year by the Benue State Police Command pursuant to a letter of complaint written by Mr. Solomon Nyagba
- b) In a bid to give legal backing to the detention of the petitioners various charges ranging from armed robbery, abduction to homicide were levelled against them by the Police
- c) The Commission further observed that in a bid to circumvent the release order made in favour of the petitioners by the then Chief Judge of Benue State, the Police subsequently claimed that the petitioners were detained under decree 2 of 1984

- d) The Commission observed that decree 2 of 1984 which empowered the Inspector General of Police or the Chief of General staff to detain any persons suspected of being involved in acts prejudicial to state security without trial up to three months was routinely abused by security personnel
- e) The Commission condemns the use of decree 2 by the Benue State Police Command to deny the petitioners their right to personal liberty for acts which had nothing to do with state security
- f) The Commission further frowns at the abuse of the legal process by the police in a bid to legitimize the detention of the petitioners;
- g) The Commission observes that the allegations of torture made by the petitioners against Mr. Omika were disputed by the latter.;

RECOMMENDATION

The Commission in the light of its findings and observation above recommends as follow:

- a) Payment of the sum of N200,000.00 (two hundred thousand naira) to each of the petitioners for the unwarranted denial of their right to personal liberty
- b) An apology to each of the petitioners by the office of the Inspector General of Police.

MEMO NO. 1532

Petitioner's Full Name(s) and Address (es)

- Hon. (Bar) Nwabueze,
- Hon. Calistus Nnamani, both of Enugu State House of Assembly,
Nkanu East Constituency

Title of Petition

The Assassination of Mr. Sunday Ugwu by the Governor of Enugu State and further plans by him to kill us. A Rape of Democracy – and an S.O.S

Date of Petition

13th September, 1999

Particulars of Petition

The Petitioners are members of the House of Assembly and have written to the Head of State and copied the Commission. They alleged that on September 9th 199 the Governor sent assassins to murder them and the said assassins succeeded in murdering one Mr. Ugwu an elder brother to Hon. (Bar) Nwabueze Ugwu an elder brother to Hon (Bar) Nwabueze Ugwu. The Petitioners were forced to flee from their houses and are on exile in Abuja since that date. This incident came about when the members of the House of Assembly had a strained relationship with the Governor of Enugu State Dr. Chimoroke

Nnamani. They also alleged that some of the Legislators in the Enugu House of Assembly live in fear and are not free to speak their minds on issues concerning the Government of their State even on the floor of the House of Assembly.

Period Covered by the Petition

September 9, 1999 to date

Names and Addresses of Persons or Institutions Petitioned Against

- 1) His Excellency, The Governor, State Government House, Enugu
- 2) Speaker, Enugu State House of Assembly, Enugu

Injury Allegedly Suffered by the Petitioner

- 1) Loss of senior brother
- 2) Being fugitives in Abuja

Relief Sought by the Petitioner

- 1) Investigate the brutal murder of Mr. Sunday Ugwu the elder of one of the Petitioners
- 2) That the Head of State should provide them with adequate security to enable them go back and continue with their work at the house of Assembly
- 3) That the Governor of Enugu State should guarantee their safety in writing
- 4) That the Head of state should cause the mental balance of the Governor of Enugu State to be examined with a view to ascertain his state of mental being

- 5) That the matters raised in this petition, inclusive the murder of Mr. Sunday Ugwu be investigated by a Special Squad from the Presidency, or a Special Squad of the IGP, since the Governor being the Chief Security Officer of the State and the Commissioner of Police takes instructions from him.

Mode of Treatment of Petition

The petition was slated for hearing during the second Abuja sitting of the Commission. When the case was called the Counsel representing the Enugu state Government the alleged perpetrator raised on objection challenging the competence of the Commission to hear the petition. The ground for his objection was that the subject matter of the petition was also the subject matter of a suit pending at the High Court of Enugu State at the instance of the petitioner. The Counsel also argued that since the murder of the petitioner's brother complained of took place on the 9th of September, 1999, the matter fell outside the cut off date in the Commission's mandate which is the 28th of May, 1999.

After listening to arguments from both counsel to the petitioner as well as counsel to the Enugu state Government, the Commission noted that even though it is a fact finding body, the exercise must be carried out within the confines of the law.

MEMO NO. 233

Petitioner's Full Name(s) and Address (es)

Olu Bamgbose,
1305 Brentwood Cir,
Apt 11 A, Corona, CA 91720

Title of Petition

Abuse of My Rights

Date of Petition

22nd July, 1999

Particulars of Petition

The Petitioner, an ex-Lt. Col of the Nigerian Army was a Directing Staff at the Command and Staff College, Jaji – Kaduna when he was arrested in February, 1995 in connection with the 1995 coup plot. He claimed that the reason for his arrest was not conveyed to him even during the investigation period as he was locked up at the “Inter-Centre” cell along with other accused officers after being kept in solitary confinement for about 2 weeks. He further claimed that the Brig. Felix Mujakpero panel which investigated the alleged coup plot merely asked him about his relationship with Mr. Kola Abiola the son Late M.K.O. Abiola. Two months after his first interrogation, he was again invited by Brig. Felix Mujakpero and was advised to cooperate with the panel by admitting that he (the Petitioner) traveled with Kola Abiola to Abuja in January, 1995 and met Co. Bello-Fadile (a coup

suspect) at the airport. The Petitioner was also expected to inform the coup Investigation Panel that Col. Fadile and Mr. Kola Abiola had a brief private discussion at the airport before they left. The Petitioner claimed that he declined making such a false committing statement to the panel consequent upon which the Chairman (Brig. Mukakpero) declared him guilty of illegal possession of the fire arms even though he was entitled to carry arms. He was charged before the Gen. Patrick Aziza Tribunal for treason, conspiracy and concealment of treason and for illegal possession of firearms. He was discharged on the treason charges but convicted and sentenced to 10 years imprisonment for illegal possession of firearms. The jail term was later reduced to 6 months imprisonment and his career with the army was terminated on account of this.

Period Covered by the Petition

1995

Names and Addresses of Persons or Institutions Petitioned Against

1. The Chief of Army Staff,
c/o The Army Force Secretary,
Nigerian Army Headquarters,
Abuja

2. Brig. Felix Mujakpero
(Address not supplied)

Injury Allegedly Suffered by the Petitioner

- 1) Termination of his career with the Nigerian Army
- 2) Unlawful arrest and detention

- 3) False charges and wrongful conviction by Gen. Patrick Aziza Tribunal
- 4) Professional embarrassment

Relief Sought by the Petitioner

The Petitioner did not request for any specific relief. He merely lamented that he got his career terminated for no just reason and that Brig. Felix Mujakpero should be made accountable for his ordeal and abuse of rights.

Mode of Treatment

The petition was slated for hearing during the first Abuja sitting of the Commission. The petitioner was served a witness summons through an address he supplied in the United States of America by DHL courier service. However, the courier company indicated to the Commission that the address was unknown at the address he supplies and it was therefore impossible to serve him. The case was accordingly stuck out owing to the absence of the petitioner.

MEMO NO. 1710

Petitioner's Full Name(s) and Address (es)

Title of Petition

Date of Petition

Particulars of Petition

Period Covered by the Petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries Allegedly Suffered by the Petitioner

Relief Sought by the Petitioner

Number of years of Service (Where applicable)

Mode of Treatment of petition

This matter came up for hearing during the port Harcourt sittings of the commission.

Evidence of alleged Perpetrator(s)

The police represented by their counsel, Nuhu Ribadu Assistant Commissioner of Police stated that the Police indeed concluded investigation in this case and handed over the case file to the Director of Public prosecution, Rivers State for advise. The then Director of Public Prosecution of Rivers state, Adokiye Amasiemaka in his defence to the allegation that he gave a scandalous advice in the case, tendered a copy of the advice, which was marked Exhibit 2.

Findings and Observations of the Commission

The Commission after reviewing the evidence before it finds as follows:

- a) That the Legal advise given by the Directorate of Public Prosecution in this case meets all standards required by the law;
- b) That the lack of confidence in the Rivers state Police command expressed by the petitioner is not unconnected with the attitude of the police in relation to the way and manner the investigation into this case was conducted.

Recommendations

The Commission in the light of its findings above recommend as follows:

- i) That the Inspector General of Police set upon Independent team of the Nigeria Police force to carry out further reinvestigation on this case as directed by the then Director of Public Prosecution in his advise on this case.

MEMO NO 255

Petitioner's Full Name(s) and Address (es)

Title of Petition

Date of Petition

Particulars of Petition

Period Covered by the Petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries allegedly Suffered by the Petitioner

Relief Sought by the Petitioner

Mode of Treatment of Petition

This matter came up during the Port Harcourt sitting of the Commission

Evidence of alleged Perpetrator(s)

Although there was no alleged perpetrator in this case the evidence given however centered around the Legal Advice given by the then Director of Public Prosecution of Rivers State Mr. K. O Appah. The said legal advice held the view that the deceased was perennially feet. But the Medical report which formed part of the case file puts the cause of death as head injury and severe physical trauma.

Findings and Observations of the Commission

After due consideration of the evidence before the Commission, the

Commission finds as follows:

- 1) That the Director of Public Prosecutions report does not reflect the totality of evidence as contained in the case file
- 2) That the Medical report which gave the cause of death as head injury and severe physical trauma has not been contradicted.

Recommendations

The commission therefore order as follows:

- i) That the two cases contained in this petition be re-investigated by the police
- ii) Arising from (I) above, if a prima facie case is disclosed against any person(s) the Delta state Ministry of Justice should prosecute the person(s) so named.

MEMO NO. 257, 257a & 257b

Petitioner's Full Name(s) and Address (es)

Title of Petition

Date of Petition

Particulars of Petition

Period Covered by the Petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injury Suffered by the Petitioner

Relief Sought by the Petitioner

Nature of Hearing Received by Petition

Mode of Treatment

This matter came up for hearing at Enugu during the public sittings of the Commission

Evidence of the alleged Perpetrators

Navy Captain Omoniyi Olubolade appeared in person to defend the allegation made against him by the petitioners. He denied the allegation of torture made against him by the alleged victims. He stated that all the Newspapers reports carried the story of detention and tortures were aimed at attracting unnecessary sympathy and sentiment for Mr. Justus Nwalaka. He admitted sending for Dr. Aguwa to ask him why he should write him a letter demanding for the why he should write him a letter demanding for the some of N5 million naira. According to him, he content of the letter to be an act of blackmail and an attempt to extort money from him. He also admitted

that Dr. Aguwa was detained at a guest for a period of Dr. E.S. Aneke, he denied ever ordering his arrest but that he gave order for his release the moment he became aware that the Doctor was being detained. He blamed there acts to violation on his aides who often act in excess of the instructions given to them. He apologised to the victims for any act of violations of then human rights that may have been perpetrated against them by his aids.

Findings and Observations

After reviewing the evidence before it, the Commission finds as follows:

- a) That Mr. Julius Uwalaka was indeed brutalised by the Chief Security officer of the military Administration while acting in excess of the instructions given to him; for this reason the Military Administrator ask that he be replaced
- b) That Dr. E.S. Aneke and Dr. Aguwa were at different times arrested, detained and tortured by security officers to the Military Administrator while discharging their professional responsibilities to then clients
- c) That the relief for compensation being sought by Dr. Aguwa, after received the sum of N250,000 proceeds form a court judgment in an action founded on the same facts s those before the Commission would amount to double compensation
- d) That the Security officer of the Military Administrator though may have exercise then discussion wrongly were acting on initial instructions
- e) That the common relief of apology sought by the three petitioner has been met by the Military Administrators open apology.

Recommendations

In the light of its findings above, the Commission recommends as

follows:

- i) That Mr. Justus Uwalaka and Dr. E.S. Aneke be paid the sum of N250,000 each for the Violation of their human rights. The Naval Authority is advised to pay the money on behalf Captain Ominiye (rtd.) and subsequently deduct same from his retirement benefits.

MEMO NO 1776

Mode of Treatment

The petition was publicly heard during the second Abuja sitting of the Commission. The petitioner adopted the contents of his petition and requested that justice be done to the seven deceased traders.

Evidence of Alleged Perpetrators

After reviewing the evidence of the petitioners and the alleged perpetrators, the Commission finds as follows:

The Commission decided that there was no need for the petition to proceed to full hearing in view of the clear facts of the case. However an officer of the Kaduna State Police Command informed the Commission that the seven deceased suspects were arrested by officers of the Kaduna State Police Command on suspicion of having been involved in an armed robbery in Kaduna during which one Abdullahi Umar was killed. The Police witness further stated that the deceased suspects had volunteered to take the Police to their hide-out bear Nassarawa village for the purpose of recovering arms used for the robbery. According to the witness after the recovery violent and were subsequently shot by the police Officers.

Findings and Observations

From all the facts available to the Commission the Commission observes as follows:

- a) The deceased suspects were leg chained and only three of them had their leg chains removed in order to enable them cross a river, the other four having been left in the Police

van on the other side of the river. However, all seven suspects were executed at the Kaduna River.

- b) The Commission further finds that contrary to claims by the Police that the seven deceased suspects were shot while trying to disarm the Police, they were brought to the Kaduna River solely for the purpose of being executed on unsubstantiated charged of armed robbery;
- c) The Commission strongly condemns incidents such as this which from all the evidence before it appear to be commonplace within the Kaduna state Police Command and the Kaduna State Ministry of Justice;
- d) The Commission further observes that efforts made by the Attorney General of Kaduna State to obtain the case diary from the Kaduna State Police command for the purpose of initiating judicial proceedings against the policemen who shot the deceased did not receive the co-operation e.g the Police
- e) From the available evidence before it, the Commission finds that there is sufficient evidence to sustain a prima facie case against the Police officers who shot the deceased.

Recommendation

The Commission in the light of its findings and observations above recommends as follows:

- a) That the Inspector-General of Police should empanel a Special team to fully investigate theirs killings with a view to prosecuting all the police officers involved in the shooting. The Court of law will be the proper place for the police officers to raise the issue of self defence or any other defence available to them.

MEMO NO 343

Petitioner's Full Name(s) and Address(es)

Alhaji Buraimah Mohammed
No. C. 84 Ilela Quarters,
P. O. Box 39,
Bauchi

Title of Petition

Petition on Unlawful Killing

Date of Petition

29th June, 1999

Particulars of Petition

The petitioner wrote in respect of the murder of his younger brother, one Adamu Mohammed I a former Senior Inspector of Customs No. 9536. The deceased Customs officer was stationed at Maiduguri at the time of his death. The petitioner alleges that the deceased was on official duty at Biu with other colleagues on the 15th of August, 1999 when he was intentionally shot and killed by an unnamed Army Captain. According to the Petitioner, the Army captain is yet to be prosecuted in any court of law.

Covered by the Petition

1989 till date

Names and Addresses of Persons or Institutions Petitioned Against

An unnamed Army captain

Injury Suffered by the Petitioner

Death of his brother

Relief Sought by the petitioner

That his brother's killer be prosecuted

Mode of Treatment

The petition was heard publicly during the Commissions public sitting in Kano. The petitioner adopted the contents of his petition and gave oral evidence

Evidence of Alleged Perpetrators

Lt. Colonel E.O. Igama who was an Army Captain at the time of the shooting incident and who allegedly fired the fatal shot that killed the deceased appeared before the Commission and testified. He stated that the shooting incident took place at a time when there was a high incidence of armed robber's in Borno State and which necessitated the setting up of an and hoc military patrol team headed by him. The witness further stated that the deceased had been shot heard during an exchange of fire between his patrol team and the customs officers. The witness also customs officers. The witness also claimed that the customs officers whom he described as robbers had shot at him first and he had to return to the barracks for reinforcement. He denied being armed with any weapon at the time he was accosted by the customs officers and maintained that the deceased died during the shootout between his soldiers and the customs officers.

Findings and Observations

After reviewing the evidence of the petitioners and the alleged perpetrators, the Commission finds as follows:

- a) Evidence before the Commission confirms that the shooting of the deceased was fully investigated by the Borno state Police Command
- b) The investigation report was forwarded to the office of the Director of Public Prosecutions of Borno State for Legal advice
- c) The office of the Borno State DPP after studying the Police case file has filed criminal charges against Captain Igama and three of the soldiers who were with him on the night of the shooting namely; Sambo Vau Bawa Katuka and Yahy Disi

Recommendation

The Commission in the light of its findings and observations above recommends as follows.

- a) That the individual who have already been accused of the murder of the Senior Inspector of Customs, Adamu M. Ibrahim should appear in court to stand trial;
- b) That the sum of N330,000.00 (three hundred thirty thousand naira) be paid to the family of the deceased by the Federal Government as compensation for his unlawful killing.

MEMO NO 232

Mode of Treatment

The petition was heard publicly during the second Abuja sitting of the Commission. The petitioner affirmed the contents of his petition and further gave oral evidence.

Evidence of Alleged Perpetrators

Only the petitioner testified at the hearing of his petition. The Commission was of the view that it had received sufficient evidence on the abuse of human rights using the instrumentality of the failed banks decree. The petitioner was however cross examined by Counsel representing the NDIC and the Nigerian Police. Counsel to the NDIC sought to disprove the claims of victimization made by the petitioner.

Findings and Observations

After reviewing the evidence of the petitioners and the alleged perpetrators, the Commission finds as follows:

- a) The petitioner was one of the many individuals who were prosecuted under the failed Banks Decree
- b) He was convicted and sentenced to imprisonment for twelve years.
- c) The Commission further observes that the Petitioner was unable to exercise his right of appeal to the Special Appeal Tribunal to which appeals lay at that time owing to the fact that the Record of proceedings of the lower tribunal were not made available to him

- d) Counsel to the NDIC while cross-examining the petitioner revealed the fact that an appeal filed by the Petitioner challenging his conviction by the Failed Banks Tribunal was pending at the Court of Appeal, Kaduna.

Recommendations

The Commission in the light of its findings and observations above recommends as follows.

- a) That the petitioner should pursue his appeal currently pending at the Court of Appeal Kaduna to conclusion.

BRIEF ON
MEMO NO. 103.

Petitioner's Full Name(s) and Address(es)

Navy Commander LMO Fabiyi
P.M.B. 007, Festac Post Office,
Lagos.

Title of Petition

Trumped-up charge of coup plotting

Date of Petition

8th July, 1999

Particulars of Petition

The Petitioner a legal practitioner was summoned in 1995 to act as Defence Counsel to some of the persons accused of coup plotting during the regime of Gen. Sani Abacha. Five days after his submission before the Tribunal, he was requested by one Lt.Col. Ahmed, Defence Counsel to one of the accused persons, Col. Bello-Fadile and Bello Fadile himself to deliver some law books to the latter's sister-in-law. Three weeks after the trial, the petitioner was summoned to the Tribunal by Gen. Patrick Aziza and Gen. Bamaiyi to explain how he came about delivering Books for Bello Fadile. His explanations to them fell on deaf ears and he was informed that he had a case to answer before the Tribunal. According to him, after a ten-minute trial, he was pronounced guilty and sentenced to life Imprisonment (subsequently reduced to 15 years by Gen. Abacha). He was Held incommunicado in prison and denied access to medical attention despite very serious health problems.

Period covered by the Petition

1995 till date

Names and Addresses of Persons or Institutions Petitioned Against

- The Gen. Patrick Aziza coup Tribunal
- Gen. Patrick Aziza
- Gen. Ishaya Bamaiyi
- Col. Frank Omenka

Injuries Allegedly suffered by the Petitioner

- Physical and psychological trauma
- Cruel and inhuman treatment
- Denial of access to medical attention while in prison
- Unlawful arrest and detention

Relief sought by the petitioner

- ❖ The petitioner pleads that in view of his rapidly failing health, urgent medical attention be provided for him.
- ❖ That since he was due for promotion to the rank of Navy Captain during his incarceration, same be effected.
- ❖ That he be re-absorbed into the Navy or that being impossible, an alternative job opportunity be created for him.

Number of Years of Service

Not stated. However the petitioner will definitely have served long enough to qualify for pension being a Navy Commander.

Mode of treatment of Petition

The petitioner's case was heard during the first Abuja sitting of the Commission and was concluded along with the other coup related cases during the second Abuja sitting.

Evidence of alleged Perpetrator(s)

At the conclusion of the petitioner's testimony, Lt. Colonel Abdulaziz Ahmed then of the 3rd Armoured Division, Jos who Had been mentioned by the petitioner in his evidence as having Requested him to deliver the books to Colonel Bello-Fadile's Sister-in-law testified. The witness denied asking the Petitioner to deliver any books to Colonel Bello Fadile's sister-In-law as stated by him.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators during Its public sitting, the Commission observes as follows:

- The petitioner's evidence of his torture during his interrogation was consistent with the testimony of the other petitioners tried for alleged involvement in the 1995 coup plot.
- The Commission finds that the evidence of torture was incontroverted by the testimony of the alleged perpetrators and strongly condemns the torture of the petitioner.
- The petitioner was charged with coup plotting in the course of discharging his lawful duties as defence counsel to some of the officers being tried for the same offence.
- The petitioner was denied legal representation of his choice and denied right of appeal to a higher tribunal as provided by the 1979 Constitution then in force.
- The Commission therefore finds that the petitioner was denied fair hearing in the conduct of his trial.

Recommendations

The Commission in the light of its findings and observations above recommended as follows:

- ❖ That the trial and conviction of the petitioner for treason be referred to the courts for nullification.
- ❖ That the petitioner be allowed to retire on the rank currently held by his course-mates.
- ❖ That the petitioner be paid his accrued emoluments with effect from the time of his arrest till date in line with the salaries and emoluments currently enjoyed by his course-mates.
- ❖ Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) to the petitioner for the torture, inhuman and degrading treatment meted out to him.
- ❖ An apology from the Federal Government.

MEMO NO 404

Mode of Treatment of Petition

This petition was heard and concluded during the Enugu Public sitting of the Commission

Evidence of the Alleged Perpetrators

The alleged perpetrators in this case are Chief Nicholas Enugu Oyo, Bayo Balaogun (COP) Abia State (as he then was), A.A. Aderibigbe ACP (as he then was), A.O. Fakunle and Godwin Ogbonnaya. None of them testified but anchored their testimony on the cross examination of the petition by S.A. Onyemiche Counsel to the Commissioner of Police Abia State. The said cross-examination attempted, to show that the late Mr. Oji Oma (alias oji ude) was arrested with others in respect of malicious damage to the property of one Chief Nicholas Egwu. However while detention he died after about 11 days and that the cause of death was cardiac arrest

Findings and Observations

After carefully reviewing the evidence in this case, the Commission finds as follows:-

- a) That the arrest and detention of the deceased ceased to be lawful after 24 hour since the alleged offence committed by him was bilabial
- b) That there was a man called Orji Ude who was arrested and detained at the control Police Station Umuihia and that he died on the 11th day.
- c) That the Police refused to grant the deceased bail thereby infringing on the deceased constitutionally entrenched right.
- d) That the Nigerian Police is liable for the death of Mr. Orji Ude.

Recommendations

In the light of the foregoing, the Commission recommends as follows:

- a) That the Nigerian Police should render Public apology to the petitioner's family for their recklessness in the discharge of their statutory duty which led to the death of the petitioner's brother
- b) Adequate compensation be paid to the Estate of Late Mr. Orji Ude.
- c) That the Federal Government of Nigeria should overhaul the entire Police institution with a view to making it more vibrant and Virile in the discharge of it's functions.

MEMO NO. 760

Petitioner's Full Name(s) and Address (es)

Title of Petition

Date of Petition

Particulars of Petition

Period Covered by the Petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injury Suffered by the Petitioner

Relief Sought by the Petitioner

Nature of Hearing Received by Petition

Mode of Treatment

This matter came up during the Port-Harcourt sitting of the Commission.

Evidence of Alleged Perpetrators

At the hearing of this petition in Port Harcourt, the Chief of Naval staff and the Attorney General of Delta state were absent and unrepresented ever after receiving the Commission's summons. The Commissioner of Police, Delta State Police Command was represented by one Mr. Suleiman (an officer of the Delta state Police Command) and ACP Nuhu Ribadu. In his evidence, Mr. Suleiman told the Commission that contrary to the petitioners allegation, the murder of Jeo Mukoro was indeed investigated by the Police and a copy of the investigated report was sent to the office of the Director of public prosecution, Delta state for legal advice. He stated further that the

Director of Public Prosecution, subsequently called for the original case file from the police for the purpose of prosecuting the case in 1994 which was handed over to him. According to Mr. Suleiman that on receiving a summon from the Commission concerning this case, he went to the office of the Director of Public Prosecutor to confirm the position of the matter but was informed that the Director of Public Prosecutor's office got burnt in 1994 and all relevant documents including the case file on this matter lost in the Inferno. There is no evidence before the Commission to disprove this claim.

Findings and Observations

The Commission after review the evidence before it finds as follows:

- a) That the evidence of the petitioner is sufficiently corroborated by the evidence of Daewoo (the company allegedly guarded by the Naval ratings night) in that the company admitted that Salihu Halidu was one of the Naval ratings guard on the company on the fateful day.
- b) The Commission further found that the escape of Naval rating Salihu Halidu from Police custody may have been an arrangement by the Military to protect one of its officers. The Commission found also that the order it made on the Inspector General of Police to re-arrest Salihu Halidu for purpose of prosecution and to carry out further investigation on the case has not been carried out by the police.

Recommendations

The Commission in the light of the evidence before it, recommends that Salihu Halidu be rearrested through the office or the Chief of Naval staff and prosecute for the murder of Joe Mukoro and the Inspector General of Police should carry out further investigation on

this case and bring to justice all suspects connected to the murder of Joe Mukoro.

MEMO NO 201

Mode of Treatment of Petition

This petition was heard during the Enugu public sittings of the Commission and the Abuja 3 Public sittings.

Evidence of the Alleged Perpetrators

The alleged perpetrators did not justify because the Commission opted for an amicable settlement between the parties in chambers. On the sitting of the Commission at Abuja, the Commission was informed by Mr. Onyekuleje of Counsel that the Asagba of Asaba had settled on leg of the issue contained in the petition i.e. the recognition of the petitioner(s) as the 6th quarter of Asaba, although a suit was pending at the High Court Asaba challenging the decision of the Asagba on the issue of the killing of Rev. Father Isidi hearing commenced and the investigating police officer who handled this matter and the complaints nor being satisfied petitioner to the AIG Zone 5 Benin City who also reinvestigate, and still not being satisfied with it complaints petitioned the Inspector General who also investigated.

Findings and Observations

After reviewing the evidence of the witness, the Commission finds as follows:-

- a) that the issue of being recognised either as 5th or 6th quarter in Asaba should be referred to the Asagba of Asaba.
- b) That there was no consumers as to whether the Inspector General of Police had ordered a reinvestigation of the killing of

Rev. Father Isidi and whether the report of such an investigation has been made public.

Recommendations

- a) In the light of the foregoing, the Commission orders that the Inspector General should set up an investigation panel to reinvestigate this case or in the alternative, the report of the investigation panel (if any) already set up by the Inspector General should be released.
- b) Consequently, any person or persons indicted by the panel should be prosecuted.

BRIEF ON
MEMO NO 738

Mode of Treatment of Petition

This petition first came up during the Enugu Sitting of the Commission but was eventually heard during the Abuja third public sittings of the Commission

Evidence of the alleged Perpetrators

The alleged perpetrators i.e Generals Buhari and Banginda did not appear before the Commission hence did not testify although ample opportunity was graciously offered to them to do so, and to no avail.

Findings and Observations

After Considering the evidence of the witness, the Commission finds as follows:

- a) That the arrest of the Petitioner as alleged was unlawful and illegal because there was there was no valid legal framework under which it was carried out;
- b) That retroactive legislation's as promulgated by the supreme Military council to legalize such arrest and detention are usually against the African charter on Human and peoples' right to which Nigeria is a signatory and not to mention the rules of Natural Justice.
- c) The petitioner's complaint as regards to the ban imposed on him with regards to participation in politics is outside the terms of reference of the Commission by reason of the fact that political right is not a fundamental human right issue.

Recommendation

The Commission therefore recommends as follows:

- a) That the Federal Government of Nigeria should render an apology to the petitioner for his arrest and detention by the Gen. Buhari Military regime.
- b) That nominal damages of one thousand naira be awarded to the petitioner.

BRIEF ON MEMO NO 1714

Mode of Treatment of Petition

This petition was heard during the Enugu and Abuja three public sittings of the Commission.

Evidence of the alleged Perpetrators

The alleged perpetrators in this case in the Nigerian Police who testified in defence of this petition. First, the Police testified that the late Ikechi Nwasinobi and co. were found to be armed with DDSG cartridges and in the process made frantic efforts to escape and in order to forestall their escaping, the Police on duty opened fire and killed the petitioner's son and two others. In another breadth, the Police claimed that the Mobile Policemen on duty flagged down the vehicle the petitioner son and two others were travelling with, but refused the alight as instructed by the Police and that one of the occupants opened fire on the mobile Police on duty who shot back in retaliation thereby killing the three occupants left inside the vehicles.

Findings and Observations

The Commission after reviewing the evidence of the witnesses finds as follows;

- a) The evidence of the Police is illogical and therefore leaves enough room for doubt.
- b) That the extra judicial killing of Mr. Ikechi Nwadinobi, Anthony Igbokwe and Chidi Ogumba infringes their constitutionally entrenched right to life, whether they were armed robbers or not
- c) That the subsequence investigation of this incident by the Nigeria Police was shoddy.

Recommendation

The Commission therefore recommends

- a) That the Inspector General of police should reprimand Sergeant Anabina, Sgt. Musa Damboyi, Corporal Dickson Danbake, Corporal Shuaibu, Corporal Yakubu Denyi, P.C. Abeka Jekejigi and P.C. Christopher Nwokolo who were on duty on the 25th of February 1994 at Ozolla Junction, Enugu/Port Harcourt expressway;
- b) That the Petitioners Mr. & Mrs. Nwadinobi should be compensated as prayed is two million naira should be paid to them. In addition, the families of the late Anthony Igbokwe and Chidi Ogumba should also be compensated even though they did not said in any petition;
- c) The Nigerian Police should render an apology to the petitioners and indeed the other two families affected.

ENUGU CENTRE

PETITION NO. 784

Mode Of Treatment

This petition came up for hearing during the public sittings of the Commission at Port Harcourt

Evidence of The alleged Perpetrators

No evidence was received from the alleged perpetrators

Findings and Observations

After reviewing the uncontroverted evidence of the petitioner, the Commission finds as follows:-

- a) That the petition is a general complaint against the abandoned projects in the Niger Delta Communities and the neglect of the region by the Federal Government in terms of sitting of Federal projects.

Recommendations

The Federal Government is advised to facilitate the completion of all abandoned projects in the Niger Delta through the Niger Delta Development Commission.

PETITION NO. 218

Mode Of Treatment

This petition came up for hearing during the public sittings of the Commission at Port Harcourt

Evidence of The alleged Perpetrators

The Counsel to the alleged perpetrators instead of putting up a defence, observed that the areas of agreement between the petitioners and the alleged perpetrators were more than their access of disagreement. He applied for an adjournment to enable all parties make wider consultations with the hope of achieving a peaceful resolution of the grievances help by both sides.

Findings and Observations

After reviewing the positions of the parties in line with their applications, the Commission chose to how the line of reconciliation. Following the reconciliation approach adopted by the Commission, series of meetings were held with all the disputing parties, which eventually gave birth to the memorandum of understanding executed by all parties. The Commission to the victims of the Ogoni Crisis as Ogoni 13 as against the use of Ogoni 9 and Ogoni 4, which was the position before the reconciliation.

Recommendations

The Commission in the light o its findings above recommends that the Federal and the Rivers State Government set up a machinery to recover the bodies of the deceased persons for a decent burial.

PETITION NO. 1777

Mode Of Treatment

This petition came up for hearing during the public sittings of the Commission at Port-Harcourt.

Evidence of The alleged Perpetrators

No evidence was received from the Federal and Rivers State Governments, but shell Petroleum Development company, one of the alleged perpetrators applied for the name of then staff to be struck out from the petition in that they have already be made parties in a pending suit on the same subject matter.

Findings and Observations

After reviewing the evidence before it, the Commission finds as follows:

- a) That Shell Petroleum Development Company is a nominal party in this petition ad the dispute could be resolved without them, the name of the company was accordingly struck out.
- b) The Commission finds further that the only unresolved issue is the fact that the Government white paper on the Umuechem crisis has not been implemented.

Recommendations

The Commission in light of its findings above, hereby recommend to the Federal the Rivers State Government to Implement the existing While Paper on Umuecheam crisis.

PETITION NO. 746

Mode Of Treatment

This petition came up for hearing during the public sittings of the commission at Port Harcourt and Abuja.

Evidence of The alleged Perpetrators

The alleged perpetrators in this case denied any involvement. Major Paul Okuntimo stated that he as a Military Officer had nothing to do with the tribunal that tried the deceased persons. Col. Dauda Komo also denied the allegation that he supervised the execution of the deceased persons.

Findings and Observations

After reviewing the evidence in this case the Commission finds that the prayer's contained in the petition are basically the same as those in petition no 1467. The Commission accordingly consolidated petitions no 1467, 1420 and 746.

Recommendations

In the light of its findings above, the Commission recommend as follows;

- a) It is hereby recommended that the Federal and Rivers State Government facilitate the recovery of the bodies of all the 13 persons who lost their lives one way or the other in the era best described "s dark age" in the history of Ogoni people for state burial.

- b) It is also recommended that all person effects seized from individual by Against of the Government be returned to them.
- c) The Commission further recommends that the Government set a machinery in motion to restitute the displaced persons in Ogoniland
- d) Symbolic compensation is recommended for the 13 deceased persons in Ogoni land and for the entire Ogogni people
- e) The Federal Government is advised to fashion out deliberate state policies to ensure that communities directly affected by the exploration of natural endowment in their areas benefits directly from such ventures this in the opinion of the commission will cushion the effect of the Land use act of 1978
- f) The Commission recommends to the National Assembly that all laws that deny the right of appeal of a person convicted under such laws, be repealed
- g) It is also recommended to the Federal Government to set a terminal date for the flaring of gas in Nigeria, as a matter of urgently
- h) It is further recommended that all monetary and logistic assistance to Armed Forces personnel grading oil installations in the Niger Delta by oilcompany's be channeled through the Federal Government.

PETITION NO. 1467, 1420 &784

Mode Of Treatment

These petitions consolidated under petition No. 1467 came up for hearing during the public sittings of the Commission at Port Harcourt and Abuja

Evidence of The alleged Perpetrators

First to testify among the alleges perpetrators was major Paul Okuntimo. In his defence, he denied all the atrocities allegedly perpetrated by Officer's of the Rivers state internal Security Task Force deployed troops to maintain peace in Ogoni land at the request of MOSOP, when the entire Ogoni, Community was at the point of extinction owing to her involvement in communal war with her neighbouring communities like the ADONIS, AFM and the OKRIKAS. He stated further that but for the timely intervention of the Task Force, Ogoni community would have be history. It was also part of his evidence that the allegation of looting, burning of properties, rape etc made against his officers were the handiwork of the ADONIS in the course of the communal war between them and the Ogonis.

Col. Dauda Komo, the then Military Administrator of Rivers State, also denied the allegation that the Rivers State Government under him, played an unimpressive role in the trial execution and the facilitated decomposition of the bodies of Ken Saro Wiwa and eight others. Shell Petroleum Development Company was also named among the alleged perpetrators. The company represented at the proceedings by its Deputy Managing Director and the Managing Director denied ever instigating other communities or the Federal Government to unleash Violence against the Ogoni people. The company nevertheless

admitted that they are still engaged in Gas flaring activities even when Gas flaring has been stopped in other parts of the world owing to the environmental hazards associated with it.

Findings and Observations

The Commission after a careful review of the evidence before it, finds as follows;

- a) That irrespective of the denials by the alleged perpetrators, there are clear indications that the rights of people were violated in various ways in Ogoni Land.
- b) That communal as against individual compensation is a more viable option towards achieving lasting peace in Ogoni land
- c) That the land use Act of 1978 which divest people of the ownership of their land hence their natural endowment is a bad law, which can be rectified through deliberate Government policy that will ensure that people directly affected, benefit one way or the other from the natural endowment explored from their communities.
- d) That monetary and logistic support rendered to armed forces personnel's guarding oil installations by oil company's is a source of concern to their host communities.
- e) That Gas flaring is still continuing in the Niger Delta of Nigeria even when it has been stopped in other part of the world
- f) That the reconciliatory effort initiated by the Commission between the parties need to be encouraged at the state and the Federal levels of Government

Recommendations

In the light of its findings above, the Commission recommend as follows;

- i) It is hereby recommended that the Federal and Rivers State Government facilitate the recovery of the bodies of all the 13 persons who lost their lives one way or the other in the era best described "“s dark age” in the history of Ogoni people for state burial.
- j) It is also recommended that all person effects seized from individual by Against of the Government be returned to them.
- k) The Commission further recommends that the Government set a machinery in motion to restitute the displaced persons in Ogoniland
- l) Symbolic compensation is recommended for the 13 deceased persons in Ogoni land and for the entire Ogogni people
- m)The Federal Government is advised to fashion out deliberate state policies to ensure that communities directly affected by the exploration of natural endowment in their areas benefits directly from such ventures this in the opinion of the commission will cushion the effect of the Land use act of 1978
- n) The Commission recommends to the National Assembly that all laws that deny the right of appeal of a person convicted under such laws, be repealed
- o) It is also recommended to the Federal Government to set a terminal date for the flaring of gas in Nigeria, as a matter of urgently
- p) It is further recommended that all monetary and logistic assistance to Armed Forces personnel grading oil installations in the Niger Delta by oil company's be channeled through the Federal Government.

PETITION NO. 1637

Mode of Treatment

This petition came up for hearing during the public sittings of the Commission at Port Harcourt.

Evidence of the alleged Perpetrators

The Rivers State Government was named in this petition as the alleged perpetrators. In their defence, the Government stated that the petitioners have been resettled in Port Harcourt and other parts of Rivers State. The Government stated further that relocating the petitioners to their pre-civil settlement is practically impossible.

Findings and Observations

The Commission after reviewing the evidence before it finds as follows:

- a) That the only dispute left unresolved between the parties is the issue of allocation of land to the petitioners in their present settlement for expansion purposes.

Recommendations

The Commission in the light of its findings above, recommends that the Rivers State Government allocate a piece of land to the petitioners in their present place or abode to facilitate their resettlement process.

PETITION NO. 617

Mode of Treatment

This petition came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged Perpetrators

The alleged perpetrators in this petition denied knowledge of any plan to blow-up the Aircraft under-air, as alleged by the petitioner. Captain Udom, in his evidence before the Commission stated that the airline operators relied on the report of the panel set up to investigate the cause of the accident, which report attributed the cause of the accident to Air control negligence.

Findings and Observations

After reviewing the evidence before it, the Commission finds that the flight reservations record, which would have corroborate the allegation of the petitioner that some people after they became aware of the plan to blow up the air craft, cancelled their trip, was not made available by the Airline operators.

The Commission also finds that the screening of passengers and luggage's as a standard of operation in other part of the world is not done by airline operators in Nigeria.

Recommendations

The Commission in the light of its findings above directs the Ministry of aviation to carry out through investigation to ascertain the cause(s) of the exhibit as suggested in exhibit 1 & 2.

PETITION NO. 225

Mode of Treatment

This matter came up for hearing during the public sittings of the Commission at Port Harcourt

Evidence of the alleged Perpetrators

The alleged perpetrator in this case is Mr. K.O. Appah the then Director of Public prosecution of Rivers State. In his defence to the allegation that he gave scandalous legal advice, he stated that the Legal advice proffered by him was based on the facts contained in the case file.

Findings and Observations

The Commission after reviewing the evidence before it, finds as follows:

- a) That the DPP again in this case gave legal advice against the weight evidence contained in the police case file, which established a prima facie case of under against the suspects.
- b) That the DPP took over the role of the judiciary and a defence counsel in the course of proffering his legal advise;
- c) The Commission further finds that the public do not have confidence in the legal opinion proffered on cases forwarded to the office of the then DPP.

Recommendations

In the light of its findings above, the Commission recommends as follows.

- i) that the murder of Mr. Freeborn and Wilson Dirikebamor be reinvestigated by the Commissioner of police, Delta state, and all suspects to be prosecuted at the Delta state High Court.

PETITION NO. 266: MR. G. REWANE AND FAMILY

MODE OF TREATMENT OF PETITION

The petition was heard during the public sittings of the Commission in Lagos. The petitioners gave evidence and tendered some relevant documents. While admitting that some suspects are currently being prosecuted for the unlawful killing of the deceased in Lagos State, the petitioners emphasized that those suspects were not the actual killers of Pa Alfred Rewane. They insisted that state agents were responsible for the murder in view of the evidence of Lt. I. S. Umar before the Commission in Abuja and the sophisticated nature of weapon used as disclosed by the autopsy report.

EVIDENCE OF ALLEDED PERPETRATORS

The alleged perpetrators did not give evidence as it was brought to the attention of the Commission that some suspects are being prosecuted in connection with the murder. There were also attempts by one Moses Oddiri to testify on the murder of Pa Alfred Rewane but the petitioners did not want him to testify their behalf.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence of the petitioners and examined relevant documents and publications and makes the following findings and observations:

- a) That late Pa Alfred Rewane was murdered in his home in Ikeja, Lagos State by unknown assassins in October, 1995.
- b) That the Lagos State Police Command subsequently arrested some suspects comprising mostly of the domestic servants of the deceased and charged them for the unlawful killings.

- c) That the matter is still in court and some of the suspects died while in custody.
- d) That there are strong suspicions that the suspects being currently prosecuted for the killing is not the actual killers of the deceased.
- e) That there is need to thoroughly reinvestigate the circumstances surrounding the gruesome killing having regard to the evidence and other clues presented before the Commission with a view to prosecuting the real killers.

RECOMMENDATIONS

The Commission accordingly recommends that the Federal government of Nigeria should direct the Inspector-General of Police to:

- 1) Reinvestigate the circumstances surrounding the murder of Chief Alfred Rewane with a view to identifying and prosecuting the suspects.
- 2) The reinvestigation team should be headed by a Commissioner of Police and four other senior police officers.
- 3) The team should question all necessary witnesses including:
 - i) Lt. I. S. Umar who earlier testified before the Commissioner
 - ii) Moses E. Oddiri who sought to testify before the Commission.
 - iii) Chief Alison Ayida who claimed in the Guardian publication of 7th October, 2000 that the real killers are still around and are even in government.
 - iv) The petitioners
 - v) Mr. James Danbaba, the former Commissioner of Police in Lagos State at the time of the incident.

PETITIONS NO. 416 AND 537: CHIEF GANI FAWEHINMI & MESSRS RAY
EKPU, DAN AGBESE AND YAKUBU MOHAMMED

MODE OF TREATMENT OF THE TWO PETITIONS

Petition number 416 presented by Chief Gani Fawehinmi was consolidated with petition number 537 presented by Messrs Ray Ekpu, Dan Agbese and Yakubu Mohammed as both petitions are based on the same subject matter, namely the unlawful killing of two persons. The petitions were heard during the public sittings of the Commission in Lagos and Abuja. The petitioners gave evidence, tendered relevant documents, called other witnesses to corroborate their testimonies and presented themselves for cross-examination by the alleged perpetrators.

EVIDENCE OF ALLEGED PERPETRATORS

The main alleged perpetrators did not appear before the Commission and did not give evidence despite due service of Summons and other Hearing Notices. They however filed an action in Court challenging the competency of the Commission to compel their appearances. The matter is currently before the Supreme Court of Nigeria. Prince Tony Momoh, the Honourable Minister of Information at the time of the gruesome incident, appeared before the Commission denying allegations of bad faith and failure to constitute an official public inquiry in respect of the matter.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the numerous documents and oral evidence presented before it by all the witnesses and makes the following findings and observations:

- a) That Dele Giwa, the founding Editor-in-Chief and Chief Executive of Newswatch Magazine was murdered in his home via a letter bomb on Sunday, the 19th of October, 1986 by unknown persons.
- b) That prior to the unfortunate incident, the deceased was having series of meetings and discussions with Col. Halilu Akilu, then Director, Directorate of Military Intelligence (DMI) and Col. A. K. Togun, then second in command of the Department of State Services (SSS).
- c) That their meetings and discussions centred around the grave allegations by the Security Chiefs that the deceased was a security risk as he was alleged to be involved in arms importation and other offences with a view to destabilizing the government of General Ibrahim Babangida.
- d) That the deceased promptly notified his family members of these grave allegations and further requested his Solicitor Chief Gani Fawehinmi in writing to urgently take up the matter as he sensed that his life was in serious danger.
- e) That the Nigerian Police Force Command investigation in the matter through Alhaji Abubakar B. Tsav then with the Force Criminal Investigation Department, Lagos.
- f) That Alhaji Abubakar B. Tsav subsequently submitted an interim report recommending that both Cols. Halilu Akilu and A. K. Togun, be made available for investigation and voice identification.
- g) That these two erstwhile security chiefs against whom there was strong circumstantial evidence in relation to the murder of the deceased were never investigated by the police.

- h) That no further investigation was conducted in the matter while the interim report of Alhaji Abubakar B. Tsav was suppressed till date.
- i) That nobody was ever arraigned or prosecuted for the murder.
- j) That the petitioner Chief Gani Fawehinmi was severally harassed intimidated and prosecuted for daring to initiate private investigation and subsequent prosecution of the matter.
- k) That the circumstances of the murder of the deceased are insidiously novel, gruesome and ought to be thoroughly investigated in the interest of justice, public safety and rule of law.

RECOMMENDATIONS

The Commission accordingly recommends that the Federal Government of Nigeria should:

- 1) Direct the Inspector-General of Police to reopen investigation into the circumstances surrounding the gruesome murder of Dele Giwa through a letter bomb in his home on the 19th of October, 1986 with a view to prosecuting the suspects.
- 2) That the investigation team shall comprise:
 - i) a Commissioner of Police as the head and five other senior police officers.
 - ii) A representative of the Nigerian Army
 - iii) A representative of the State Security service
 - iv) A representative of the Nigeria Union of Journalist as an observer.
 - v) A representative of the Human Rights Groups in Nigeria.

- 3) The investigation should cover the entire circumstances of the case including the alleged suppression of the initial investigation with a view to prosecuting
 - i) All those involved directly or indirectly in the murder,
 - ii) All those who suppresses the investigation
- 4) That the Federal Government of Nigeria should request the Lagos Sate Government to name a street in memory of Dele Giwa in Lagos State.

PETITION NO. 274: DR. BEKO RANSOME-KUTI

MODE OF TREATMENT OF PETITION

The petition was heard during the public sittings of the Commission in Lagos and Abuja. The petitioners gave evidence and tendered some relevant documents and was given opportunity to cross-examine the alleged perpetrator present. He was also cross-examined by Counsel representing the State Security Services.

EVIDENCE OF ALLEDED PERPETRATORS

His Excellency, President Olusegun Obasanjo appeared before the Commission denying the allegations of involvement in the violations of the members in 1977. He emphasized that the Lagos State Government took appropriate steps at that time by instituting an administrating enquiry on the incident which produced a Report followed by a white paper after a review by the then Hon. Attorney-General of Lagos State. The President further stated that the petitioner and his family members were dissatisfied with the steps taken by the Lagos State Government and litigated the matter up to the Supreme Court of Nigeria which gave a conclusive judgment. The other alleged perpetrators did not appear despite due services of Summonses. Counsel representing the State Security Services however appeared and cross-examined the petitioner.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence adduced by all the witnesses, examined relevant official records and makes the following findings and observations:

- a) That the fundamental rights of the petitioner and his family members were grossly violated by Nigerian soldiers in 1977.
- b) That the facts and traces of these violations can be found in the following:
 - i) The Report of the Panel of Enquiry headed by Justice Kalu Anya
 - ii) The Lagos State Government white paper on Justice Kalu Anya's Report
 - iii) Judgment of the justice L. J. Dosunmu in the case of Ransome-Kuti or ors-V-Attorney-General of the Federation and ors suit No. LD/328/1977
 - iv) Judgment of the Supreme Court in the case of Ransome-Kuti & ors-v-Attorney-General of the Federation(1985) 6sc. 245.
- c) That it was the consistent findings of the courts in the case of Ransome-Kuti & Ors. V-Attorney-General of the Federation that:
 - i) The state was not liable in that for wrongs committed by its servants
 - ii) The petitioner and his family members did not complain of the violations of their fundamental rights in the said suit.
 - iii) That even if they did, the state was not liable to pay damages because the applicable 1963 constitution did not provide for award of damages.
- d) That the petitioner's rights were maintained violated by the regime of General Muhammadu Buhari as the petitioner was detained under Decree No. 2 of 1984 for over six months without charge or trial for merely acting in his professional capacity.

- e) That the petitioner's rights were similarly violated by the regime of General Ibrahim Babangida based on his human rights activism.
- f) That the petitioner's rights were severally violated in a most bizarre manner under the regime of late General Sani Abacha as the petitioner was:
 - i) Arrested, detained and arraigned before a Special Military Tribunal headed by Brig-Gen. P. N. Aziza as an accessory after the fact of the alleged coup plot of 1995.
 - ii) Convicted and sentenced to life imprisonment by the Tribunal. The petitioner spent over three years in Prison before he was released and granted amnesty by the regime of General Abdulsalami Abubakar.
- g) That the process, procedure and circumstances of his trial and conviction negate the basic and elementary demands of justice and the provisions of the African Charter on Human and Peoples' Rights.
- h) That the petitioner ought to be tried by a normal court of the land instead of resort to a Military Tribunal.
- i) That the petitioner suffered unduly as he was subjected to inhuman and degrading treatment.

RECOMMENDATIONS

The Commission accordingly recommends that the Federal government of Nigeria should in the true spirit of reconciliation :

- 1) Issue a public apology to the petitioner and his family members for the several instances of the violations of their rights from 1977 to 1998

- 2) Pay the sum N400,000.00 (Four Hundred Thousand Naira) as compensation to the petitioner and his family members.
- 3) Grant the petitioner free medical treatment in a government hospital in respect of any injury or disability suffered while in detention
- 4) Refer the conviction to the appropriate courts for nullification.

PETITION NO. 458: DR. ORE FALOMO & KOLA ABIOLA

MODE OF TREATMENT OF PETITION

The petition was heard during the public sittings of the Commission in Lagos and Abuja. The petitioner gave evidence, tendered relevant documents and were given opportunity to cross-examine the alleged perpetrators that were present.

EVIDENCE OF ALLEDED PERPETRATORS

Some of the alleged perpetrators appeared and gave evidences while admitting that the deceased was arrested and detained by the government of late Geeral Sani Abacha, they all denied being directly responsible for his long period of detention and subsequent death in custody. Major Hamza Al-Mustapha specifically denied refusing the deceased access to his medical doctors or blocking approvals for his treatment abroad. He claimed that he provided sufficient funds for the welfare of the deceased and emphasized that the made efforts to encourage peaceful resolution of the misunderstanding between the deceased, late General Sani Abacha and General Ibrahim Babangida. Major Mustapha testified further that the circumstances of Chief Abiola's death were similar to that of late General Sani Abacha and finally suggested that both of them were killed. The officer who was in case of the deceased while he was in government custody, ASP Theodore Bethuel Zadok also gave evidence. He stated that the deceased was in sound and healthy condition and did not complain of any illness on the day he later died (7/7/98). ASP Zadok gave a detailed account of the activities and circumstances leading to Chief Abiola's death on 7/7/98 and emphasized that it was only the Chief Security Officer to General Abdulsalami Abubakar, Major A. S. Aliyu that could explain what actually happened on that fateful day. Brig-

Gen. I. A. Sabo also gave evidence implicating Lt. Gen. Ishaya R. Bamaiyi in the alleged unlawful killing of the deceased. He informed the Commission that the former Chief of Army Staff told him shortly after the death of General Sani Abacha that Chief M.K.O. Abiola should be killed in order to balance the equation. General Bamaiyi vehemently denied this allegation emphasizing that General Sabo gave the damaging evidence against him because there was no love lost between them. Major A. S. Aliyu later testified before the commission denying any complicity or foul play in the death of Chief Abiola. He explained that the cause and circumstances of Abiola's death are as stated in the autopsy report which was tendered before the Commission. The alleged perpetrators also tendered relevant documents and were given opportunities to cross-examine all the witnesses that testified.

FINDINGS AND OBSERVATIONS

The Commission carefully reviewed the evidence adduced by the witnesses, examined relevant officials record and makes the following findings and observations:

- a) That the late Chief M.K.O. Abola was arrested by the regime of late General Sani Abacha on the 23rd of June, 1994 for declaring himself the duly elected President of the Federal Republic of Nigeria after the June 12, 1993 elections which was annulled by the former military ruler General Ibrahim Babangida.
- b) That he was subsequently arraigned before the High Court of the Federal Capital Territory, Abuja for treasonable felony
- c) That this charge was never prosecuted by the Federal Government and the deceased was permanently kept in

- custody of the government as he was regarded as a high risk political detainee.
- d) That the personal physician to the deceased was not given regular access to the deceased and the deceased was refused specialist treatment in the face of his poor health conditions.
 - e) That the personal physician to the deceased was at one point detained by security agents of late General Sani Abacha following his public protestation of their refusal to grant him access to attend to the medical needs of the deceased.
 - f) That there were consistent evidence that the deceased was regularly denied proper and specialist medical attention while petitioner was however not released from detention until 8th of July, 1998 after the death of General Sani Abacha.
 - g) That the petitioner suffered unduly as he was subjected to inhuman and degrading treatment.
 - h) That the criminal charge of treason against the deceased was not prosecuted as at the time General Sani Abacha died on the 8th of June, 1998.
 - i) That following the appointment of General Abdulsalami Abubakar as the new head of the Federal Military government, the deceased was not released from detention even though many other political detainees were released by the new administration.
 - j) That there were intense diplomatic negotiations by the new Abdulsalami administration on how to resolve the lingering political logjam since the controversial annulment of the 1993 elections and continued detention of the deceased.
 - k) That a good number of foreign and local dignitaries had series of meetings and discussions with the deceased ostensibly to resolve the protracted political impasse.

- l) That evidence received by the Commission showed that the deceased did not renounce his claimed mandate as the duly elected President in respect of the 1993 presidential elections.
- m) That the deceased suddenly died in a most suspicious circumstances on the 7th of July, 1998 while in government's custody.
- n) That although there was a comprehensive post mortem examination on the body of the deceased, with the active participation of his personal physician and other observers, there is still need to institute a further probe or inquiry on all the surrounding circumstances and activities leading to Chief MKO Abiola's death on the 7th July, 1998 having regard to the uncontroverted but revealing evidence of ASP Theodore B. Zadok before the Commission.

RECOMMENDATIONS

The Commission accordingly recommends that the Federal government of Nigeria should:

- 1) Direct the Inspector-General of Police to fully investigate the surrounding circumstances, events and activities relating to the death of Chief MKO Abiola in government custody on the 7th of July, 1998.
- 2) That the investigation team shall comprise:
 - i) an Assistant Inspector-General of Police as the head and five other senior police officers
 - ii) A representative of the Nigerian Army
 - iii) A representative of the Nigerian Medical Association
 - iv) A representative of the Human Rights Organisation
- 3) Publish the findings of the investigation and subject same to the due processes of law.

- 4) Pay the family of the deceased the sum of N1.million as compensation for the death in government custody of their husband and father.

PETITION NO. : MAROKO EVICTEES

MODE OF TREATMENT OF PETITION

The petition was heard during the public sittings of the Commission in Lagos. The Commission also treated the matter administratively by writing and meeting with the Lagos State Government.

EVIDENCE OF ALLEGED PERPETRATORS

The Lagos State Government did not give evidence during the public hearing of the petition. The Commission however visited the Lagos State Governor in his office requesting him to ensure that the subject matter is resolved in the spirit of reconciliation. The Governor promised to find lasting solution to the lingering problems of Maroko evictees.

FINDINGS, OBSERVATIONS AND RECOMMENDATIONS:

The Commission carefully considered the presentations of the petitioners and the responses of the Lagos State Government and recommends that the Federal Government of Nigeria should request the Lagos State Government to resolve the matter in line with its promise.

BRIEF ON
MEMO NO. 495

Petitioner's Full Name(s) and Addresses(es)

Murtala Yar'Adua
Apo Village,
Abuja

Title of Petition

Petition For Right And Remedy For Human Rights Abuses

Date of Petition

July 28th 1999

Particulars of Petition

The Petitioner is the son of the late Shehu Musa Yar'adua, a retired former Chief of Staff Supreme Headquarters. He presented this petition for himself and the Yar'Adua Family. The Petitioner stated that on 8 March 1995 his father was secretly tried alongside several others by the Patrick Aziza tribunal on a charge of treason arising from allegations of his involvement in a coup plot against General Sani Abacha. He alleged that his father pleaded not guilty to the charge and no evidence was tendered to disprove his plea, he was sentenced to death and when the sentence of death was converted into a life imprisonment, he was transferred from Port Harcourt Prisons to the Abakaliki Prisons where he was severally denied medical attention. The Petitioner stated that the course of his Father's death, based on information reaching him was a result of the poisonous substance forcefully injected into his father. He alleged that since after the death of his father, late General Sani Abacha, Gumel, Haladu, Ismail Gwarzo

had taken over his late father's company and changed it from NOCOTES to INTEL Services Ltd. The Petitioner and the entire members of his family are therefore asking that the wrongs of the above people cum administration be addressed by the Commission.

Period Covered by the Petition

1995 – 1998

Names and addresses of Persons or Institutions Petitioned Against

- (1) General Sani Abacha (Late former Head of State)
- (2) General Gumel
- (3) General Haladu
- (4) Alh. Ismail Gwarzo
- (5) All C/O Nigerian Army

Injuries allegedly suffered by the Petitioner

- a. Death of a loved one.
- b. Loss of some business ventures as a result of the said death
- c. Stigma arising from mode of death
- d. Mental/emotional trauma as a result of sudden death of the Petitioner's father.

Reliefs sought by the Petitioner

That the Commission looks into the matter with a view to correcting the alleged injustice

Mode of treatment of Petition

Petition was slated for public hearing but was not actually heard. It was struck out.

Evidence of Alleged Perpetrator(s)

No evidence was adduced. The petition was not heard.

Findings and Observations of the Commission

The Petitioner wrote in respect of the unlawful arrest, detention, trial, conviction and sentence of his father General Musa Yar'adua for alleged involvement in the coup plot of 1995.

On the 30th of October 2000, when the petition was mentioned for hearing for the second time, the Petitioner informed the Commission that he did not receive the Notice of Hearing on time and requested for an adjournment to enable him prepare his case. The Commission granted this request and thus adjourned to the 26th and 29th of June, 2001. When the matter was called on these days, the Petitioner was absent and was not represented by Counsel.

The Counsel representing the Commission informed the Commission that attempts to serve the Petitioner necessary Hearing Notices were unsuccessful. The Commission observed that the matter had been adjourned several times in order to enable the Petitioner to appear and present the petition. The petition was accordingly struck out by the Commission.

BRIEF ON
MEMO NO. 122

Petitioner's Full Name(s) And Address(es)

Mrs. Adetoun Olubukunola Oshodi
National Maritime Authority,
Abuja.

Title of Petition

C-130 Plane Crash at Ejigbo, Lagos.

Date of Petition

15th July, 1999

Particulars of Petition

The Petitioner wrote on behalf of herself and her three children in respect of the 26th September, 1992 Nigerian Airforce Hercules C-130 plane crash at Ejigbo, Lagos in which her husband perished. She did not state precisely her late husband's former work place but he was from all indications a civilian member of staff of the Ministry of Defence before his death. The Petitioner stated that at the time in question, her husband had been nominated to be a desk officer in the United Nations Headquarters in New York. She also stated that at the time in question her husband returned from one of his numerous trips abroad and was informed that he was one of those billed to attend the Command and Staff College Course in Jaji. The Petitioner however contends that her husband's name was not on the original list and that General Olu Bajowa had manipulated the list of officers nominated for the course in order to include her husband's name.

The Petitioner further stated that when her husband returned from his second trip abroad (before the course), General Olu Bajowa asked him if he had prepared for his family. The inference she made from this question was that General Bajowa was a party to her husband's death. The Petitioner seeks to know why and how her husband died in the C-130 plane crash.

Period Covered by the Petition

September 1992 till date

Names and Addresses of Persons or Institutions Petitioned Against

- The Ministry of Defence
- The Nigerian Air Force
- General Olu Bajowa rtd)

Injuries Allegedly Suffered by the Petitioner

Loss of her spouse and the father of her children

Relief Sought by the Petitioner

The Petitioner seeks to know the circumstances surrounding the C-130 plane crash and the death of her husband.

Mode of treatment of petition

The petition was slated for hearing during the First Abuja sitting of the Commission but was not heard owing to the absence of the Petitioner.

Evidence of Alleged Perpetrator(s)

The petition was not heard owing to the absence of the Petitioner

Findings and Recommendations

The petition was struck out during the Second Abuja Sitting of the Commission owing to the absence of the Petitioner despite the Service of a witness summons on her.

BRIEF ON
MEMO NO. 620

Petitioner's Full Name(s) And Address(es)

Mr. Audu Ogbah (former communications Minister),
PC 35, Idowu Taylor Street,
Victoria Island, Lagos.

Title of Petition

Assassination attempt on me on December 7, 1998 in Makurdi in the wake of the local Government Elections.

Date of Petition

Nil

Particulars of Petition

The Petitioner was attacked by unknown armed bandits in his farm house early in the morning of 7th December, 1998. He was rushed to the hospital by his driver, Mr. Thomas Torno. Surgery was done on his left eye at the Makurdi Medical Centre and up till now he cannot see with that eye. Those assailants declared to him that they were asked to kill him. The Petitioner was of the opinion that it must be a conspiracy of both Benue State Government and its agencies, because some individuals have written petitions to the State Government for proper investigation which uptill now was turned down. From individual investigations, two membership cards of APP were found at the scene of the incident which indicted the individual holders of the membership cards. The Petitioner stated that he was told by some Police officers that except if he is ready to name any suspect, the Police are not interested in the matter. The Petitioner averred that

there are some individuals in his place who brag around the place and use to saying that they are the ones that can kill and there will be no problem.

Period Covered by the Petition

7th December, 1998

Names and Addresses of Persons or Institutions Petitioned Against

- Benue State Government
- The State Security Service
- The Benue State Police Command
- Leadership of APP in Benue State

Injuries Allegedly suffered by the Petitioner.

Injuries which were mainly bodily include:

- Broken skull
- Broken jaw
- Shoulder muscle injuries
- Torn lower lips
- 3 broken upper teeth
- Nose torn into two
- Left eye damaged

Relief Sought by the Petitioner

Investigating the matter with a view to exposing the assailants.

Mode of treatment of Petition

The petition was slated for hearing during the First Abuja sitting of the Commission, however, owing to difficulty in effecting a witness

summons on the Petitioner, the hearing of the petition was adjourned to the second Abuja sitting. During this session, the Petitioner wrote a letter to the Commission withdrawing his petition. The petition was accordingly struck out.

BRIEF ON
MEMO NO. 60

Petitioner's Full Name(s) And Address(es)

Alhaji Sani Otto,
c/o Unguwar Pawa, Nassarawa Town,
Nassarawa LGA
Nassarawa State.

Title of Petition

Complaint by the family of late Ibrahim Otto.

Date of Petition

25th June, 1999

Particulars of Petition

The Petitioner is the brother to one late Ibrahim Otto who was allegedly killed by the political opponents of the candidate he was supporting during the Chairmanship primaries in Nassarawa West L.G.A. in Nassarawa State. The deceased was a supporter of one Barrister A.D. Sondangi during the primaries under UNCP but who later changed to GDM. His opponent was Alhaji Isa Aliyu Ndako, a former staff of FCDA. Due to his support for Sondangi, the deceased was threatened by Ahmadu Almakura and General Jeremiah Useni. After the election, the deceased was sleeping outside his house around 12 Midnight when armed thugs stormed his house and shot him and he later died in the hospital. The matter was reported to Nasarawa Police station and details of information about the suspects were provided but nothing has come out of it.

Period Covered by the Petition

25th April, 1998

**Names and Addresses of Persons or Institutions petitioned
Against**

- Commissioner of Police, Nasarawa State
- Inspector-General of Police
- General Jeremiah Useni
- Alhaji Ahmadu Almakura
- Alhaji Isa Aliyu Ndako

Injuries Allegedly suffered by the Petitioner

Death of the brother Alhaji Ibrahim Otto

Relief sought by the Petitioner

- Investigation of the murder of the deceased person
- Possible prosecution of the perpetrators

Mode of treatment of petition

Publicly heard

Findings and Observations of the Commission

The Commission observes that despite the fact that a formal report had been lodged with the Police in Nassarawa State and a petition also sent to the Inspector-General of Police, no investigation had been carried out and no arrest made in connection with the killing.

Recommendation

The Commission recommends that the Inspector-General of Police should empanel a special team to investigate the circumstances

surrounding the killing of the Petitioner's brother and thereafter the culprits should be prosecuted.

BRIEF ON
MEMO NO. 23

Petitioner's Full Name(s) and Address(es)

Alhaji Mahmoud Aliyu Sambo,
c/o., No. 25 Emir's Road
Ilorin, Kwara State.

Title of Petition

The Disaster of Bomb Explosion in Ilorin Stadium on the 31st May, 1995 with many casualties.

Date of Petition

30th June, 1999

Particulars of Petition

The petition was submitted on behalf of those who were affected by the incident of Bomb blast in Ilorin Stadium on the 31st of May, 1995 resulting in the death of many people and grievous injuries to many others. The Petitioner alleged that the explosion was masterminded by the present Emir of Ilorin, Alhaji Sulu Gambari with the intention of eliminating the past incumbent Emir, Aliyu Babaagba Abdulkadir who incidentally was one of the casualties of the bomb blast which subsequently claimed his life on the 11th August, 1995 as a result of spinal cord injury he sustained during the blast.

Period Covered by the Petition

31st May, 1995

Names and Addresses of Persons or Institutions Petitioned Against

- Emir of Ilorin, Alhaji Ibrahim Sulu Gambari, Emir's Palace, Ilorin, Kwara State

Injuries Allegedly suffered by the Petitioner

The Petitioner wrote on behalf of the casualties of the bomb explosion in Ilorin Stadium and particularly the death of the former Emir of Ilorin, Alhaji A. B. Abdulkadir.

Mode of Treatment of Petition

The Petition was slated for public hearing but struck out due to absence of the Petitioner at the sitting.

Evidence of Alleged Perpetrators

No evidence of was adduced. The Petition was not heard owing to the absence of the petitioner.

Findings and Observations of the Commission

This case was called for hearing on the 25th of October, 2000 at Abuja during the first public sitting but the petitioner was absent and was not represented by Counsel. The Commission accordingly struck out the petition.

BRIEF ON
MEMO NO. 393

Petitioner's Full Name(s) And Address(es)

Alhaji (Dr.) Umaru A. Dikko

Title of Petition

A brief History of persecution and violation of human rights against me Facts and Background submission to the Human Rights Violations Investigation Panel

Date of Petition

29th July, 1999

Particulars of Petition

The Petitioner was the Federal Minister of Transport during the second term of President Shehu Shagari before the General Muhammadu Buhari led coup of 1983 which toppled that government. The Petitioner also doubled as the Chairman of the Presidential Task Force on Rice Importation and Distribution in Shagari's Government. The Petitioner stated that after the coup d'etat, armed Soldiers went to his official residence in Ikoyi and ransacked it in a bid to arrest him. He alleges that he was denied the three days grace which was given to other Ministers to report to their home States. According to the Petitioner, these events following in the wake of the coup confirmed his suspicion that his life was in danger. He therefore fled the country through Benin Republic and took refuge in London. While the Petitioner was in London he alleges that the harassment of his family members continued. His 94 year old father, his wives, children and friends were picked up by Government security agents and in some

cases were detained. The Petitioner stated that on assumption of office the Buhari administration embarked on a campaign of persecution against him. According to the Petitioner, the government of the day portrayed him to the world as a corrupt person who had looted the nation's treasury. As a result of these and some other events, the seeds of turbulent relationship between the Petitioner and the Buhari administration were sown. The Petitioner remained an avowed critic of the government even from exile in London incurring the wrath of the Head of State in the process. According to the Petitioner, he became a marked man and the stage was now set for what forms the main subject matter of his petition his attempted abduction from London in a crate by certain Israelis and Nigerians whom he insists were acting for the Nigerian Government. The Petitioner was however rescued unconscious from the crate and his captors were tried and sentenced to various terms of imprisonment in London. He alleges that the Military Government of General Buhari wanted to silence him because he knew too much about them and their deals. The Petitioner accused top government functionaries of the time including Mr. Bernard Banfa formerly of the Nigeria Airways, General Hannaniya, then Nigeria's High Commissioner to London, Alhaji Lawal Rafindadi then Director-General of the NSO as well as General T.Y. Danjuma of complicity in his attempted abduction. The Petitioner also complains that despite overwhelming evidence of the involvement of the Government of the day in his attempted kidnap, neither that government nor any of its successors has deemed it necessary to apologise to him or to compensate him. Over and above material compensation however, the Petitioner would like the Commission to set the necessary machinery in motion to clear his name so that the picture allegedly painted of him by the Military as a corrupt man who looted the nation's treasury may be erased.

Period Covered by the Petition

1983 till date

Names and Addresses of Persons or Institutions Petitioned Against

- a) The Federal Government
- b) General Muhammadu Buhari
- c) Mr. Bernard Banfa, C/o., Nigeria Airways
- d) General Hannaniya, former High Commissioner to London
- e) Alhaji Lawal Rafindadi, former DG, NSO
- f) Lt. General T.Y. Danjuma
- g) Major Muhammed Yusuf (rtd)

Injuries Allegedly suffered by the Petitioner

Self-exile in London for twelve years as a result of persecution by the government of General Buhari Confinement to his house under Police protection for one year as a result of his attempted kidnap huge financial losses as a result of missed business opportunities Mental trauma owing to his attempted abduction Alleged defamation of his character by the Buhari Administration.

Relief sought by the Petitioner

- a) That the records be set straight and his honour restored.
- b) That the Commission should ensure that justice is done to him.
- c) That he be adequately compensated.

Mode of Treatment of Petition

Public hearing of the petition commenced during the First Abuja

Sitting and was concluded during the third Abuja Sitting. The Petitioner adopted the contents of his petition and gave oral evidence.

Evidence of Alleged Perpetrators

Of all the alleged perpetrators, only General T.Y. Danjuma appeared before the Commission and gave evidence. General Buhari filed a law suit at the Federal High Court against the Commission challenging the competence of the Commission to compel his appearance before it amongst other relief. General Buhari was represented by counsel who sought to present evidence and cross-examines other witnesses without in turn presenting their client for cross examination. In a composite ruling affecting all the former Heads of State who failed to appear before the

Commission, the Commission ruled on the 3rd day of October, 2001 that Counsel to the former Heads of State could not participate in the public hearings of the Commission while keeping their clients away from its proceedings.

General T.Y. Danjuma who was alleged by the Petitioner to have been paid ten million U.S. dollars by the Buhari administration to provide a link with the Israeli terrorists who allegedly kidnapped the Petitioner presented a written response to the petition.

In his testimony, he denied the petitioner's allegation that he played a role in his attempted abduction in London. He stated that by that time the attempted abduction took place in 1984 he had been out of government for five years following his retirement as COAS and Member of the Supreme Military Council and was engaged in private business. The Respondent further stated that he only accepted to serve in Government as a Minister on the 29th of May, 1999.

The witness was cross examined by Counsel to the Petitioner as well as Counsel to the Commission. He reiterated during the cross examination that he had no link whatsoever with the attempted abduction of the petitioner.

Findings and Observations

After reviewing the evidence of the petitioner and the alleged perpetrators the Commission finds as follows:

- The Petitioner's testimony linking the Government of General Muhammadu Buhari to his abduction was not Controverted by any contrary evidence.

The alleged perpetrators mentioned in the Petition and whom the petitioner stated had played key roles in his abduction were given ample opportunity by the Commission to respond to the petition. Only General T.Y. Danjuma so responded.

The Commission finds the testimony of General Danjuma denying any role in the abduction of the Petitioner credible and satisfactory and commends the reconciliation of the petitioner and General Danjuma which was at the instance of the Commission.

Recommendations

The Commission, in the light of its findings and observations above, recommends as follows:

- A public apology by the Federal Government to the Petitioner
- Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) by the Federal Government to the Petitioner for the inhuman treatment meted out to him.

BRIEF ON
MEMO NO.124

Petitioner's Full Name(s) And Address(es)

Colonel Olusegun Oloruntoba (N/3245)

No address supplied

Title of Petition

Memorandum on Human Rights Abuses from 27th February,
1995 to 4th March, 1999

Date of Petition

18th June, 1999

Particulars of Petition

The Petitioner then a Colonel in the Nigerian Army was tried by the General Patrick Aziza Coup Tribunal in 1995, convicted and sentenced to death. He was charged with failing to report Colonel Bello-Fadile when the latter discussed the annulment of the June 12 elections with him. The Petitioner was also charged with treason and concealment of treason. The Petitioner dismissed the charges of coup plotting as trumped up insisting instead that the real reason why he became a target of the then Head of State General Sani Abacha was because he and some officers had failed to support General Abacha's bid to sack the then Interim National Government of Chief Ernest Shonekan and install himself as Head of State. The Petitioner also alleged that he incurred the wrath of General Abacha when he refused to cooperate with Abacha's agents in their bid to frame General Olusegun Obasanjo and late Shehu Musa Yar'adua for coup plotting. The Petitioner described the terrible and inhuman conditions which he and other

prisoners had to endure during his incarceration. He and the other coup convicts were subjected to severe torture as well as a situation of near starvation, the latter being the lot of the average prisoner in Nigeria. The Petitioner urges the Commission to redress the abuse of his human rights.

Period Covered by the Petition

1993 till date.

Names and Addresses of Persons or Institutions Petitioned Against

- The Nigerian Army
- The Patrick Aziza Coup Tribunal
- Late General Sani Abacha

Injuries allegedly suffered by the Petitioner

- Underserved trial on trumped up charges of coup plotting
- Underserved death sentence
- Severe torture and starvation while in prison
- Truncated Military career

Relief Sought by the Petitioner

That justice be done to him and other deserving coup convicts
That the sub-human conditions in Nigeria Prison be improved upon.

Number of years of Service

The Petitioner rose to the rank of Colonel in the Army

Mode of treatment of Petition

The petition was publicly heard during the First Abuja sitting of the

Commission. The Petitioner adopted the contents of his petition and also gave oral evidence.

Evidence of alleged perpetrators

The petition was consolidated with the other coup plot related petitions. In view of the consistency of the evidence of this group of petitioners, the Commission decided that it had received enough evidence on the alleged torture of the Petitioner.

Findings and Observations

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- ❖ The Petitioner's evidence of torture during his interrogation was credible and consistent with the evidence of the other petitioners in this category.
- ❖ The evidence put before the Commission supported the petitioner's testimony that he was tortured.
- ❖ The evidence of torture of the Petitioner was not controverted by the testimony of the alleged perpetrators.

The Commission on the basis of the evidence put before it finds that the petitioner was a victim of torture, inhuman and degrading treatment contrary to Section 310 of the Constitution of the Federal Republic of Nigeria, 1979 then in force.

The Petitioner was denied legal representation of his choice contrary to Section 33 (6) C of the 1979 Constitution of the Federal Republic of Nigeria then in force.

The Commission further finds that the Petitioner and the others who

were tried with him were denied fair hearing and their constitutional right of appeal to a higher tribunal.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- ❖ That the trial and conviction of the petitioner for treason be referred to the courts for nullification.
- ❖ That the petitioner be allowed to retire on the rank currently held by his course-mates.
- ❖ That the petitioner be paid his accrued emoluments with effect from the time of his arrest till date in line with the salaries and emoluments currently enjoyed by his course-mates.
- ❖ Payment of the sum of N250,000.00(Two Hundred and Fifty Thousand Naira) to the petitioner for the torture, inhuman and degrading treatment meted out to him.
- ❖ An apology from the Federal Government

BRIEF ON
MEMO NO. 1328

Petitioner's Full Name(s) and Address(es)

Professor Femi Odekunle

Title of Petition

Date of Petition

Particulars of Petition

Period covered by the petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries allegedly suffered by the petitioner

Reliefs Sought by the Petitioner

Mode of treatment of petition

The petition was listed for hearing during the First Abuja session but was remitted to the second Abuja session on account of the absence of the petitioner. When the petition was called for hearing, Counsel to Mohammed Abacha raised an objection to the hearing of the petition in view of the court order which Abacha secured from the Federal High Court, Abuja restraining the Commission from hearing any aspect of the petition relating to Mohammed Abacha until the final determination of the suit. After a long deliberation, the Commission

ruled that petitioner could present his petition but without any reference to Mohammed Abacha.

Evidence of Alleged Perpetrators

Major Hamza Al-Mustapha testified and explained the circumstances surrounding the petitioner's arrest and detention. He also confirmed the evidence of torture of the petitioner but maintained that he did not order anybody to torture him. The witness finally apologized to the petitioner and his family for the ordeal they underwent.

Findings and Observations

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- ❖ The Petitioner was one of those arrested, tortured and charged in the wake of the alleged coup plot of 1997.
- ❖ His testimony of his torture and ill-treatment of his family was corroborated by the testimony of his wife and that of one DSP Isaiah Adebawale, a State Security Service operative and Chief Detail to the then Chief of General Staff, Lt. General Oladipo Diya.
- ❖ His evidence of torture was also corroborated by Major Hamza Al-Mustapha who apologized for the ordeal of the Petitioner.
- ❖ The Commission finds that the continued detention of the Petitioner for two and a half months after his discharge and acquittal by the tribunal amounted to illegal detention.
- ❖ The Commission noted with satisfaction the reconciliation of Major Hamza Al-Mustapha with the petitioner and his wife at The instance of Major Al-Mustapha.

Recommendation

The Commission in the light of his findings and observations above recommends as follows:

- ✓ An apology by the Federal Government to the petitioner for the torture inflicted upon him following his alleged complicity in the 1997 coup d'etat and for his continued detention after he had been discharged and acquitted by the tribunal.
- ✓ Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) for the ordeal he underwent.

**BRIEF ON
MEMO NO. 31**

Petitioner's Full Name(s) and Address(es)

Lt. Col. Richard Obiki

Title of Petition

Date of Petition

Particulars of Petition

Period covered by the petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries Allegedly Suffered by the Petitioner

Relief Sought by the Petitioner

Number of years of Service Not stated

Mode of treatment

The petition was heard during the First Abuja sitting of the Commission.

The petitioner adopted the contents of his petition and gave oral evidence.

Evidence of alleged Perpetrator(s)

The petition was consolidated with the other coup plot related petitions. In view of the consistency of the evidence of this group of petitioners, the Commission decided that it had received enough evidence on the alleged torture of the petitioner.

Findings and Observations

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- The petitioner 's evidence of torture during his interrogation was credible and consistent with the evidence of the other petitioners in this category.
- The evidence put before the Commission supported the petitioner's.
- Testimony that he was tortured.

The evidence of torture of the petitioners was not controverted by the testimony of the alleged perpetrator.

The Commission on the basis of the evidence put before it finds that the Petitioner was a victim of torture, inhuman and degrading treatment contrary to Section 310 of the Constitution of the Federal Republic of Nigeria, 1979 then in force.

The petitioner was denied legal representation of his choice contrary to Section 33 (6) C of the 1979 Constitution of the Federal Republic of Nigeria then in force.

The Commission further finds that the petitioner and the others who were tried with him were denied fair hearing and their constitutional right of appeal to a higher tribunal.

Recommendation

The Commission in the light of its findings and observations above recommends as follows:

- That the trial and conviction of the petitioner for treason be referred to the courts for nullification.
- That the petitioner be allowed to retire on the rank currently held by his course-mates.
- That the petitioner be paid his accrued emoluments with effect from the time of his arrest till date in line with the salaries and emoluments currently enjoyed by his course-mates.
- Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) to the petitioner for the torture, inhuman and degrading treatment meted out to him.
- An apology from the Federal Government.

BRIEF ON
MEMO NO. 1298

Petitioner's Full Name(s) and Address(es)

Femi Falana

Title of Petition

Date of Petition

Particulars of Petition

Period covered by the petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries Allegedly Suffered by the Petitioner

Reliefs Sought by the Petitioner

Mode of treatment of petition

The petition was heard publicly. The petitioner adopted the contents of his petition and gave oral testimony.

Evidence of Alleged Perpetrators

Mr. Gregory Cass Ene Gwei testified for the National Youth Service Corp.

In his testimony, he denied the petitioner's allegation of withholding of his Discharge Certificate by the NYSC and rather stated that the petitioner failed to collect his Certificate in keeping with the tradition of the organization. He also denied any link between the petitioner's defence of certain undergraduates In court and the withholding of his certificate.

Findings and Observations

After reviewing the evidence of the petitioner and the alleged perpetrators, the Commission finds as follows:

- The petitioner was one of the numerous human rights activists who suffered various abuses of their rights during successive Military Regimes in Nigeria.
- The petitioner was a victim of several arrests and detention by officers of the State Security Service, the Nigeria Police and the Directorate of Military Intelligence as well as the Interim National Government of Chief Ernest Shonekan for his human rights activities.
- The Commission notes the release of the petitioner's discharge Certificate before it as a step in the right direction.

Recommendations

The Commission in the light of its findings and observations above Recommends as follows:

- ❖ An apology by the Federal Government to the petitioner for the numerous abuses of his rights through several unlawful arrests and detention.

- ❖ Payment of the sum of N100,000.00 (One Hundred Thousand Naira) for the numerous abuses of his human rights by successive Governments in Nigeria.

BRIEF ON
MEMO NO. 654

Petitioner's Full Name(s) and Address(es)

Chief Yomi Tokoya

Title of Petition

Date of Petition

Particulars of Petition

Period covered by the petition

Names and addresses of persons or Institutions Petitioned Against

Injuries allegedly suffered by the petitioner

Reliefs sought by the petitioner

Mode of treatment of Petition

The petition was slated for hearing during the First Abuja sitting of the Commission. However, owing to the absence of the petitioner, it was Moved to the second Abuja session during which the petitioner sent a Letter to the Commission seeking to withdraw his petition on the Ground that he had forgiven all those who violated his human rights. This move was vehemently opposed by counsel to some of the alleged perpetrators who were present namely: Brig. General Ibrahim Sabo, Major Hamza Al-Mustapha, and Major Argungu who insisted that their Clients must be allowed to present their own sides of the story. The

Petitioner eventually appeared before the Commission and the petition Proceeded to full hearing.

Evidence of Alleged Perpetrators

Major Hamza Al-Mustapha and Brigadier General Ibrahim Sabo who were Mentioned in the petition as having participated in the violation of the Petitioner's rights testified. Major Al-Mustapha in his testimony described the petitioner as a well known security informant who aligned himself with any Government in power for monetary gains. Brigadier-General Sabo in his own testimony urged the Commission to discountenance the allegations of the petitioner whom he described as someone willing to do anything for money.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators The Commission finds as follows:

- The petitioner was one of those arrested, tortured and charged in the wake of the 1997 alleged *coup d'etat*. His evidence of torture was not controverted by the alleged perpetrators.
- Despite the discharge and acquittal of the petitioner on charges of sedition, his detention continued until he was set free by the Abdulsalami Abubakar administration. The Commission holds that the Petitioner's continued detention after his discharge and acquittal was Illegal.
- The Commission further observes that the petitioner acted as security informant to successive governments and it was in the course of this that he became implicated in the alleged coup plot.
- The Commission further notes that the petitioner had in his letter requesting withdrawal of his petition stated that he had forgiven all those who violated his human rights and only

subsequently appeared before the Commission at the insistence of the alleged perpetrators.

Recommendations

The Commission in the light of its findings and observations above Recommends as follows:

- An apology by the Federal Government to the petitioner for the torture inflicted upon him following his alleged complicity in the 1997 coup d'etat and for his continued detention after his discharge and acquittal by the Special Military Tribunal.

BRIEF ON
MEMO NO. 101

Petitioner's Full Name(s) and Address(es)

Lt. Akin Olowookere(NN 1330)
Plot 51, Ubiaja Crescent, Opp.
CBN Senior Staff Quarters,
P.O. Box 3999,
Garki II, Abuja

Title of Petition

Unlawful arrest, detention and sentence to death

Date of Petition

7th July, 1999

Particulars of Petition

The petitioner was arrested on the 6th of March, 1995 by one Major Adamu Argungu on the orders of Major Hamza Al-Mustapha on charges of complicity in the coup plot allegedly involving Col. Lawan Gwadabe. He was subsequently condemned to death by the General Patrick Aziza Tribunal and was eventually retired from service as a Navy Lt. The petitioner attached relevant documents.

Period covered by the Petition

6th March, 1995 – 4th March, 1999

**Names and Addresses of Persons or Institutions Petitioned
Against**

- Major Adamu Argungu, HQ Brigade, Abuja
- Major Hamza Al-Mustapha
- The General Patrick Aziza Coup Tribunal

Injuries Allegedly suffered by the Petitioner

- Unlawful arrest and incarceration
- Undeserved death sentence
- Unjust retirement from the service of the
- Nigerian Navy

Relief sought by the petitioner

- Retirement on the rank of Lt. Commander as against Navy Lt.
- To bring him at par with his course mates as at 1999.
- Payment of his outstanding remunerations and other Retirement benefits.
- Compensation and rehabilitation.
- Retrieval of his Mitsubishi Gallant Car from Major Argungu

Number of years of service

The petitioner stated that he joined the Military in August 1980 and was retired in 1999.

Mode of treatment of petition

The Petitioner was present at the Commission's First Abuja sitting. His case was consolidated with the other petitions dealing with the 1995 alleged coup plot and remitted to the Commission's second Abuja sitting.

Evidence of alleged Perpetrator(s)

Generals Felix Mujakperuo and Patrick Aziza gave evidence during the

second sitting of the Commission in Abuja. While General Mujakperuo denied involvement in the torture of the petitioner, General Aziza distanced himself from the arrest, interrogation and torture of the petitioner.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators during the public sitting of the Commission, the Commission finds as follows:

- The petitioner's evidence of torture during his interrogation was consistent with the testimony of the other petitioners accused of complicity in the 1995 alleged coup plot.
- The Commission finds that the evidence of torture of the petitioner was largely uncontroverted by the evidence of the alleged perpetrators and strongly condemns the torture, inhuman and degrading treatment meted out to the petitioner and others in this category.
- The Commission finds that the accused person was denied legal representation of his choice contrary to Section 33(6)C of the 1979 Constitution of the Federal Republic of Nigeria.
- The Commission further finds that the petitioner was denied his constitutional right of appeal to a higher tribunal.
- It is therefore the finding of the Commission that the petitioner was denied fair hearing in the conduct of his trial.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- ❖ That the trial and conviction of the petitioner for treason be referred to the courts for nullification.

- ❖ That the petitioner should be allowed to retire on the rank currently held by his course-mates.
- ❖ Payment of the petitioner's accrued emoluments with effect from the time of his arrest till date in line with the salaries and emoluments being presently enjoyed by his course-mates.
- ❖ Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) for the torture, inhuman and degrading treatment meted out to the petitioner.
- ❖ An apology from the Federal Government

BRIEF ON
MEMO NO. 147

Petitioner's Full Name(s) and Address(es)

Capt. U.S.A. Suleiman(rtd)
9 Ajumobi St., Off Acme Road,
P.O. Box 13386,
Ikeja, Lagos.

Title of Petition

Memorandum for the Human Rights Violation Investigation Panel on my Torture, Detention without trial, and retirement from the Nigerian Army on my alleged involvement in 1995 phantom coup.

Date of Petition

Undated.

Particulars of Petition

The Petitioner, then a Captain in the Nigerian Army was serving at the NDA, Kaduna when he was called to Lagos on the 22nd of November, 1994. He arrived on schedule and was immediately placed on close arrest/solitary confinement for 11 months without trial. He was held in three different locations during the period of his confinement. The petitioner gave graphic details of the sub-human conditions in which he and other detainees were kept at the detention centre including an artist's impression of the torture positions they were forced to adopt – either standing or sitting in one position all day long and all night long. Indeed, details of the level of cruelty meted out to the petitioner and his co-detainees as narrated by him defy imagination. The petitioner's travails started when he was invited to Lagos by the DMI

and accused of discussing with another officer at the NDA Kaduna parade ground, an imminent surprise attack on the government of General Sani Abacha in the early days of November when the alleged discussion took Place, 1994. He was also accused of having entertained a visit from one Col. A.D. Umar(rtd) as well as having been overheard making other Derogatory remarks about the Abacha government. The petitioner refuted all the allegations and provided an alibi in this defence. He stated in his defence that in the first week of November, 1994, he was away in Kachia and in he second week, he was excused from duty due to a severe attack of malaria. On the 7th of April, 1995, the petitioner was brought before a team of interrogators comprising Col. Frank Omenka, Col. Santuraki and A.C.P. Zakari Biu. The panel upon noting his firmness and the consistency of his story invited the source of the allegation to prove his claim. The source turned out to be one of his cadets at the NDA, one M.A. Sadiq, now an Army Lieutenant who according to the petitioner confessed to the panel that he misrepresented the facts of his discussion with him (the petitioner) According to the petitioner, a higher panel headed by Gen. Felix Mujakperuo after questioning the petitioner recommended that M.A. Sadiq be expelled from the NDA for conduct unbecoming of an aspiring officer.

None of the recommendations was implemented. On 25/10/95, the petitioner was informed in detention by a representative of the Military Secretary that he and some other officers had been compulsorily retired from the service of the Nigerian Army.

Period covered by the Petition

November 1994 - October, 1995.

**Names and Addresses of persons or Institutions petitioned
Against**

- The Nigerian Army
- Col. Frank Omenka
- ACP Zakari Biu – NPF
- Col. K.J. Olu
- Lt. M.A. Sadiq
- Maj. Gen. Felix Mujakpaeruo
- Maj. Gen. Patrick Aziza
- Col. Alaga – DMI
- Maj. Dank
- Lt. Col. Suleiman I. Abdulkadir – DMI
- Security Group of the DMI

Injuries Allegedly suffered by the Petitioner

- Mental and physical torture
- Stigmatisation of self and family
- Unjust compulsory retirement from the Army

Relief Sought by the Petitioner

To be vindicated by the Commission and the records put straight for those responsible for his travails to be brought to justice his dignity to be restored.

Apology and any other action considered appropriate to redress the wrong done to him.

Number of Years of Service

Not stated

Mode of treatment of Petition

The petition was heard during the first public sitting of the Commission and was concluded during the second Abuja sitting. The petitioner adopted the contents of his petition and gave oral evidence.

Evidence of alleged perpetrator(s)

ACP Zakari Biu testified during the first Abuja session. Generals Patrick Aziza, Chairman of the Special Military Tribunal and Felix Mujakperuo, Head of the Special Investigation Panel gave evidence during the second Abuja sitting. They all denied ordering or partaking in the torture of the petitioner.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrators the Commission finds as follows:

- The petitioner's evidence of torture during his interrogation was credible and consistent with the evidence of the other petitioners in this category. The evidence put before the Commission supported the petitioner's testimony that he was tortured.
- The evidence of torture of the petitioner was not controverted by the testimony of the alleged perpetrators.
- The Commission on the basis of the evidence put before it finds that the petitioner was a victim of torture, inhuman and degrading treatment contrary to Section 31C of the Constitution of the Federal Republic of Nigeria, 1979 then in force.
- The petitioner was denied legal representation of his choice Contrary to Section 33(6) C of the 1979 Constitution of the Federal Republic of Nigeria then in force.
- The Commission further finds that the Petitioner and the others who were tried with him were denied fair hearing and their constitutional right of appeal to a higher tribunal.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- ❖ That the trial and conviction of the petitioner for treason be referred to the courts for nullification.
- ❖ That the petitioner be allowed to retire on the rank currently held by his course-mates.
- ❖ That the petitioner be paid his accrued emoluments with effect from the time of arrest till date in line with the salaries and emoluments currently enjoyed by his course-mates.
- ❖ Payment of the sum of N250, 000.00 (Two Hundred and Fifty Thousand Naira) to the petitioner for the torture, inhuman and degrading treatment meted out to him.
- ❖ An apology from the Federal Government.

BRIEF ON
MEMO NO. 306

Petitioner's Full Name(s) and Address(es)

Col. E.I. Jando,
C/o. Mandela Chambers,
NUJ House,
P.O. Box 3076, Makurdi,
Benue State, Nigeria.

Title of Petition

Forwarding Of Memorandum By Col. E.I. Jando. Col. E.I. Jando's
So-Called Involvement In The Diya Coup Plot.

Date of Petition

27th July, 1999

Particulars of Petition

The Petitioner was a former Commander of the 32 Field Artillery Brigade, Abeokuta covering four States: Ogun, Ondo, Ekiti and Edo States. He took over Command of the Brigade on 7/11/97. On 1st December, 1997, while the petitioner was on an official conference in Abuja, he received a message that General A. T. Olanrewaju wanted to see him. He saw and discussed with the General with whom he had a close relationship.

On 21/12/97, the petitioner was informed in the barracks that his attention was needed in Lagos by the Chief of Army Staff. On arrival in Lagos, he was taken to the Security Group in Apapa where he was handcuffed and leg-chained. He was thereafter informed that he was

a suspect in a coup plot to topple the government of General Sani Abacha. From Lagos, he was flown to Abuja along with other officers who had also been arrested in connection with the same coup. They were detained for 14 days and then taken to Jos for interrogation and trial.

In Jos, they were chained hand and foot 24 hours a day in cells measuring 6” x 8”. According to him, he and the other suspects were subjected to various forms of torture, inhuman and dehumanizing treatment.

Eventually, the Petitioner got to know that one Col. M.N. Madza had reported to General Abacha that Major General Olanrewaju was planning a coup and had informed him (The Petitioner) about it. The petitioner was charged before the Coup Tribunal with “Concealment of information of treasonable value”, concealment of any uncomplimentary remarks about General Abacha was at this point in time treated as treason.

During the Petitioner’s trial, Co. N.N. Madza was the only prosecution witness against him. According to the Petitioner, Madza told lies against him and General Olanrewaju during the trial. His testimony was different from an earlier discussion which he (The Petitioner) had had with Olanrewaju and different from what was contained in his charge sheet. Despite the discrepancies, he was convicted. The Petitioner believes he was victimized because of his relationship with General Olanrewaju which pre-dated the coup plot. He denied any link with the 1997 “Coup plot”.

Period covered by the Petition

1997 till date

Names and addresses of persons or institutions petitioned against

- Col. N.N. Madza
- 1997 Coup Tribunal
- The Nigerian Army

Injuries allegedly suffered by the petitioner

- Unlawful arrest and detention
- Torture, inhuman and degrading treatment
- Illegal charge before a Military Tribunal and Unlawful conviction
- Denial of right to fair hearing
- Repeated attempts on his life after conviction
- Illegal removal of his personal effects.

Relief sought by the petitioner

- ❖ That his trial and conviction be reviewed.
- ❖ Reinstatement into the Nigerian Army
- ❖ Apology for the suffering and degradation suffered by himself and his family in the course of the nightmare

Number of years of service

Not stated

Mode of treatment of petition

- The petition was publicly heard during the first Abuja sitting of the Commission.
- The petitioner adopted the contents of his petition and gave oral evidence.

- The petitioner denied any involvement with 1997 or any other coup plot.

Evidence of alleged perpetrator(s)

Colonel N.N. Madza whom the petitioner alleged had falsely implicated Him in the alleged coup plot testified. Colonel Madza during his testimony apologized to the petitioner for the ordeal he and the other officers accused of coup plotting underwent. He stated that he regretted his action which had caused him many sleepless nights. General Tajudeen Olanrewaju who was also implicated in the coup plot was said to be overseas on medical grounds.

The case was accordingly closed.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged perpetrator, the Commission finds as follows:

- ❖ The petitioner's evidence of torture during his interrogation was credible and consistent with the evidence of other petitioners who were implicated in the 1997 alleged coup plot.
- ❖ The evidence of torture presented by the petitioner confirmed by the testimony of Colonel N.N. Madza who admitted in his testimony that he falsely implicated the petitioner in the alleged coup plot.
- ❖ The Commission on the basis of the evidence put before it finds that the petitioner was a victim of torture, inhuman and degrading treatment contrary to Section 31(1) of the Constitution of the Federal Republic of Nigeria, 1979 then in force.

- ❖ The Petitioner was denied legal representation of his choice contrary to Section 33(6) C of the 1979 Constitution of the Federal Republic of Nigeria then in force.
- ❖ The Commission further finds that the petitioner and the others who were tried with him were denied fair hearing and their constitutional right of appeal to a higher tribunal.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- That the trial and conviction of the petitioner for “concealment of information of treasonable value” be referred to the courts for nullification.
- That the petitioner be allowed to retire on the rank currently held by his course-mates.
- That the petitioner be paid his accrued emoluments with effect from the time of his arrest till date in line with the salaries and emoluments currently enjoyed by his course-mates.
- Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand Naira) to the petitioner for the torture, inhuman and degrading treatment meted out to him.
- An apology from the Federal Government.

BRIEF ON
MEMO NO. 254

Petitioner's Full Name(s) and Address(es)

Ogaga Ovwah Esq.
185, Murtala Mohammed Way,
2nd Floor, Recana House,
Benin City.

Title of Petition

Memorandum on Innocent Oghenero Zundu Ovwah (deceased)

Date of Petition

22nd July, 1999

Particulars of Petition

This is a petition presented by the Ovwah family on the murder of their son and brother Late Innocent O.Z. Ovwah who until his death was a staff of Federal Road Safety Commission, Abuja. The deceased was allegedly murdered in the evening of 3/3/98 along Gado Nasko Road, Kubwa, Abuja by three men who are in the employment of the National Intelligence Agency. The murderers were named to be Mr. Adejoh Abdul of Phase III, Site I, Kubwa, Abuja, Mr. Noah Omakongi of Block 101, Kubwa, Abuja and a third man whose name is not known to the petitioner. The three men were said to be in a Peugeot 505 car with registration No. AA 434 LAM on that fateful day while the deceased was on a commercial Motorcycle as a passenger. The rider of the Motorcycle allegedly had a minor accident with the Peugeot 505 car and this resulted in a heated argument. The late Mr. Ovwah then came down and attempted to settle the disputing parties and

suggested that the matter be taken to the Police as both parties were claiming to be right. He then brought out his identity card but this infuriated the three NIA men who allegedly descended on him heavily until he slumped on the spot and died. The NIA men allegedly carried him to General Hospital, Kubwa where he was confirmed dead. The three men were advised to take the corpse to Garki General Hospital since Kubwa General Hospital had no mortuary. It was at this point that the three men fled leaving their car behind. They were later arrested by the Police but were surprisingly granted bail by the Chief Magistrate Court, Wuse, Abuja on 24/4/98 and nothing was done in respect of the matter till date. The Investigating Police Officer is said to be one Sgt. Franklin (No. 139740) of Nigeria Police, Abuja.

Period Covered by the petition

1998 to present

**Names and Addresses of Persons or Institutions Petitioned
Against**

- ❖ The Director-General, National Intelligence Agency, Garki, Abuja
- ❖ The Inspector-General of Police, Force CID, Abuja.
- ❖ The Hon. Attorney-General of the Federation and Minister of Justice.

Injuries Allegedly suffered by the petitioner

- ❖ Bereavement
- ❖ Non-prosecution of the suspects

Relief Sought by the petitioner

- ❖ Prosecution of the three men responsible for the death of late O.Z. Ovwah.

❖ Demands for justice

Mode of treatment of Petition

The petition was heard during the first Abuja sitting. The petitioner adopted his petition and also gave oral evidence. The petitioner's Prayer was that the case should be re-opened and re-investigated.

Evidence of alleged perpetrator(s)

The alleged perpetrators were not invited by the Commission. The Investigating Police Officer (IPO) who investigated the case appeared before the Commission and testified. He informed the Commission that following the death of the deceased, his employers, the Federal Road Safety Corp had embalmed the corpse without informing the Police. According to him, the pathologists consequently refused to carry out an autopsy on the corpse. Since there was no autopsy report, the Director of Public Prosecutions terminated the case. The case file in respect of the case was admitted in evidence.

Findings and Observations of the Commission

After reviewing the evidence of the petitioner and the alleged Perpetrator, the Commission finds as follows:

- ✓ Following the unlawful killing of the petitioner's brother, the perpetrator of the crime were arrested by the Police but were granted bail by the Wuse Chief Magistrate Court.
- ✓ Until the time of the hearing of the petition, no further steps had been taken to initiate criminal proceedings against the suspects.
- ✓ The Commission observes that the alleged perpetrators are named and identifiable individuals.

- ✓ The Commission finds that investigation into the killing of the deceased by the Police was not thorough enough thereby hampering the prosecution of the alleged perpetrators.

Recommendations

In the light of its findings and observations above, the Commission Recommends that:

- ✓ the case be re-opened by the Inspector-General of Police and thoroughly re-investigated.
- ✓ all those implicated in the unlawful killing of the deceased should be prosecuted.

BRIEF ON
MEMO NO. 787

Petitioner's Full Name(s) and Address(es)

Julius Anakor,
c/o., Prince Orji Nwafor-Orizu
(Solicitor representing the family of late Samuel Anakor)
Suite 68, Corner shops,
Area 7A (behind Cultural Centre),
Garki
P.O. Box 8761, Wuse,
Abuja.

Title of Petition

Breach of Fundamental Rights To Life by the FIIB Nigeria Police Wuse,
Abuja in respect of Samuel Anakor sometime in June, 1992

Date of Petition

11th August 1999

Particulars of Petition

This petition reports the unlawful arrest, detention and possibly extra-judicial killing of one Samuel Anakor, the son of the petitioner, in Abuja sometime in June, 1992.

The deceased had traveled to Abuja from Aba in pursuit of his business activities. He drove in his own motor vehicle and with a large amount of cash in the sum of N450,000. Two weeks after his departure, his business associates in Abuja informed his younger

brother in Onitsha Dr. Christian Anakor that the deceased had been detained at Wuse Police Station and they feared for his well-being.

Dr. Anakor immediately went to Abuja and though the Divisional Police Officer, Wuse confirmed that he had detained Samuel Anakor.

Every enquiry he made of the Police at Wuse Police Station and at the FIIB did not yield any results. In fact he alleges that one DSP Bello (the officer-in-charge, FIIB) assured him that he would 'never release Samuel alive'. He also saw Samuel's pick-up van parked in the Police premises with its licence-plate changed to a Federal Capital Territory registration number.

Since then nothing has been heard of Samuel Anakor. In desperation, the petitioner's family instructed their Solicitors who in January 1993 wrote to the Inspector-General of Police seeking his intervention for the release of Samuel but there has been no response.

The petitioner and his family are convinced that the Police murdered Samuel Anakor.

Period Covered by the petition

1992 to date

Names and Addresses of Persons or Institutions Petitioned Against

- Hon. Minister, Ministry of Police Affairs, Federal Secretariat, Abuja.
- Inspector-General of Police, Force HQ., Abuja
- Commissioner of Police, FCT Police Command, Abuja.

- Commissioner of Police, FIIB, Abuja
- Divisional Police Officer, Wuse Police Station, Abuja.
- DSP Bello, c/o FIIB, Abuja

Injuries allegedly suffered by the petitioner

- Unlawful arrest and detention of Samuel Anakor
- Possible murder of Samuel Anakor in Police custody.
- Harassment and intimidation by Police at FIIB, Abuja
- Psychological trauma

Relief sought by the Petitioner

- Payment of N400,000.00 being the cost of the vehicle seized by the Police.
- Payment of N450,000.00 being the amount in cash in the Possession of Samuel Anakor at the time of his capture by the Police.
- To recover the body of Samuel Anakor, whether alive or dead N300,000.00 being the cost of the funeral ceremony to be organized for Samuel Anakor.
- N5,000,000.00 as general compensation to the family of Samuel Anakor

Mode of treatment of the petition

- The petition was publicly heard during the first Abuja sitting of the Commission.
- The petitioner adopted the contents of his petition and gave oral evidence.

Evidence of alleged Perpetrator(s)

One Deputy Superintendent of Police Bello who was the officer in

charge of the Federal Investigation and Intelligence Bureau where the petitioner's brother was taken to was invited by the Commission to testify. Mr. Patrick Odita who had promised the family that he would speed up investigation into the disappearance of the petitioner's brother, Samuel Anakor from Police custody was also invited to testify. Neither of them answered the Commission's summonses.

Findings and observation of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- The petitioner's brother was on a business trip to Abuja when he was arrested by the Police for undisclosed reasons.
- The Petitioner stated that at the time of his brother's arrest, he was carrying the sum of N450,000.00 (Four Hundred and Fifty Thousand Naira\) on him.
- The victim was traced to the FIIB, Abuja where he was in the Custody of DSP Bello, the officer in charge and from where he subsequently disappeared and has since not been seen.
- From the evidence before it, Samuel Anakor was not charged for any offence before any court of law in Nigeria.
- The Commission observes that despite witness summonses sent to DSP Bello and Mr. Patrick Odita, they failed to appear before the Commission and their absence was not excused by the Police.
- The Commission further observes that owing to the failure of the Police witnesses to appear and testify before the Commission, the testimony of the petitioner remained uncontroverted.
- Since the Police failed to produce Samuel Anakor alive and failed to contradict the testimony of the petitioner, Samuel Anakor is presumed dead.

Recommendations

In the light of its findings and observations above, the Commission Recommends as follows:

- That Samuel Anakor not having been seen alive from June 1992 till date is presumed dead and accordingly, DSP Bello and any others who may be implicated in his disappearance and presumed death should be prosecuted for his murder.
- Payment of the sum of N500,000.00 (Five Hundred Thousand Naira) as compensation to the petitioner and his family for the unlawful killing of Samuel Anakor.
- An apology to be tendered to the family of Samuel Anakor for his unlawful killing.

BRIEF ON
MEMO NO. 1393

Petitioner's Full Name(s) and Address(es)

Menon Bagauda

Mode of treatment of the Petition

The petition was publicly heard. Hearing commenced during the Kano sitting of the Commission and was rounded up during the third Abuja sitting. Mr. Menon Bagauda and Mrs. Martha Kaltho gave evidence on behalf of the family of the missing journalist. Officers of the State Security Service and the Nigerian Police also testified. Apart from the Police and the SSS officers, Mr. Babafemi Ojudu, Editor of the "The News" Magazine which is published By Independent Communications Network Ltd, the employer of Bagauda Kaltho also gave evidence.

Evidence of Alleged Perpetrators

Assistant Commissioner of Police Hassan Zakari Biu testified before the Commission on what he knew of the Durbar Hotel bomb blast of 18th January, 1998 in which the missing journalist, James Bagauda Kaltho was alleged to have died. In his testimony, the witness stated that he was the Head of the Task Force on Counter Terrorism which was set up by the Police in response to the spate of bombings around the country at the material time.

The witness further stated that he took over the investigation of the Durbar Hotel bomb blast in obedience to an order of the Inspector General of Police following a letter from the State Security Service to the Inspector General of Police and signed by one A.A. Gadzama in which the Inspector General was requested to investigate the incident.

The witness admitted that he had stated during his press conference of August, 1998 that the person who died in the 1996 bomb blast was Bagauda Kaltho. The witness however stated under cross examination that as at the time of the public hearing of the case, he could no longer say with certainty that the victim of the Durbar Hotel bomb blast was Gagauda Kaltho.

Apart from ACP Hassan Zakari Bui, Deputy Commissioner of Police, Mr. Mukhtari Ibrahim who was the ACP, State CID, Kaduna State in 1996 i.e. the time of the bomb blast also testified before the Commission. This witness stated that he led a team of detectives to the bomb blast scene shortly after the explosion. For preliminary investigation. He later handed over the investigation as well as all recovered items to Zakari Bui, Superintendent of Police Godson Urowuru who was head of the bomb disposal unit in the Kaduna State Police Command also testified and told the Commission of his role in the investigation of the incident. Major Hamza Al-Mustapha in his own testimony before the Commission stated that pictures of the bomb blast victim were sent to the then Head of State, General Sani Abacha by the then Inspector-General of Police, Alhaji Ibrahim Coomassie and Mr. Peter Nwadua, Director-General of the State Security Service about a day or two after the incident. The witness stated that the pictures were marked behind them "Bagauda" Mr. Samuel Fola Caleb, an SSS operative also testified. He stated that he once shared a flat with Bagauda Kaltho and that the latter was an informant both to him and the State Security Service. When shown photographs of the bomb blast victim, he stated that he was unable to positively identify them as those of Bagauda Kaltho.

A.A. Gadzama, another senior staff of the SSS also gave evidence.

Gadzama was the State Director of the SSS in Kaduna State between 1993 and 1996 when the Durbar Hotel bombing took place. He authored the letter with its attachment to The Inspector-General of Police which stated that from information available to the SSS from their sources, the victims of the Durbar Hotel bomb blast was Bagauda Kaltho, This witness on whose letter Zakari Biu claims to have based his claims about the identity of the bomb blast victim however neither confirmed nor denied the said claims but only stated that he wrote the letter on the instruction of the DG of the SSS. He also stated that the SSS officer one A.S. Darma who was conversant with the link between Bagauda Kaltho and the bomb blast was dead.

Findings and observations of the Commission

After reviewing all the evidence before it, the Commission finds as follows:

- That the testimonies of the various security agents who testified at the hearing of their petition raised more questions than answers.
- The Commission observes the inconsistencies in the testimony of ACP Hassan Zakari Biu, a key witness in this petition who in a press conference in August 1998 stated that the body recovered at the scene of the Durbar Hotel bomb blast was that of Bagauda Kaltho but informed the Commission in his written submission that he never met James Bagauda Kaltho in a personal or official capacity.
- The Commission further observes that ACP Biu based his claim regarding the identity of the bomb blast victim on the report from the SSS to the Inspector-General of Police.

- The Commission noted that the security operatives who testified in this petition were hedgy in giving information to the Commission.
- And their testimonies left the Commission now the wiser in its quest for the fate of the missing journalist.
- The Commission findings that investigation into the Durbar Hotel Bomb blast of 18th January, 1996 was conducted in a shoddy manner which was indicative of attempt to cover up rather than to shed light on the circumstances surrounding the incident. The investigation officers failed or neglected to follow certain leads which would have shed more light on the incident.
- The Commission observes that upon studying the pictures of the bomb blast victim which were tendered in evidence, Mrs. Martha Bagauda Kaltho stated: I cannot identify these pictures as my husband's Mr. Menon Bagauda also reacted in a similar vein as well as the SSS operative, Samuel Fola Caleb who knew Bagauda Kaltho closely and also failed to identify the pictures as those of Bagauda Kaltho.
- On the basis of the evidence put before it, the Commission is unable to find that the body recovered at the scene of the Durbar Hotel bomb blast on the 18th of January, 1996 was that of Bagauda Kaltho.
- The Commission is also unable to find that the missing journalist, Bagauda Kaltho is dead since legally speaking, a person can only be presumed dead seven years after he has not been heard of by those who if he had been alive would naturally have heard of him. (See Section 144(1) of the Evidence Act, Cap. 112, Laws of the Federation of Nigeria, 1990)

Recommendations

In the light of its findings and observations above, the Commission recommends as follows:

- That a high level team of seasoned investigators drawn from different security agencies be empanelled by the Inspector-General of Police to unravel the circumstances surrounding what may well be a heinous crime going by the evidence of state sponsored bomb blasts adduced before the Commission during the period in question.
- The investigating panel should carefully scrutinize the testimonies adduced before the Commission especially the possibility of complicity of the State in the alleged “death of Bagauda Kaltho.
- Mention must be made here of the evidence of Major Hamza Al-Mustapha who informed the Commission that a day or two after the Durbar Hotel bomb incident, pictures of the body recovered at the scene were sent to the then Head of State, General Sani Abacha by the Inspector-General of Police, Alhaji Ibrahim Coomassie and the DG, SSS, Peter Nwaodua with the pictures marked “Bagauda” at the back.
- The Commission recommends that at the end of the investigation into the fate of the missing journalist, if it is confirmed that he is a victim of unlawful killing, all those found to be complicit in his assassination should be brought to justice.
- The Commission further recommends that if the investigation uncovers complicity of the state in the fate of the missing journalist as being alleged by his family, a public apology should be extended to the family of Bagauda Kaltho by the Federal Government of Nigeria and the sum of N500,000.00 (Five

Hundred Thousand Naira) should be paid to the family as compensation.

BRIEF ON
MEMO NO. 1498

Petitioner's Full Name(s) and Address(es)

Sgt. Julius Uwem,
Documentation Office,
Police College,
Ikeja – Lagos.

Title of Petition

Case of Murder of Master Eliom Itubo

Date of Petition

9th August 1999

Particulars of Petition

The petitioner a serving Police Officer brought this petition in respect of the murder of his nephew (name not given) and on behalf of his elder brother, the deceased father Mr. Wari Itubo.

The deceased was coming back to Okoboh Village from Port Harcourt on 17/8/95 around 10 p.m. when he ran into some angry youths vigilante group led by Mr. Lumumba Jackson.

The deceased was severely beaten and tortured and then taken to the village town hall where one Friday Josiah told the vigilante group to take the deceased to hospital a euphemism for finishing him. Deceased was killed and his corpse dumped in a nearby pit.

The matter was reported at Abua Police Station the next day and Mr. Friday Josiah, Mr. Imiete Igoni, Lumumba Jackson and Gospel Igege were arrested.

The Police sent one Dr. Amadi to do a post mortem and the Police also took pictures. However, some powerful people in the village soon intervened and that was the end of the Police investigations. Even when the case was transferred to SIIB Port Harcourt, the same people were at work.

The Petitioner sent a petition to the COP Rivers State who endorsed the matter for immediate investigations, the 2 IPOs handling the case Cpl. Nicholas Anyanwu and PC Christmas demanded N20,000 from the petitioner before they would do any further investigation. This was because those alleged powerful people including Chief Etim Ikata had already given the IPOs N50,000,00 to stall further action.

The Petitioner and his family because of his efforts to see that justice is done are no longer safe in he village. In fact, his house was set ablaze. However, the same Chief Ikata stopped them before much harm was done as he did not want another case and the community replaced the zinc.

Chief Ikata and his cohorts also forced the Petitioner's brother to withdraw his complaint.

5. Period covered by the Petition 1995

Names and Addresses of Persons or Institutions Petitioned Against

The Inspector-General of Police, Police Headquarters, Abuja

Chief Ikata

Mr. Lumumba Jackson

Mr. Godpower Micah

Mr. Cyril Obu

Mr. Good Ben

Mr. Kenoye Oru

Note: All the above are of Okoboh Village LGA Rivers State

Injuries Suffered by the Petitioner

Loss of a dear one.

Relief sought by the petitioner

For the police to properly investigate the case and prosecute all suspects.

Mode of treatment of Petition

This matter came up for hearing during the Port Harcourt sitting of the Commission.

Evidence of alleged perpetrator(s)

The Commissioner of Police Rivers State Police Command named as one of the perpetrators opposed the relief being sought by the petitioner – that the case be re-investigated and all suspects prosecuted in his defence, he stated that the Rivers State Police Command have indeed completed investigation on this matter and that the case file was sent to the Director of Public Prosecution, Rivers State for advise. He submitted further that the matter was never prosecuted because the father of the deceased wrote letters to the

Commissioner of Police, Rivers State and the Office of the Rivers State Attorney-General asking that the matter be withdrawn. He tendered these letters in evidence.

Findings and Observations

After reviewing the evidence before it, the Commission finds as follows: That the Affidavit purportedly deposed to by the father of the deceased (which he denied in his oral testimony) was sworn to by him before an appropriate authority (the Commissioner for Oath) as requested by law and therefore attracts no evidential value.

That the letters purportedly written by the father of the deceased to withdraw the matter were signed under duress as oral evidence revealed that even if (a) and (b) above are taken as represented by the alleged perpetrators, the very fact that the crime of murder is a crime against the State, it suffices to state that the offence was not one that can be terminated at the instance of the deceased's father.

Recommendations

In the light of the findings above, the Commission hereby grants the relief(s) sought by the petitioner and the Commissioner of Police, Rivers State Police Command is hereby ORDERED to carry out a thorough investigation into the murder of the deceased and ensure that the suspects are brought to justice.

BRIEF ON
MEMO NO. 180

Mode of treatment of the Petition

This petition was heard during the Enugu public sitting of the Commission

Evidence of the alleged Perpetrators

The alleged perpetrators testified and in unison denied the allegations contained in the petition. In the words of Professor Patrick Ngoddy, the allegation was based on second hand information and hearsay couched in clearly speculative and conjectural phraseology. They further alleged that the regime of the petitioner as the Vice Chancellor of University of Nigeria Nsukka brought unprecedented pain and grief to the University community as a whole as is evident in the General Bagudu Mamman administrative Audit Panel dated June 1995.

Findings and Observation of the Commission

After reviewing the evidence of the witnesses, the Commission finds as follows:

- That the petitioner refused to vacate his official residence after he had been removed as Vice Chancellor even though a Sole Administrator had been appointed.
- That the Military Administrator of Enugu State, Col. Mike Torey (as he then was) acting in concert with the Administrator and other forcefully ejected the petitioner from his official residence.
- That in consequence of (b) above, the petitioner's property was vandalized.

- That the petitioner's children were falsely imprisoned for about a week.

Recommendation

The Commission in the light of the foregoing recommends as follows:

- That the petitioner if he believes strongly that his property were looted or his life or that of his family was threatened, should lodge a report with the police for thorough investigation.
- The issue of entitlement should be referred to the visitor of the University or the University Council for amicable and just resolution.
- The Enugu State Government should tender an apology to the petitioner for forcefully ejecting him from his official Residence and for false imprisonment of his children.
- An apology also should be rendered to Mr. Festus Nwosu by Enugu State Government for the assault meted on him on the orders of Col. Mike Torey.
- No compensation shall be awarded

BRIEF ON
MEMO NO. 859

Mode of Treatment of Petition

This matter was heard during the Enugu public sitting of the Commission.

Evidence of the alleged Perpetrators

The alleged perpetrators did not testify because the only issue before the Commission as made out by the petitioner was that after re-investigating this case as ordered by the IGP, the Abia State Ministry of Justice was unable to give any legal advice. However on the resumed hearing of the Commission on 2nd of May, 2001, the Ministry of Justice and ably represented by the Solicitor General who reported information had been prepared and prosecution recommended based on the fact that it was an acid attack on late Rev. Ogba Okoro Ezikpe. On being informed that the said acid attack led to the death of Rev. Ogba Okoro Ezikpe, the Solicitor-General undertook to amend the recommended charge accordingly.

Findings and observations of the Commission

After reviewing the evidence of the witnesses, the Commission finds as follows:

- That there was an acid attack which led to the death of Rev. Ogba Okoro Ezikpe.
- That the matter was reported to the Police in Abia State who after unsatisfactory investigation was ordered to re-investigate same by the Inspector-General of Police,

- That the re-investigation report was forwarded to the Ministry of justice for legal advice.
- That the legal advice was written and a prima facie case made out but that the alleged perpetrators had not been arraigned in court as at the time of hearing this petition.
- That the Ministry of Justice was not duly informed that Rev. Ogba Okoro Ezikpe died consequent upon the acid attack hence a lesser charge was suggested .

Recommendations

The Commission therefore recommends as follows:

- That the Ministry of Justice Abia State should reframe a charge in consonance with the gravity of the crime disclosed or suggested.
- Consequently, the alleged perpetrators should be arraigned before a Court of competent jurisdiction.
- The Commission declines to award any compensation.

**BRIEF ON
MEMO NO. 331**

Petitioner's Full Name(s) and Address(es)

Pius Abiche Ogwuche

Title of Petition

Date of Petition

Particulars of Petition

Period covered by the petition

**Names and Addresses of Persons or Institutions Petitioned
Against**

Injuries Allegedly Suffered by the Petitioner

Reliefs Sought by the Petitioner

Mode of treatment of Petition

The petition was slated for hearing during the second Abuja sitting of the Commission. However, when the case was called for hearing, the petitioner was not present and was not represented by Counsel. There was also no correspondence with the Commission regarding the reason for the petitioner's absence. The Commission conclude that the petitioner had no further interest in pursuing his petition and it was accordingly struck out.

BRIEF ON
MEMO NO. 383

Mode of treatment of the petition

The matter came up for hearing during the Port Harcourt sittings of the Commission.

Evidence of the alleged perpetrator(s)

The alleged perpetrators were absent and unrepresented.

Findings and observations of the Commission

The Commission after reviewing the evidence of the petitioner finds as follows:

- That it is premature to presume the alleged victim dead, especially when there is no evidence to substantiate this presumption.
- The Commission also finds the relief for compensation being sought by the petitioner to be premature in that compensation can only arise when liability has been established against an individual or group.

Recommendations

The Commission in the light of the evidence before it recommends that the Commissioner of Police, Lagos State conduct an investigation into the mysterious disappearance of the alleged victim and if any foul play is established those involved should be brought to justice.

BRIEF ON
MEMO NO. 908

Mode of treatment of Petition

This matter came up for hearing during the Port Harcourt sittings of the Commission.

Evidence of the alleged perpetrator(s)

The Commissioner of Police, Rivers State in defence of the allegation as set out in the petition stated that no formal complaint was ever made to his officers at any of the Police Stations in the State concerning the death of the victim, so as to bring the facts of the incident to their knowledge. He submitted further that in the absence of any formal report, no case file was opened on this matter without which no investigation could be carried out.

Findings and observations of the Commission

The Commission after reviewing the evidence before it, finds as follows:

- That of a truth, no formal report was made to the Police of this tragic incident.

Recommendations

The Commission in the light of the findings above directs the

petitioner to make a formal report to the Police on this incident and the police is also directed that on receipt of the report should carry out an investigation to unravel the circumstances in which Alfred George Spiff and sixteen others met their untimely death in a day.

**BRIEF ON
MEMO NO. 942**

Mode of treatment of Petition

This matter came up for hearing during the Port Harcourt sittings of the Commission

Evidence of the alleged perpetrators

The alleged perpetrators did not adduce any evidence, rather, they opposed the application for adjournment made by the counsel to the Commission. They prayed the Commission to strike out the petition as the petitioner has not shown sufficient interest in pursuing his petition.

Findings and observations of the Commission

The Commission after listening to the arguments of the counsel to the Commission and that of the respondents struck out the petition with liberty given to the petitioner to re-list the petition.

Recommendations

No recommendation was made because the petitioner failed to appear

before the Commission to adduce oral evidence in support of the allegations contained in the petition.

**BRIEF ON
MEMO NO. 673**

Mode of treatment of the Petition

This matter came up during the Port Harcourt sitting of the Commission and was concluded.

Evidence of the alleged perpetrator(s)

The alleged perpetrator Mr. Useni Uguru Useni through his Counsel cross examined the petitioner. The crux of his argument was that this matter had been dealt with by the Director of Public Prosecution of Cross River State.

In view of the above, the learned Counsel tendered exhibit 4, which is an order of the court refusing an order of mandamus to compel the police to prosecute certain named persons.

Findings and Observations of the Commission

The Commission after reviewing the evidence before it finds as follows:

- That there are certain indications of a cover up as alleged by the petitioner since the Police investigation report suggested A prima facie case.
- That the way and manner the DPP terminated this case gives the impression of undue interference from the executive arm of government.

Recommendations

In the light of the foregoing, the Commission recommends that this matter be re-investigated.

BRIEF ON MEMO NO. 672

Mode of treatment of Petition

This petition came up during the Port Harcourt public sittings of the Commission

Evidence of the Alleged Perpetrator(s)

The alleged perpetrators in this case are the Police who testified and insisted that the late Ofem was an armed robber. In their evidence, they alleged that the Police Patrol Team came across the deceased's vehicle while on patrol and on the spot search of the said vehicle revealed a browning automatic pistol, a matchet, crow bar, torch light and twenty thousand Naira (N20,000) And that the suspects confessed to series of robberies. Consequently, one of the suspects volunteered to lead the Police to their hide out where it was alleged their weapons were hidden.

In the course of this, the suspects fled into the bush; therefore the Police shot and killed all of them in one fell swoop.

Findings and observations of the Commission

The Commission after carefully reviewing the evidence of the witnesses

finds as follows:

- That the evidence of the Police is contradictory and hardly appeals to commonsense.
- That the killing of Mr. Samuel Epam was extra judicial done hence the deceased was denied fair hearing as enshrined in Section 36 of the 1979 Constitution.

Recommendations

The Commission recommends as follows:

- That the IGP should set up a special investigation team to re-investigate this matter and prosecute whoever that is found liable.
- That the petitioner be paid compensation.
- That there is the urgent need to institutionally reform the Nigerian Police in order to make it live up to the demands of modernity.

BRIEF ON
MEMO NO. 948

Mode of treatment of Petition

This matter was heard during the Port Harcourt Enugu and Abuja 3 sittings of the Commission.

Evidence of the alleged perpetrators

This matter could not be heard on the merit by reason of the fact that it was *sub judice* hence the alleged perpetrators could not be called upon to testify.

The Commission's attention was drawn to this fact through an objection raised by Mr. Ajinyah Counsel from T.J. Okpoko(SAN) Chambers on the 12th of July 2001 at the Abuja sittings of the Commission.

Findings and observations of the Commission

After considering the submissions of counsel to Chevron and the explanation given by the petitioner, the Commission finds as follows:

- That two cases with substantially the same facts and relief were pending before the High Court of Justice, Delta State.
- In view of the above circumstance, this petition was struck out.

BRIEF ON
MEMO NO. 1482

Petitioner's Full Name(s) and Address(es)

Idris Abdulkadir

Mode of Treatment of Petition

The petition was originally slated for hearing during the Lagos sitting of the Commission. When however the case was called, the Commission was informed that it was impossible to locate the petitioner at the address he provided for service. The case was therefore adjourned to the second Abuja session.

When the case was mentioned for hearing, he was once again absent owing to difficulty in effecting service on him because of the obscure address he provided for service. The case was accordingly struck out by the Commission.

Evidence of Alleged Perpetrator(s)

Despite the non-appearance of the petitioner, one Captain H. Buba of the Nigerian Army who had been summoned by the Commission to answer to allegations of having unlawfully arrested and detained the petitioner submitted a written response to the petitioner's allegations.

In his response, he confirmed that he effected the arrest of the petitioner on the orders of Colonel Frank Omenka on the 4th of June, 1996. He also stated that the petitioner was arrested because Colonel Omenka received information from one Colonel Bitrus that the petitioner was masquerading as an officer of the Nigerian Army Security Group. The witness denied having anything to do with the search or vandalization of the petitioner's house and further stated

that after the arrest of the petitioner, he was handed over to the Police for necessary action.

BRIEF ON

MEMO NO. 266

1. Petitioner's Full Name(s) and Address(es) Moses E. Oddiri

Mode of Treatment of the petition

The petition was listed for public hearing upon the application of the Petitioner . The alleged perpetrators were represented by Counsel. When the Case was called, the Chairman of the Commission listened to submissions From counsel on both sides as well as counsel to the Commission and observed The petitioner had previously applied to be joined as a witness in a case before The Commission dealing with the murder of Chief Alfred Rewane during its Sitting in Lagos. The Chairman further observed that the petitioner's request In Lagos was refused. Since the Commission had not invited the petitioner as A witness which would have entitled him to the Commission's protection, he

Was advised to submit all the documents relating to his petition to the Commission's Secretariat for any further necessary action.

BRIEF ON

MEMO NO.

1. Petitioner's Full Name(s) and Rev. (Dr.) E.A.
Fapohunda
Address(es)

Mode of treatment of the petition

The petition was slated for hearing during the second Abuja sitting of the

Commission. However, when the petition was called for hearing, counsel to

One of the witnesses observed that the subject matter of the petition was also

The subject matter of a suit pending in court.

The petitioner proceeded to read his petition after which the Commission's

Chairman ruled that the subject matter of the petition was outside the terms

Of reference of the Commission. The petitioner was accordingly advised

To pursue his claims in court and the petition was dismissed.

BRIEF ON

MEMO NO. 1599

Mode of treatment of the petition

This petition was heard during the Enugu public sitting of the Commission and

Was struck out because it was subjudice i.e. pending before a regular court.

Besides the relief being sought for by the petition to wit amnesty falls outside

The terms of reference of the Commission.

BRIEF ON

MEMO NO. 256

Mode of treatment of the petition

This petition was heard during the Enugu and Abuja sitting of the Commission

Evidence of the alleged perpetrators

The main complaint of the petitioner was that the Police investigated This crime and arrested some persons alleged to have been involved But left them on bail as if they had done nothing. Therefore the

alleged

Perpetrators did not testify.

Findings and observations of the Commission

After reviewing the evidence of the witnesses, the Commission finds as follows:

That there was death and that some persons were alleged to have committed this offence.

That the Police arrested the alleged perpetrators but

Released them on bail as if the offence was a minor offence and this tantamount to dereliction of duty by the Police.

Recommendation

The Commission therefore recommends as follows:

That this case file be re-opened and that the IGP should empanel a special panel to re-investigate this case.

That the culprits should be arraigned in court for it is only the court that has the competence to enquire into this matter in all ramifications.

BRIEF ON

MEMO NO. 307

Mode of treatment of the petition

This petition was heard during the Enugu sitting of the Commission.

Evidence of the alleged perpetrators

The alleged perpetrator, Hashim Abubakar did not testify even though He was needed. The Attorney-General Imo State revealed that the Army

Refused to release Hashim Abubakar to face prosecution.

Findings and observation of the Commission

After reviewing the evidence, the Commission finds as follows:

That there was an investigation and that the file was sent To DPP who recommended prosecution, a prima facie case Having been established.

That Hashim Abubakar was being shielded from facing the consequences of his action.

Recommendations

The Commission recommends as follows:

That Hashim Abubakar be compelled to appear in court
To face trial

That the Chief of Army Staff be ordered to arrest and
Produce Hashim Abubakar.

That the Federal Government and indeed the Imo
State Government should pay compensation

BRIEF ON
MEMO NO. 564

Mode of treatment of the Petition

This petition was heard and concluded during the public sitting of the Commission at Enugu.

Evidence of the alleged Perpetrators

The petitioner complained about the refusal and or inability of the Anambra State Judiciary to compile and transmit a record of proceedings to the Court of Appeal in respect of a murder case six years after the conclusion of the trial at the High Court of Justice Onitsha. On the resumed sitting of the Commission on 3rd of May 2001, the Registry of the High Court then produced two copies of the said record of proceedings. Consequently, the petitioner was immediately given a copy of the record proceedings. This being so, the petition was struck out.

BRIEF ON
MEMO NO. 83

Mode of treatment of petition

This petition was heard during the Enugu public sitting of the Commission.

Evidence of the alleged perpetrators

No evidence was adduced for the simple reason that this petition was struck out.

Findings and observations of the Commission

On a second look at the reliefs being sought by the petitioner, the Commission discovered that it lacks the jurisdiction to entertain it because it was outside its terms of reference, consequently it was struck out.

BRIEF ON
MEMO NO. 262

Mode of treatment of the petition

This petition was mentioned during the Enugu public sitting of the Commission and owing to the absence of the petitioner, the Commission had no choice other than to strike it out with liberty to re-list if the petitioner so wishes.

BRIEF ON MEMO NO. 1772

Mode of treatment of Petition

This petition was heard during the Enugu public sitting of the Commission

Evidence of the alleged Perpetrators

Although the petitioner named the Directorate of Military Intelligence (DMI) and the Nigerian Police as the alleged perpetrators, none testified instead ACP Nuhu Ribadu cross examined the petitioner extensively with a view to discrediting him. However, the veracity of the petition was indeed shaken as much of his allegations could not stand the test of time.

Findings and observations of the Commission

After reviewing the evidence of the witnesses the Commission finds as follows

- That the petitioner was indeed arrested, detained and tortured by the various security apparatus in connection with bomb throwing and terrorism.
- That there is no direct nexus between the death of the petitioner's father, wife, son, in-law etc with his ordeal as obliged. Although the Commission deeply commiserates with him.
- That some of the security agents namely Col. Frank Omenka, ACP Zakari Biu and Col. J. K. Olu may have overstepped their bounds hence their names featured like a recurrent decimal in many petitions.

Recommendations

The Commission recommends as follows:

- The Federal Government should tender an apology to the petitioner
- That compensation be paid to the petitioner.

BRIEF ON MEMO NO. 1473.

Petitioner's Full Name(s) and Address(es)

Chief Akin Omoboriowo

Mode of treatment of the petition

The petition was heard publicly. The hearing commenced during the

second Abuja session and ended during the third Abuja session.

Evidence of alleged Perpetrators

General Muhammadu Buhair whose Military Government was alleged to have violated the rights of the petitioner was invited by the Commission to state his own side of the story. He did not appear but a letter sent by his counsel on his behalf was read to the Commission. The letter stated that General Buhari was then out of the country and requested that another date be considered to enable him appear.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- The petitioner was arrested by the government of General Muhammed Buhari in January, 1984 after the overthrow of the government of Alhaji Shehu Shagari on allegations of corrupt enrichment.
- The petitioner was detained for a total of seventeen months (sixteen of those months incommunicado) until his release on September, 1985 on the orders of a new Head of State, General Ibrahim Babangida.
- The Commission further observes that the Justice Uwaifo Panel which was appointed in late 1985 to probe former public office holders and which submitted its report in 1986 exonerated the petitioner of charges of corrupt enrichment.
- The petitioner's evidence of his arrest and detention for seventeen months was not contradicted and there is sufficient evidence before the Commission to substantiate the petitioner's claims of mental torture.
- The Commission in the circumstance, finds that while the arrest of the petitioner upon reasonable suspicion that he may have

committed an offence may be lawful, his detention incommunicado and without trial for seventeen months was unlawful.

Recommendations

In the light of its findings and observations above, the Commission recommends as follows:

- An apology by the Federal Government to the petitioner for his unlawful detention and for the mental torture inflicted on him.
- Payment of the sum of N200,000.00 (Two Hundred Thousand Naira) for the mental torture inflicted upon him.

BRIEF ON MEMO NO. 136

Petitioner's Full Names and Address(es)

Christopher Ikechukwu Ezemah

Mode of treatment of petition

The petition was slated for hearing during the third Abuja sitting of the Commission. However, when it was called, counsel to the Nigerian Navy informed the Commission that the petitioner's case was being reviewed along with those of some other naval personnel some of whom had also petitioned the Commission with a view to converting his dismissal to retirement with full benefits. The counsel to the Nigerian Navy also admitted the facts of the petitioner's arrest and detention.

The Commission encouraged the settlement movers and urged the parties to report back to it within two weeks. The case was closed on this note.

**BRIEF ON
MEMO NO. 413**

Petitioner's Full Names and Address(es)

Hon. Alhaji Muhammed Inuwa Aliyu

Mode of treatment of the Petition

The petition was listed for hearing during the third Abuja sitting of the Commission. The petitioner was persistently absent but was represented by counsel. The petition was subsequently struck out upon the application of counsel to the petitioner. However, counsel to the alleged perpetrators brought an application before the Commission requesting that the case be re-opened to enable their clients respond to the petition. The case was re-opened and the alleged perpetrators read a written response before the Commission after which the case was closed. The petitioner remained absent throughout the proceedings.

Evidence of the alleged Perpetrators

Brigadier-General L.J. Isa(rtd) former Military Administrator of Kaduna State, Alhaji Yusuf Hamisu Abubakar and Alhaji Idi Faruk who had been mentioned in the petition as having in one way or the other violated the petitioner's rights filed a joint response to the petition. The response was read by Brigadier-General L. J. Isa who

revealed in his testimony that the petitioner was a fraudulent person who abused his official position as a member of the Kaduna State Bureau for Lands and Surveys to fraudulently assign twenty plots of land to his company Muskhal Nigeria Ltd amongst other acts of illegality.

On the arrest and trial of the petitioner, the alleged perpetrator stated that following the recovery of some files and other records belonging to the Bureau for Lands and Survey from the petitioner's house, the Police charged him before a Magistrate Court for theft and forgery on the 2nd of July, 1996.

The witness maintained that neither himself nor the other witnesses had any hand in the arrest or trial of the petitioner.

Findings and observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- ✓ The petitioner filed a petition before the Commission, briefed counsel who appeared on his behalf but choose to stay away from the proceedings despite being repeatedly served with witness summonses.
- ✓ The petitioner failed to appear to dispute a contradiction of the testimony of the alleged perpetrators so their evidence must stand as representing the true position.
- ✓ It is in evidence before the Commission that the petitioner attempted to obtain the sum of Five Miliion Naira from the alleged perpetrators as an inducement for him to drop his petition. Again this was not contradicted by the petitioner.
- ✓ The attitude of the petitioner in failing to appear to pursue his petition for no apparent reason or to contradict the testimony of

the alleged perpetrators despite countless opportunities given to him appears to support the contention of Brigadier-General L.J. Isa that the petitioner came to equity with “unclean hands”

Recommendations

In the light of its findings and observations above, the Commission recommends as follows:

- ✓ An unreserved and public apology to Brigadier-General L.J. Isa(rtd) Alhaji Yusuf Hamisu Abubakar and Alhaji Idi Faruk in line with their prayers before the Commission.
- ✓ The allegation by the alleged perpetrators that the petitioner Attempted to obtain the sum of Five Million Naira from the alleged perpetrators as an inducement for him to drop his petition should be investigated by the appropriate authorities.

BRIEF ON MEMO NO. 61

Petitioner’s Full Names and Addresses

Alhaji Mustapha Garba

Mode of treatment of the Petition

The petition was heard publicly during the Kano sitting of the Commission.

The petitioner was present and he adopted and read his petition.

Evidence of alleged perpetrators.

In his oral testimony, the petitioner stated that in the spirit of reconciliation he had forgiven all those who tortured him and was withdrawing his claim of unlawful detention and torture. Counsel to the alleged perpetrators however objected to this move stating that the petitioner had not been tortured by his clients in the first place. Counsel to the alleged perpetrators also demanded an apology from the petitioner.

Findings and observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- ✓ The petitioner was arrested and detained in connection with the alleged coup plot of 1997.
- ✓ Some of his personal properties including his car which contained vital contractual documents were seized.
- ✓ When the car was eventually returned to him, the documents were missing.
- ✓ The Commission observes that in the spirit of reconciliation, the petitioner has decided to abandon his claim of detention and torture but wants to pursue the case of return of his contractual documents.
- ✓ The Commission further observes that an earlier letter written to the Presidency requesting for release of the petitioner's papers did not yield positive results.
- ✓ The Commission finds that the relief sought by the petitioner which is, the return of his contractual documents does not fall within its terms of reference so advocates an administrative handling of the case.

Recommendations

In the light of its findings and observations above, the Commission

recommends that an administrative channel of communication be opened with the appropriate authorities with a view to assisting the petitioner retrieve his documents.

BRIEF ON
MEMO NO. 1782

Petitioner's Full Names and Addresses

Alhaji Lili Gabari.

Mode of treatment of Petition

The petition was publicly heard during the second Abuja sitting of the Commission. The petitioner was led in evidence and he adopted his petition.

Evidence of alleged Perpetrators

Mr. Iro Katsina who was a former State Security Service operative and who was alleged by the petitioner to have led the team which arrested him was present and gave evidence. In his evidence, the witness confirmed the testimony of the petitioner that he was arrested and detained.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- ✓ The petitioner was arrested on the 4th of February, 1984 by the Government of General Muhammadu Buhari.

- ✓ The petitioner was detained for a total period of twenty three months, twenty by the Buhari administration and three by the Babangida administration.
- ✓ According to the petitioner, the reason for his arrest was his Agitation for the release of Mohammed Abubakar Rimi at that time.
- ✓ The petitioner was detained for three months at Abakaliki Prisons and for twenty months at Eta Oko, an island detention camp in Lagos.
- ✓ At Eta Oko, the petitioner was in solitary confinement and had no access to visitors or outside world.
- ✓ During the twenty three months of the petitioner's arrest, he was not brought before any court of law to face any charges.
- ✓ The evidence of the petitioner was not disputed by any contrary evidence.
- ✓ The Commission finds that the arrest of the petitioner was unlawful because it was not based on reasonable suspicion of his having committed an offence.
- ✓ His detention for twenty three months without trial was also unlawful because it was not pursuant to the order of a court or tribunal and did not fall within the other situations in the Constitution when the right to personal liberty may be excused.

Recommendations

In the light of its findings and observations above, the Commission recommends as follows:

- ✓ An apology to the petitioner by the Federal Government for his unwarranted incarceration for twenty three months and for the mental torture inflicted upon him.

- ✓ Payment of the sum of N200,000.00 (Two Hundred Thousand Naira) by the Federal Government to the petitioner as compensation for his incarceration for twenty three months.

**BRIEF ON
MEMO NO. 725**

Petitioner's Full Names and Address(es)

Hadiza Pindar
Dooshima Ada'a
Mariam Sawa
Regina Shija
C/o., Mrs. D. Ada's Command Secondary
School, P.M.B. 2250,
Jos.

Mode of treatment of the Petition

The petition was slated for hearing during the second Abuja session. However, when the case was called for hearing, the petitioners informed the Commission that they were exploring the option of settlement with the Ministry of Defence. The Commission was kept informed about the progress of the settlement . On the 19th of September, 2001, the Memorandum of Settlement was signed by the petitioners and the representative of the Ministry of Defence during open proceedings and was also counter-signed by the Chairman of the Commission.

The summary of the agreement are as follows:

- ❖ Payment of school fees for the children of the deceased officers with effect from September, 2001
- ❖ Payment of pensions and gratuities to the widows and children of the deceased officers.
- ❖ Houses and cars would be made available to widows who were yet to get them as promised by the Government.
- ❖ The report on the causes of the C-130 plane crash would be made available to the widows as soon as it was received from the manufacturer.

**BRIEF ON
MEMO NO. 275**

Petitioner's Full Names and Address(es)

Major Michael O. Edeghagba

Number of Years of Service

29 years

Mode of treatment of the Petition

The petition was heard during the first Abuja sitting of the Commission. The petitioner's testimony was based mostly on his petition.

Evidence of alleged Perpetrators

Two of the alleged perpetrators, Colonels K.J. Olu and Bassey Asuquo who were summoned as witnesses did not appear. The Commission

decided at this stage that it had received enough evidence on the 1995 alleged coup plot and accordingly ruled that the evidence of the two witnesses would add nothing more to the case. Their evidence was therefore dispensed with.

Findings and Observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- ✓ The petitioner was arrested on the 24th of November, 1994 on allegations that he was planning to topple the Government of General Sani Abacha.
- ✓ The petitioner was subsequently brought before the General Felix Mujakperuo's Special Investigation Panel along with other suspects including Generals Olusegun Obasanjo and Shehu Musa Yar'adua as well as Colonel Lawan Gwadabe.
- ✓ The Commission observes that while some of the other alleged coup suspects were tried before the Special Military Tribunal, the petitioner was exonerated of charges of coup plotting.
- ✓ The Commission further observes that after the petitioner had been cleared by the Special Investigation Panel, his detention continued for another seven months after which he was released and immediately retired from the Army.
- ✓ The petitioner stated that while he was in detention, the sum of N250,000.00 belonging to him was taken away and other properties worth about N3.7 Million were vandalized.
- ✓ The petitioner's evidence of torture was not controverted and the Commission finds his testimony in this regard to be consistent with the evidence of the other coup suspects.
- ✓ The Commission accordingly finds that the petitioner was a victim of physical and mental torture.

Recommendations

The Commission in the light of its findings and observations above
Recommends as follows:

- ✓ That the petitioner should be allowed to retire voluntarily from service on the rank currently held by his course-mates.
- ✓ That the petitioner be paid his accrued emoluments with effect from the time of his arrest till date in line with the salaries and other emoluments currently enjoyed by his course-mates.
- ✓ Payment of the sum of N250,000.00 (Two Hundred and Fifty Thousand) to the petitioner by the Federal Government for the torture, inhuman and degrading treatment meted out to him.
- ✓ An apology to be tendered to the petitioner by the Federal Government for the physical and mental torture to which he was subjected.

BRIEF ON
MEMO NO. 1778

Mode of treatment of petition

The petition was heard during the Enugu and Abuja sittings of the Commission.

Evidence of the alleged perpetrator(s)

The alleged perpetrators i.e. Oruku Community testified through Engineer Okenwa. Issues were squarely joined and essentially the Eruku Community denied all the allegations levied against them by Umuode Community. They alleged that the autonomous community given to Umuode by Navy Captain Agbaje in 1999 was an aberration in that there is no clearly identifiable and defaceable piece of land to actualized.

That Oruku Chieftancy Constitution of 1976 based on rotation was changed in 1987 with emphasis on merit and that Umuode have as much right as any other person to contest in so far as the only qualification is merit. In fact Umuode attended the general meeting of 12/5/90 where the present traditional ruler Igwe C.A. Nemeh was elected.

On issue of multiple murder and arson, that Umuode were the aggressor on each occasion and the aftermath of retaliation by Oruku Community was that Umuode fled to Akpuoga – Nike where they claim to be refugees.

Consequently, the Oruku Community counter claims the sum of 10 billion Naira too ridiculing and bastardizing the name of Oruku locally, nationally and internationally

Findings and Observations

The Commission after listening to the two witnesses for both sides, advised that this matter be settled amicably without further proceedings before the Commission. In the circumstance, several meetings were arranged and certain decisions reached. However, the Commission's effort in this direction could not yield any positive dividend perhaps due to the primordial animosity and suspicion generated by the issues involved.

Recommendations

(As articulated by Rev. Father Kukah)

BRIEF ON MEMO NO. 594

Mode of treatment of petition

This petition was heard at the Enugu public sitting of the Commission.

Evidence of the alleged perpetrators

The alleged perpetrators i.e. Captains Mohammed Zubairu, Operation Storm, Imo State (as he then was) and the Military Administrator of

Imo State Col. Tanko Zubairu refused to appear to answer to the allegations contained in this petition.

Findings and Observations of the Commission

After considering the evidence of the witnesses, the Commission finds as follows:

- a. The evidence of the petitioner and indeed that of Mr. Mike Naze was not controverted at all.
- b. Payment of one hundred thousand Naira (N100,000) to Mr. Mike Naze is an admission of guilt.
- c. The arrest and torture of the petitioner was illegal and oppressive

Recommendations

The Commission in the light of the above recommends as follows:

- a. That the said Captain Zubairu Mohammed of Operation Storm, Imo State and the former Military Administrator of Imo State, Col. Tanko Zubairu should render an apology to the petitioner and his friend for this unwarranted assault.
- b. Imo State Government should also be made to render an apology to the petitioner.
- c. The petitioner and his friend, Mr. Naze should be adequately compensated.

BRIEF ON MEMO NO. 88

Mode of treatment of petition

This petition came up during the Enugu public sitting of the

Commission and was heard.

Evidence of the alleged perpetrators

The alleged perpetrator in this case is the Nigerian Police and they argued that the petitioner was detained for only three days before he was granted Police bail.

However, the inability of the petitioner to secure any reasonable and responsible surety stalled the said bail.

As for the arrest, the allegation was that the petitioner stole a car contrary to his argument.

Findings and observations of the Commission

After considering the evidence of the witnesses, the Commission finds as follows:

- a. That the petitioner was detained in a manner that infringes his constitutionally entrenched rights.
- b. That the arrest of the petitioner was lawful in that the Police Act gives the Police power to arrest any person on mere suspicion of Commission of a crime.
- c. That the IGP should re-investigate this matter and report back to the Commission.

Recommendations

In the light of the foregoing, the Commission recommends as follows:

- a. That the Police should render an apology to the petitioner.
- b. That nominal damages be awarded to the petitioner.

BRIEF ON
MEMO NO. 1781

Mode of treatment of petition

This petition came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

No evidence was received from the alleged perpetrators

Findings and observations of the Commission

After reviewing the evidence of the petitioner, the Commission finds that there is no substance in the petition.

Recommendations

The Commission accordingly dismissed the petition for lack of merit.

BRIEF ON
MEMO NO. 1653

Mode of treatment of the petition

This petition came up for hearing at the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

One of the alleged perpetrators, His Royal Highness, Eze Ogbonna, the traditional ruler of the community was represented by O.O. Egoenyi Esq. he aligned with the application of the counsel to the Commission to strike out the petition in the absence of the petitioner.

Findings and observations of the Commission

The petitioner was absent even though he was served summon by the Commission.

Recommendations

Petition struck out with liberty to re-list

**BRIEF ON
MEMO NO. 1685**

Mode of treatment of the petition

This matter came up for hearing during the public hearing of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

No evidence as received from the alleged perpetrators.

Findings and observations of the Commission

After a careful consideration of the evidence of the petitioner and the relief sought, the Commission noted that the facts of this petition are the same as those of petition no. 1648. The two petitions were therefore consolidated under petition no. 1648

Recommendations

Consolidated with petition no. 1648.

**BRIEF ON
MEMO NO. 1751**

Mode of treatment of petition

This petition came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

No evidence was received from the alleged perpetrators

Findings and observations of the Commission

The petitioner at the hearing of this petition applied to consolidate this petition with petition no. 1648 filed on behalf of Ohaneze Ndigbo.

Recommendations

Consolidated with petition no. 1648

**BRIEF ON
MEMO NO. 720**

Mode of treatment of the petition

This matter came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

The alleged perpetrators in this petition are officers of the Nigerian Police Force. In their defense, the Police stated that the deceased was arrested for stealing on a Friday and taken to the court the following Monday morning. The deceased was returned to the Police cell after the day's proceedings in the court. The Police stated further that the deceased took ill the following day, being Tuesday and was taken to the Hospital where he died of cerebral malaria. They tendered two exhibits to show the cause of death of the deceased.

Findings and observations of the Commission

After reviewing the evidence before it, the Commission came to the conclusion that there is no causal link between the death of the deceased and his detention in the Police cell.

Recommendations

The claim for re-investigation and compensation cannot be sustained as there is no sufficient evidence before the Commission to substantiate the claims.

**BRIEF ON
MEMO NO. 858**

Mode of treatment of the petition

This matter came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrator(s)

At the hearing of this petition, counsel to the Commissioner of Police, Abia State, pointed out to the Commission that the facts contained in this petition are the same as the facts of the case currently pending before the High Court of Ohafia. The Attorney-General of Abia State confirmed this position and gave the case number as HOH/3C2000. He stated that the 1st and the 2nd accused persons have been arraigned on three occasions but the prosecution could not go on because of the continuous absence of the 3rd and 4th accused persons who are military officers.

Findings and observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- That the facts of this petition are the same as the facts of the case already before a competent court and therefore the Commission cannot continue its investigation on it as the matter is sub judice.
- That the refusal of the 3rd and 4th accused persons to attend trial would result to miscarriage of justice.

Recommendations

The Commission in the light of its findings above hereby ORDER the Chief of Army Staff to produce the 3rd and 4th accused persons in court on the next adjourned date to take their plea.

**BRIEF ON
MEMO NO. 118.**

Mode of treatment of the petition

This matter came up for hearing during the public sittings of the Commission at Enugu and Abuja.

Evidence of the alleged perpetrator(s)

The alleged perpetrator in this petition is a Police Officer by name Emmanson Okoroafor in his defense, the Police officer tendered exhibits 5,6,7,8, and 9 to establish a case of armed robbery against the deceased/victim. In his oral testimony, he stated that the deceased was caught in a cross fire when he shot at the police officer who attempted to arrest him at the point of disposing stolen items. He submitted further that he was never charged for murder before any court, that the subsequent letter written to the Inspector General of Police by the Abia State Attorney General was the handiwork of the petitioner whom he said exercised a lot of influence in the State Ministry of Justice as then sole contractor.

Findings and observations of the Commission

After reviewing the totality of the evidence before it, the Commission finds as follows:

- That a close perusal of the evidence before the Commission, with particular reference to exhibit 5,6,7,8,9 and 10 tend to establish the fact that the deceased was an armed robbery suspect.

- The discrepancies in the two charge sheets: Charge Sheet no. 4C/95, Charge Sheet no. 8C/96 and the letter to the Inspector General of Police, which all originated from the Office of the Attorney-General of Abia State established that there was a desperate attempt to pervert the course of justice in this case by certain officials of the State Ministry of Justice.
- The legal opinion written by the then Director of Public Prosecution and the Attorney General of Abia State were given against the weight of evidence contained in the Police case files/ investigation report.

Recommendations

- The Commission in the light of its findings above, holds that no case of unlawful killing has been established against Mr. Emmanson Okoroafor.
- The Commission recommends further that the present Attorney General of Abia State should revisit this matter and proffer charges against all deserving suspects. The Commission cautioned that the image of this highly exalted office is at stake.
- The Commission recommends to the Federal and all the State Governments of the Federation that the Office of the Attorney General and that of the Director of Public Prosecution at the State and Federal levels are sensitive offices, which only persons of impeccable character must occupy

BRIEF ON
MEMO NO. 427

Mode of treatment of the petition

This petition came up for hearing during the public sittings of the Commission at Enugu

Evidence of the alleged perpetrator(s)

The first to testify amongst the alleged perpetrators was the Nigerian Agip Oil Limited (NAOL). The company represented by its Divisional Manager for Public Affairs denied rendering any form of assistance to the Federal Armed Forces in their military operations in Okpoama/Ewoama community of Bayelsa State. He stated that the company has consistently maintained a cordial relationship with her host communities. On the allegation that the company provided vehicles to aid military operations against the Okpoama/Ewoama community. He admitted that the company actually provided two pick-up vans at the request of the Commissioner of Police, Bayelsa State for the purpose of Police peace operations in Okpoama/Ewoama community and not for any military operations as alleged by the petitioner. The Divisional Manager stated that on his visit to Okpoama/Ewoama community, he noticed some damages to buildings and other properties.

Lt.Col. Omoregie, the Commanding Officer of the 343 Artillery regiment at Elele, Rivers State responsible for the internal security of the area at the material time, denied the allegation that he and his officers took side with the Twon Brass to unleash violence on the Okpoama/Ewoama community. He admitted though, that he

deployed troops to beef up security in the areas as a result of the increasing spate of violence, vandalization of oil installations etc, following the KIAMA DECLARATION by the Ijaw youths.

Findings and observations of the Commission

The Commission after reviewing the evidence before it, finds as follows:

- That there were indeed military operations in the area as evidenced by the damaged properties.
- That experience from other cases heard by the Commission has shown that the Commanding Officer in any military operation is often not the direct perpetrator himself, but he is the one known to the people.
- That assistance to the Police or other Armed Forces personnel by oil companies in their areas of operations is a source of concern to the host communities who often accused such officers as being at the command of the financiers/companies.

Recommendations

In the light of its findings above, the Commission hereby recommends that:

- Those who suffered loss of properties as a result of the operations of the joint military/police task force at Okpoama/Ewoama community be compensated.
- Assistance to Armed Forces personnel guarding oil installations in the Niger Delta should henceforth be channeled through the Federal Government by the oil companies operating in that region.

BRIEF ON
MEMO NO. 404

Mode of treatment of the petition

This petition came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged Perpetrator(s)

The Nigerian Police Force named as the violators of the right of the deceased, did not call any witnesses in their defence. Rather, they relied on exhibit 2 (a complaint to the Police of civil disturbances) to show why the arrest and detention of the deceased was lawful and justifiable.

Nuhu Ribadu (Assistant Commissioner of Police) appearing for the Nigerian Police Force apologized on behalf of the Police Force for the unfortunate incident. He however contended that the officer who allegedly demanded for N10,000 or bribe, which the deceased could not afford for his bail, hence the resultant death in custody, should be held accountable and not the Nigerian Police Force.

Findings and observations of the Commission

The Commission after reviewing the evidence before it, finds as follows:

- That Mr. Oji Ude died while in Police custody.
- That the deceased was arrested on a complaint made to the Police of civil disturbances in the community.
- That while the initial arrest was lawful, the detention of the deceased for eleven days without a court order makes the detention unlawful as it contravenes the provisions of Section 35 of the Constitution of the Federal Republic of Nigeria, 1979 which prohibits the detention of a suspect for more than 24 hours without a court order.
- The Commission also finds that the deceased had a total of six wives and fifty eight children as dependants before his death.

Recommendations

The Commission in the light of its findings above recommends that the sum of N1 Million be paid to the family of the deceased as compensation for their up keep.

BRIEF ON MEMO NO. 1529 AND 1530

Mode of treatment of the petition

These petitions came up for hearing during the public sittings of the Commission at Enugu and were consolidated because of their common nature.

Evidence of the alleged perpetrator(s)

The only evidence given in this case by the alleged perpetrators is that the records of the trial court in the cases of the two petitioners (now awaiting the execution of death sentence passed on them) were among the documents burnt during the fire incident that engulfed the building of the High Court No. 2, Orlu, Imo State. They stated further that they have not been able to produce the necessary records for the convicts to appeal against the decisions of the court to a higher court because of the reasons stated above.

Findings and observations of the Commission

After a careful review of the evidence before it, the Commission finds as follows:

- That every citizen convicted of a capital offence have a constitutional right of appeal against the decision of the trial court to a higher court.
- That the constitutional right of appeal of the two petitioners in this case has been hampered by the fact that the records on which the appeal would have been founded have been destroyed by a fire incident.

Recommendations

The Commission in the light of its findings above recommends to the Imo State Governor to consider seriously the possibility of granting a state pardon to the two petitioners,

- a. Mr. Damian Mgbée and
- b. Mr. Daniel Azubuike.

BRIEF ON
MEMO NO. 1364

Mode of treatment of the petition

This petition came up for hearing during the public sittings of the Commission at Enugu.

Evidence of the alleged perpetrators

Captain Felix E. Duhala, one of the alleged perpetrators in this petition, regrets his involvement in the investigation that led to the arrest and detention of the petitioner. He stated in his testimony that the report made against the petitioner to the Directorate of Military Intelligence (DMI) was false and a set-up masterminded by one Mr. Okafor Victor also known as Ezego.

Col. Majeoyeogbe also one of the alleged perpetrators testified that he instructed his officers to go and investigate and possibly effect the arrest of the petitioner based on the information he received about the petitioner being in unlawful possession of explosives and other fire arms.

Col. Idehenre, the then Acting Director of DMI testified that he was not aware of the operation of the officers of the DMI at Ihiala. He stated further that he only became aware of the arrest and detention of the petitioner on the 23rd day of July, 1997 and that he effected the arrest of all the officers involved in the operation, including Col. Majeoyeogbe.

Findings and observations of the Commission

After reviewing the evidence before it, the Commission finds as follows:

- That the allegation made to the DMI against the petitioner was a deliberate falsehood aimed at getting the petitioner into trouble because of the land and personality conflict between the petitioner and Mr. Victor Okafor.
- That there were indications of acts of misdeeds on the part of certain officers of the DMI that culminated to the arrest and detention of the petitioner.

Recommendations

In the light of its findings above, the Commission recommends as follows:

- That an unreserved apology be made to the petitioner by the DMI for the wrong done to him.
- That the petitioner be paid a compensation of N50,000.00

BRIEF ON MEMO NO. 1474

Mode of treatment of the petition

This petition came up for hearing during the public sittings of the Commission at Enugu and Abuja

Evidence of the alleged Perpetrator(s)

The alleged perpetrators did not denied the arrest and detention of members of the National Association of Seadogs on whose behalf this petition was brought, instead they adduced evidence to establish that the association is a secret cult, and the members were arrested while carrying out their nocturnal activities. To support their assertions, they tendered a number of exhibits amongst which was a human skull recovered from one of the members of the association arrested on the fateful day. The alleged perpetrators nevertheless stated that the alleged victims were detained at the Police Station for less than 24 hours before they were transferred to Bori Camp at the instance of the joint investigation panel set up by the Rivers State Security Council.

The alleged perpetrators on a final note prayed the Commission to recommend the proscription of the Association, which was registered in error as their activities as know today were not know at the time the association was registered.

Findings and observations of the Commission

The Commission after a careful review of the evidence before it, finds as follows:

- That the arrest of the members of the National Association of Sea Dogs, though lawful, but their subsequent detention after 24 hours without court order is unlawful as this contravenes the provisions of section 35 of the Constitution of the Federal Republic of Nigeria, 1979.
- The torture and degrading treatment to which the victims were subjected is also unlawful.
- The Commission finds further that the duty of the law enforcement agents to protect the individuals and group rights in

the society, is sometimes in conflict with the duty to protect the right of the society at large as in this case.

- That the National Association of Sea Dogs is duly registered under the applicable laws, but its activities are shrouded in mystery

Recommendations

In the light of its findings above, the Commission recommends that the personal effects of the individual members of the association seized by the security operatives be returned to them.

NB: Attention: Hon. Commissioners (Not for publication, please)

We chose a middle course position in this matter. The detention of members of the Association is obviously unlawful, but an association whose activities are inimical to the society should not be encouraged by way of compensation or apology. Unlawful possession of human skull and the use of names other than the names with which the members are known to the general society is unacceptable to morals and good conscience.

BRIEF ON

MEMO NO. 1532

Petitioner' Full Name(s) and Addresses (es)

Hon. (Bar) Nwabueze

Hon. Calistus Nnamani

Both of Enugu State House of Assembly, Nkanu East Constituency.

Title of petition

The Assassination of Mr. Sunday Ugwu by the Governor of Enugu State, and further Plans by him to kill us. A Rape of Democracy –And an S.O.S.

Date of Petition

13th Sept. 1999

Particulars Of Petition

The Petitioners are members of the House of Assembly and have written to the Head of State and copied the Commission. They alleged that on September 9, 1999 the Governor sent assassins to murder them and the said assassins succeeded in murdering one Mr. Ugwu an elder brother to Hon. (Bar) Nwabueze Ugwu. The Petitioners were forced to flee from their houses and on exile in Abuja since that date. This incident came about when the members of the House of Assembly had a strained relationship with the Governor of Enugu State Dr. Chimaroke Nnamani. They also alleged that some of the Legislators in the Enugu House of Assembly live in fear and are not free to speak their minds on issues concerning the Government of their State even on the floor of the House of Assembly.

Period covered by the petition

September 9, 1999 to date

Names and Addresses of Persons or Institutions Petitioned

Against

His Excellency, The Governor, State Government House, Enugu
The Speaker, Enugu State House of Assembly,

Injuries Allegedly Suffered by the Petitioner

- a. Loss of senior brother
- b. Being fugitives in Abuja.

Relief Sought by the Petitioner

- a. Investigate the brutal murder of Mr. Sunday Ugwu the elder brother of one of the Petitioners.
- b. That the Head of State should provide them with adequate security to enable them go back and continue with their work at the House of Assembly.
- c. That the Governor of Enugu State should guarantee their safety in writing.
- d. That the Head of State should cause the mental balance of the Governor of Enugu State to be examined with a view to ascertain his state of mental being.
- e. That the matters raised in this petition inclusive the murder of Mr. Sunday Ugwu be investigated by a Special Squad from the Presidency, or a Special Squad of the IGP since the Governor being the Chief Security Officer of the State and the Commissioner of Police takes instructions from him.

Mode of Treatment of Petition

The petition was slated for hearing during the second Abuja sitting of the Commission. When the case was called the Counsel representing

the Enugu State Government the alleged perpetrator raised an objection challenging the competence of the Commission to hear the petition. The grounds for his objection were that the subject matter of the petition was also the subject matter of a suit pending at the High Court of Enugu State at the instance of the Petitioner. The Counsel also argued that since the murder of the Petitioner's brother complained of took place on the 9th of September, 1999, the matter fell outside the cut off date in the Commission's Mandate which is the 28th of May, 1999.

After listening to arguments from both counsels to the petitioner as well as Counsel to the Enugu State Government, the Commission noted that even though it is a fact finding body, the exercise must be carried out within the confines of the law. The Commission accordingly held that it lacks the power to entertain the petition in view of the cut off date in its mandate which circumscribed the scope of its investigative powers.

The Commission further advised the Petitioner to focus on the matter before the law courts. The petition was accordingly struck out.

**BRIEF ON
MEMO NO 306**

Petitioner's Full Name(s) and Addresses (es)

Col. E.I. Jando

c/o Mandela Chambers,
NUJ House,
P.O. Box 3076,
Makurdi, Benue State, Nigeria.

Title of Petition

Forwarding of Memorandum by Col. E.I. Jando. Col. E.I. Jando's So-called Involvement in the Diya Coup Plot.

Date of Petition

27th July, 1999

Particulars of Petition

The Petitioner was a former Commander of the 32 Field Artillery Brigade, Abeokuta covering four States; Ogun, Ondo, Ekiti and Edo States. He took over command of the brigade on 7/11/97.

BRIEF ON
MEMO NO. 466

Petitioner's Full Name(s) and Addresses (es)

Musa Adede

Title of Petition

Memorandum by Musa Adede to the Special Human Rights Violations Investigation Panel on his illegal arrest and detention.

Date of Petition

Undated

Particulars of Petition

The Petitioner stated that in March, 1995, Col. Lawan Gwadabe sent a message to him informing him that he (Gwadabe) was under house arrest in Jos for reasons he did not know. The Petitioner upon receiving Gwadabe's message and in response to the entreaties of the latter wife proceeded to Gen. A.K. Adisa in the company of one Col. Olu Craig to enquire about the reason behind Gwadabe's detention. According to the petitioner, they were informed that Colonel Gwadabe was just under house arrest and for them to await further information. The petitioner alleges that a few days later, eight armed men stormed his house and at gun point searched the whole house. The Petitioner was later shown a search warrant from the DMI, the soldiers found nothing incriminating and their leader, one Lt. Hassan apologized to him and they left. The petitioner stated further that two weeks later, he traveled to the United Kingdom for medical check up. While he was in the UK, he got wind of the alleged coup plot involving Col. Lawan Gwadabe and others and was advised by

friends to remain in the UK until the situation became clearer. He therefore registered for an MBA programme in the United Kingdom. The Petitioner revealed that in February, 1996, he received a telephone call from the late Ibrahim Abacha who stated that he was relaying a message from his father asking him to return home as he was neither a wanted man nor was he involved in the alleged coup plots.

The Petitioner returned to Nigeria on Easter Sunday in April, 1996. At the Airport, his passport was taken away from him and he was asked to report at the office of the SSS after the holidays. The Petitioner was eventually directed to the DMI and then to Lt.Col. Frank Omenka who finally ordered his detention for six weeks. The Petitioner alleges that during the period of his detention, he was interrogated by officers of the Security Group on his relationship with Col. Lawan Gwadabe and the role of the latter in the alleged coup plot. He denied knowledge of any coup plot. After being confined for six weeks, Col. Omenka directed the Petitioner to pay the sum of N6.7 Million to the Nigerian Army Post Exchange Limited (NAPEX) The amount in question was related to a tripartite business transaction between NAPEX, the Petitioner's company, Canaan Limited and Continental Merchant Bank. The petitioner alleged that NAPEX violated the terms of the agreement.

The Petitioner revealed that faced with deteriorating health in custody, he was forced to sell his shares to pay the money demanded by Omenka to NAPEX. The Petitioner was released about a week after the payment of the money and some of the property removed from his house were returned to him. Many of these including computers were damaged.

The Petitioner was once again arrested on the 31st of July, 1997 and was once again taken to the DMI Apapa where he was handcuffed and once again detained, time for four months. The Petitioner alleges that he was tortured and accused of collaborating with Col. Lawan Gwadabe and General Olusegun Obasanjo to violently overthrow the Government of the late General Abacha. The Petitioner was eventually brought before the Special Military Tribunal trying the alleged coup plotters and was charged with being an accessory after the fact, he was however discharged and acquitted. Despite his discharge and acquittal, the petitioner remained in custody for another three months until his release on the 18th of July, 1998.

Period Covered by the Petition

1995 till date

**Names and Addresses of Persons or Institutions Petitioned
Against**

- (1) The Nigerian Army (The Security Group of the DMI)
- (2) Ismaila Gwarzo
- (3) Late General Sani Abacha
- (4) AVM Idi Musa
- (5) Group Capt. J.K. Adama
- (6) Col. Frank Omenka
- (7) Air Cdre Nkanga(rtd)
- (8) Col. M.L. Yesufu

Injuries Allegedly Suffered by the Petitioner

- a. Unlawful detention
- b. Mental and physical torture

- c. Loss of material possessions
- d. Health problems as a result of his detention

Relief Sought by the Petitioner

- (1) Replacement of his five desk top computers which were removed from his house and damaged.
- (2) Repair of his damaged aircraft.
- (3) Refund of the sum of N6,773,745 million plus interest from 29th May, 1996 to August, 1999

Mode of Treatment of Petition

The petition was heard publicly during the First Abuja sitting of the Commission. The Petitioner adopted the contents of his petition and elaborated through oral testimony.

Evidence of Alleged Perpetrator(s)

Two of the alleged perpetrators present, Colonel Nathaniel N. Mazda and Brigadier General Momoh Lawani Yesufu who were present cross examined the petitioner after his oral testimony. Both witnesses admitted that they were members of the Special Investigation Panel which investigated the allegations of coup plotting against him and which provided the report with which he was tried. They however both denied any role in the torture of the Petitioner.

Findings and Observations of the Commission

After reviewing the evidence of the Petitioner and the alleged perpetrators, the Commission finds as follows:

After the discharge and acquittal of the Petitioner by the General Victor Malu's Tribunal in April 1998, his detention and torture

continued allegedly on the orders of Sergeant Barnabas Mshelia(Rogers).

Although the alleged perpetrators denied any role in the torture of the petitioner, their evidence did not contradict the petitioner's evidence that he was tortured.

The Commission noted and applauded the practical demonstration of forgiveness and reconciliation by the petitioner and the alleged perpetrators who shook hands at the conclusion of the case and promised to put the past behind them.

Recommendations

The Commission in the light of its findings and observations above recommends as follows:

- a. An apology by the Federal Government to the Petitioner for the torture, cruel and inhuman treatment meted out to him.
- b. Payment of the sum of N50,000.00 (Fifty thousand Naira) as compensation for the torture meted out to him.

MEMO BRIEF

MEMO NO. 762

Petitioner's Full Name(s) and Address (es)

Mr. Femi Adeyemino,
c/o Odua People's Congress Secretariat,

40 Araromi Street, Off Layi Oyekanmi Street,
Mushin, Lagos.

Title of Petition

Odua Peoples Congress Memorandum to the Justice Oputa Human Rights Violation Investigation Panel on the Bombing of Dr. Shola Omoshola, former Chief Security Officer, and Assistant General Manager Security Federal Airport Authority of Nigeria at the Murtala Muhammed Airport, Lagos.

Date of Petition

12th August, 1999.

Particulars of Petition

The Petitioner is a cousin of the former Chief Security Officer of the Murtala Muhammed International Airport, Ikeja late Dr. shola Omoshola.

The petitioner relates that upon the death of the late Dr. Omoshola in an explosion that shattered his official car, the Petitioner was invited to the International Airport for interrogation for two consecutive days. Thereafter some men of the State Security Service (SSS) searched the residence of the late Dr. Omoshola where the Petitioner also lived. Nothing was found.

Eleven days after the death of the deceased the Petitioner was again invited to the Airport for another search of the deceased's office. Present at this search were several SSS operatives, including Mr. Wakili, Mr. Dalma and Mr. Musa, as well as one Capt Bello Ochege,

Mr. Ghaji (of FAAN), and Mr. Adboye Festus, Personal Assistant to the deceased. During the course of the search the SSS operatives allegedly made a dramatic discovery for objects which they identified as bombs. The Petitioner alleges that the same office had previously been searched by the Police and the Bomb Disposal Unit who found nothing.

The Petitioner reported again at the Airport the next morning in company of three others, on the instruction of the SSS officers from their they were taken to the SSS headquarters in Ikoyi where after a long delay they were interrogated and their statements taken. Later that night their detention was ordered by Mr. Wakil and Mr. Dalma. Four days later, the Petitioner was brought before these two men who he alleges torture and threatened him severely in order for him to implicate certain notable persons as accomplices in the terrorist bombings across the country. He alleges that Mr. Dalma pulled out a piston and threatened to kill him if he did not 'cooperate'. The Petitioner said that he refused to implicate anyone or confess to any part in the activities he was accused of. He remained in detention at the SSS headquarters for three months until February 1997 when he was transferred to the notorious InterCentre, a detention facility of the SSS located beside the Ikoyi Cemetery.

In March 1997 the Petitioner and others were transferred to the Force CID Alagbon Close cells from where they were brought to court on charges of treasonable felony. The method of their movement from the cells to the court caused the Petitioner great anxiety because he thought they were being taken away to be killed, as they were not informed of their destination. After the proceedings they were returned to Alagbon close where the Petition remained until July

1998, after a nineteen month stay in detention.

The Petitioner alleges that throughout the time of his detention he suffered torture and cruelty in the hands of Messrs. Wakili and Dalma of the SSS, and mental and psychological trauma in the Inter Centre detention facility, and FCID Alagbon Close. He also alleges that his properties were looted by security agents at his residence in the official quarters of the late Dr. Omoshola.

The Petitioner further states that the former Commissioner of Police, Lagos State, Alhaji Abubakar Tsav, has recently revealed the circumstances surrounding the murder of late Dr. Omoshola.

Period Covered by the Petition

1996 to date.

Names and Addresses of Persons or Institutions Petitioned Against

1. Hon. Minister, Ministry of Police Affairs, Federal Secretariat, Abuja.
2. Inspector-General of Police, Force HQ, Abuja.
3. Director- General, State Security Service HQ, Abuja.
4. Mr. Wakili, c/o SSS HQ, Abuja.
5. Mr. Dalma, c/o SSS HQ, Abuja.

Injury Allegedly Suffered by the Petitioner

1. Unlawful arrest and detention for nineteen months;
2. Torture, beatings and threat to life;
3. Mental and psychological trauma to Petitioner and his family;
4. Looting of his properties by security operatives.

Relief Sought by the Petitioner

Full investigation and discovery of the persons behind the killing of Dr. Omoshola.

Nature of Hearing Received by Petition

None stated

MEMO BRIEF
MEMO NO. 757

Petitioner's Full Name(s) and Address (es)

Dr. Frederick Isiotan Fasehun,
40 Araromi Street,
Off Layi Oyekanmi Street,
Mushin, Lagos.

Title of Petition

Memorandum on the Gross Violations of my Rights and those of my Family.

Date of Petition

11th August, 1999.

Particulars of Petition

The Petitioner is a medical doctor and hotel proprietor, and also a well-known pro-democracy activist.

In December 1996 he was invited by four State Security Service (SSS)

operatives for a chat and was thereafter detained. His home, hospital and hotel were subjected to a rigorous search. The Petitioner alleges that no arrest or search warrant was presented to him. He was detained incommunicado at the notorious inter centre detention cells at the Ikoyi Cemetery for eleven weeks. Throughout his detention he was poorly fed and subjected to intense psychological trauma.

In January 1997 the Federal High Court, Lagos declared the Petitioner's arrest and detention illegal, and ordered his immediate release. Government did not comply but instead filed an application to set aside the orders, which was refused. The Petitioner and eleven others were thereafter arraigned before a magistrate on treason charges in respect of the bomb explosions which had occurred in several parts of the country. Though the court ordered that they be remanded in Police custody at the Force CID, Alagbon Close, Ikoyi the Petitioner was transferred allegedly on the orders of one Assistant Commissioner of Police Zakari Bui to the notorious Inter centre detention cells, a facility of the SSS, where he was again kept under horrendous conditions. Two weeks later, on the complaint of his solicitor, the Petitioner was moved to the Special Anti Robbery Squad cells where he suffered serious health impairments as a result of the inhuman conditions there. When finally ACP Bui conceded to obey the court order on venue of the Petitioner's detention, allegedly he allegedly had him put in hand cuffs and leg chains for the duration of his stay and was reportedly unconcerned with the prospect of grievous harm coming to the Petitioner.

-The Petitioner further alleges that in 1999 when a faction of his socio-cultural group, the Odua People's Congress (OPC), broke away and undertook certain anti-social activities, he was made the deliberate

target of Police terror and brigandage when men of the mobile police force, allegedly acting on the instruction of the former Lagos State Commissioner of Police Mr. Sunday Aghedo, attackedk and caused extensive damage to the premises of his hotel business, Century Hotel.

The Petitioner specifically alleges gross abuses, abuse of power, torture and inhuman cruelty against the following persons:

1. Retired Inspector-General of Police, Alhaji Ibrahim Coomassie.
2. Assistant Commissioner of Police Zakari Biu.
3. Chief Superintendent of Police Ogaba.
4. Mrs. B. M. U. Adokie of the SSS
5. Alhaji Darma of the SSS.
6. Mr. Sunday Aghedo (then Commissioner of Police, Lagos State).

Period Covered by the Petition

1996 to date.

Names and Addresses of Persons or Institutions Petitioned Against

- Hon. Minister of Police Affairs, Federal Secretariat, Abuja.
- Inspector-General of Police, Force HQ, Abuja.
- Director-General, State Security Service, HQ, Abuja.
- Alhaji Ibrahim Coomassie, c/o Force Hq, Abuja.
- ACP Zakari Biu, C/o Force Hq, Abuja.
- CSP Ogaba, c/o force HQ, Abuja.
- Mrs. BMU Adokie c/o SSS Abuja.
- Alhaji Darma, c/o SSS HQ, Abuja.
- Mr. Sunday Aghedo, c/o Force Hq, Abuja.

Injury Suffered by the Petitioner

- Unlawful arrest and detention;
- torture and inhuman treatment;
- collapse of business resulting from prolonged illegal incarceration;
- Unlawful destruction of property resulting in damage of over N2million.

Relief Sought by the Petitioner

- Prosecution of all perpetrators of these gross violations, particularly those mentioned in column 6 above;
- Payment of adequate compensation for physical and psychological trauma, loss of earnings and collapse of business;
- Unreserved public apology;
- Return of all personal belongings taken away from Petitioner's house by men of the SSS.

Nature of Hearing Received by Petition

Federal High Court order directing the release of the Petitioner was ignored in 1997.

Years of Service

Not applicable.

Names and Addresses of Witnesses

The Petitioner, c/o his address as in Column 1 above.

Remarks

The Petitioner suffered grievous violations of his human rights. There is nothing to justify the use of state power to inflict torture and inhuman treatment on any citizen, no matter the seriousness of the

allegations against him.

The use of state security agencies to terrorise citizens who after all are presumed innocent until proven guilty amounts to gross abuse of power, and all persons concerned should be called to account. That way all Nigerians would be assured of the return of the rule of law.

**BRIEF ON
MEMO NO: 744**

Petitioner's Full Name(s) and Address(es)

OLUSEGUN ADEGBENGA ADEBUSIYI

Plot 8/9 Adeyemo Layout

Adeoya Village,

Akobo Ibadan.

Title of Petition

MEMORANDUM SUBMITTED BY OLUSEGUN ADEGBENGA ADEBUSIYI
TO THE JUSTICE OPUTA PANEL ON INVESTIGATION OF HUMAN
RIGHTS VIOLATIONS IN NIGERIA

Date of Petition

10th August, 1999

Particulars of Petition

The Petitioner is an aqua-culturist and worked as Projects Coordinator for a company belonging to General Alani Akinrinade (rtd).

In December 1996, the Petitioner was arrested at gunpoint from his home in Ibadan by one Inspector Hilary and five other policemen. He was taken to Lagos and detained at the Special Anti-Robbery squad cell at Adeniji Adele Police Station under hellish conditions. For three days he did not eat, and for the one week that he was kept there he was not informed of the reason for his detention.

From there he was taken to FCID Alafbon Close, Ikoyi and brought before one ACP Zakari Biu who demanded information from him regarding one Nelson and General Akinrinade. ACP Biu threatened and abused him and he alleges he was beaten up for a remark he made, and was then deposited in a cell for the night. The next day he was taken to the office of one CSP Enape (a lawyer), bound hands and feet, chained and trussed up on the ceiling where he was made to hang upside down from a rack in a form of torture called 'roast chicken'. The purpose of the torture was to elicit from him a confession and incrimination of certain persons including General Akinrinade, Prof. Wole Soyinka and Dr. Fasheun in the bomb blasts that had occurred around the country.

The Petitioner alleges that thereafter he was taken to Ibadan, Ile-Ife, Osogbo and Akure in the course of investigations and for the conduct of searches on his properties and General Akinrinade's establishments. In all these places he was accommodated in Police cells all of which were in terrible conditions.

Five days later he was returned to FCID, Alagbon Close where he

found that his wife had also been detained. He was taken to the office of Superintendent Ogaba where his captors informed him that both his wife and his father were being held hostage to secure his cooperation. He was compelled to make a written confessional statement and to read it before a video camera. This he did with great reluctance, thereby eliciting the rage of one of the State Security Service (SSS) officers present, one Mrs. Adokie (the other SSS officer being one Mr. Dalma). Mrs. Adokie promised that all Yoruba leaders would be killed and threatened the Petitioner's wife with pain and suffering, and that both his wife and father would be tortured in his presence.

The Petitioner tried to kill himself by seizing the pistol of a policeman and attempting to shoot himself without success. From that day in early January 1997 he was put in leg chains until May 1997.

Subsequently, General Akinrinade's wife and brother were arrested and detained for three months in the place of the General.

The Petitioner's father was released after three weeks in detention at the SSS office while his wife was released in March 1997, ie after four months in detention.

Thereafter the Petitioner continued to suffer various forms of mental and physical torture, including the seizure of his Holy Bible for forty days by one Commissioner of Police Jimoh.

On 12th March 1997, the Petitioner along with several others was arraigned before an Ikeja Chief Magistrate on a charge of treason, and conspiracy to commit treason. They were remanded in prison custody and remained there until after the death of the then Head of State, General Sani Abacha, in June 1998 when most of the detainees were

released on the orders of the new government. ACP Biu however kept the Petitioner's name off the list of those to be released and continued to hold him illegally until 27th July 1998 when the Petitioner was finally released on conditional police bail. He had to continue to report at the Police Station for some time thereafter.

The Petitioner claims to now suffer physical disabilities such as impaired eyesight, defective back, and unreliable hands and feet as a result of his incarceration and torture.

On compassionate grounds, he also makes the case of bank officials who were detained at FCID, Alagbon Close under the Failed Banks Tribunal Decree and who suffered unbearable inhuman treatment. He makes particular mention of two such detainees who died while he was in residence there: Mr. Abel Akinpelu and Mr. Musibau Sanni, both of who were denied proper medical attention until it was too late.

Period Covered by Petition

1996 to 1998

Names and Addresses of Persons or Institutions Petitioned Against

1. Hon. Minister, Ministry of Police Affairs, Federal Secretariat, Abuja;
2. Inspector General of Police, Force Headquarters, Abuja;
3. Director-General, State Security Service, Abuja;
4. ACP Zakari Biu, c/o NPF Force Headquarters, Abuja;
5. Commissioner of Police Lagos State Police Command, Ikeja;
6. CP Jimoh, c/o NPF Force Headquarters, Abuja;
7. CSP Enape, c/o NPF Force Headquarters, Abuja;
8. SP Ogaba, c/o NPF Force Headquarters, Abuja;

9. SP Elias Peters, c/o NPF Force Headquarters, Abuja;
10. ASP Omotosho, c/o NPF Force Headquarters, Abuja;
11. Mrs. Adokie, c/o State Security Service, Headquarters, Abuja;
12. Mr. Dalma, c/o State Security Service, Headquarters, Abuja.

Injury Suffered by the Petitioner

1. Unlawful arrest and detention;
2. Torture and inhuman treatment;
3. Physical assault.

Relief Sought by the Petitioner

1. Prosecution of all those involved in perpetrating these abuses on the Petitioner and others;
2. Return of the Petitioner's international passport and that of his wife from the custody of the Police;
3. Compensation of ₦10 million;
4. Adequate compensation to all those who were similarly abused;
5. Collective national resolve never to allow such bestiality again in our land.

Nature of Hearing Received by Petition

After three months of detention he was taken before a Chief Magistrate who remanded him in prison up to the time of his release fifteen months later.

Years of Service

Not applicable

Names and Addresses of Witnesses

1. The Petitioner, c/o his address as in Column 1 above;
2. Chief E. A. Adebusuyi, c/o the Petitioner;

3. Mrs. Olubusola Arinola Adebuseyi, c/o the Petitioner;
4. Mrs. Ropo Adeloje, c/o the Petitioner.

Remarks

This is a harrowing account of the depths of bestiality to which this country sank in our recent past. That the machinery of state could be used to dehumanise and persecute innocent citizens in order to protect the selfish interests of a few is to my mind not only criminal but also immoral.

This is an excellent opportunity for the Commission to recommend to government the dismantling of all apparatus used by the Police and other security agencies to torture or dehumanise people. There may also be the need to relieve from their jobs all those who may have been used to abuse the rights of others, and to re-orientate the Nigeria Police Force and other security agents on the norms of civilised behaviour.

Recommendations

BRIEF ON MEMO NO: 747

Petitioner's Full Name(s) and Address(es)

LAYI ODUMADE

Odu'a Investment Company Limited Cocoa House Complex
P M B 5435, Ibadan.

Title of Petition

MEMORANDUM TO JUSTICE CHUKWUDIFU OPUTA PANEL ON
HUMAN RIGHTS ABUSES IN THE FEDERAL REPUBLIC OF NIGERIA

Date of Petition

Undated

Particulars of Petition

The Petitioner was working as an Investment Manager-Marketing in Odu'a Investment Company Limited in Ibadan when he was invited by the Police at State CID Panti, Lagos in December 1996 to make a statement on his relationship with one Nelson Kassim who was killed in a bomb explosion in Lagos. He assisted the Police to identify the body of the said Mr. Kassim and explained that he made the acquaintance of Mr. Kassim between 1977 and 1980 when he was a student in London.

Subsequently the Petitioner was invited again by the Police in January 1997 to Lagos where he was detained at FIIB, Alagbon Close, Ikoyi on the instruction of Assistant Commissioner of Police Zakari Biu, head of the Presidential Task Force on Terrorism. He was not told any reason for his arrest.

Four days later he was taken to the office of the State Security Service (SSS) at 15, Awolowo Road, Ikoyi where he alleges that he was extensively tortured. The method of torture employed was that he was bound hands and feet and hanged from the ceiling, suspended

between two tables with his head hanging down. After more than two hours, when he had passed out, he was lowered to the ground, by which time he was unable to use his legs and hands.

ACP Biu, SP Ogaba, CSP Daniel Enape of FCID, and Mrs. Adokie and Mr. Dalma of the SSS allegedly supervised the torture, the object of which was to compel the Petitioner to admit to receiving N10,000 from the late Melson Kassim to travel to Kaduna during an earlier meeting between the two in Lagos in April 1996.

The Petitioner alleges that thereafter he was taken 'half-dead' to FIIB Annex, Adeniji Adele where he was detained among robbery suspects.

He remained there for two months until he was arraigned with others before a Magistrate in March 1997 on a treason charge. The Magistrate ordered that they be remanded in police custody despite the spirited attempt of counsel to secure their bail.

In June 1998 after the death of the former Head of State, General Sani Abacha, the Petitioner along with others was released from detention and all charges against them were dropped. He had spent eighteen months in detention.

The Petitioner alleges that he and his family, including his wife who was five months pregnant at the time of his detention, were subjected to unthinkable physical, mental and psychological trauma, financial indebtedness, and untold hardship by his ordeal. He further alleges that his health has been impaired by the torture he suffered in the hands of ACP Zakari Biu and his team.

The Petitioner contends that his innocence has been established by the confessions of one Major Mustapha in a news magazine in December 1998 where the Major admitted to being behind the terrorist activities in the country at the time.

Period Covered by Petition

1997 to date

Names and Addresses of Persons or Institutions Petitioned Against

1. Hon. Minister, Ministry of Police Affairs, Abuja;
2. Inspector General of Police, Force Headquarters, Abuja;
3. Director-General, State Security Service, Headquarters, Abuja;
4. Mr. Zakari Biu (ACP), c/o NPF Force HQ, Abuja;
5. CSP Daniel Enape, c/o NPF Force HQ, Abuja;
6. SP Ogaba, c/o NPF Force HQ, Abuja;
7. Mrs Adokie, c/o SSS HQ, Abuja;
8. Mr. Dalma, c/o SSS HQ, Abuja.

Injury Suffered by the Petitioner

1. Unlawful arrest and detention;
2. Torture and inhuman treatment;
3. Mental and psychological trauma;
4. Financial indebtedness and untold hardship;
5. Stigmatization;
6. Ill-health resulting from torture.

Relief Sought by the Petitioner

1. Prosecution of all those involved in the violation of the Petitioner's rights;

2. Adequate compensation for the violations of the Petitioner's rights.

Nature of Hearing Received by Petition

Charges brought against the Petitioner at a Lagos Magistrate Court were abandoned by the Police.

Years of Service

Not applicable

Names and Addresses of Witnesses

1. The Petitioner, c/o his address as in Column 1 above;
2. Mr. Biodun Akinsola, Bond Consulting Limited, 299 Ikorodu Road, Maryland, Ikeja;
3. Mr. Moses Akeke Akinmola, c/o the Petitioner.

Remarks

This is another case of state brutality. The Police and other security agents behaved in an extremely cruel manner in subjecting the Petitioner to torture and abuse.

There is no justification whatsoever for such reckless abuse of power and no citizen should be subjected to such degradation.

Recommendations

BRIEF ON
MEMO NO 1403

Petitioner's Full Name(s) and Address(es)

Wole Soyinka
P.O. Box 847
Upland
CA 91785, USA.

Title of Petition

Arbitrary Attack On His Honour And Reputation.

Date of Petition

13th August 1999.

Particulars of Petition

A publication titled CONSCIENCE INTERNATIONAL carried lurid and nauseating details of a fictitious life ascribed to him.

The Petitioner alleges said publication was circulated practically the world over. A carton was sent to the Nigerian Mission to the United Nations. A copy was sent to the President of the Petitioner's University – Emory University, Atlanta with a complimentary slip from the Information Officer of the Nigerian Embassy in the U.S.

The publisher of the said magazine is one Chief Abiola Ogundokun

against whom the Petitioner has instituted action for libel at the Lagos High Court.

People received this publications in places as diverse as India, Canada, Tanzania, Germany, France, etc.

The publication naturally had a most deleterious effect on the democratic movement efforts.

Period Covered by the Petition

Sometime during the Abacha regime.

Names and Addresses of Persons or Institutions Petitioned Against

1. Chief Abiola Ogundokun (no address provided)
2. The Ambassador
Nigerian Embassy, USA.
3. Dr. Gambari
Former Ambassador to the United Nations (present address not provided)
4. Minister of Information
Federal Ministry of Information, Abuja.
5. Minister for External Affairs
Federal Ministry of External Affairs
Wuse Zone 3, Abuja.

Injury Suffered by the Petitioner

1. Deformation of his good name.

2. His efforts at actualizing a democratic environment in Nigeria suffered a set back.

Relief Sought by the Petitioner

1. For the generality of Nigerians to be made to known how government resources were abused and the level to which the government of the time sank.
2. Compensation for so blatantly and outrageously libeling him.

Nature of Hearing Received by Petitioner

None

Years of Service

N/A

Names and Addresses of Witnesses

The Petitioner.

Remarks

It is a serious offence to steal another's good name and character. But as the Petitioner also noted it was really a sign of the times and ordinarily decent civil servants were made to perform odious duties.

However, Petitioner has already sued the publisher for defamation so only proper that aspect should be left for the courts to determine first. The dissemination of such information by our missions abroad should be viewed with the seriousness it deserves.

Recommendations

BRIEF ON
MEMO NO 1411

Petitioner's Full Name(s) and Address(es)

Chief S. Olu Falae (GCON)
5A Ahmed Onibudo Street
Victoria Island
P.O. Box 54169, Falomo, Ikoyi
Lagos.

Title of Petition

Memorandum To Justice Oputa Panel On Human Rights Abuses In
The Federal Republic of Nigeria.

Date of Petition

Undated.

Particulars of Petition

On or about 9/12/96, some detectives from Pantti Police Station, Lagos invited the Petitioner to the Police Station in connection with the bomb blast at Murtala Mohammed Airport, Lagos.

The basis of their invitation was that one Nelson Kazzim who died in the explosion had the Petitioner's name in his diary.

The Petitioner told them he didn't know the man and on being shown the entry noted that his name was FALAE while the name in the diary

was FALAYE. He was asked to go.

About a month later, the Petitioner was now invited to Alagbon Close, Force CID on the orders of ACP Zakari Biu, again they went through the same rigmarole, but instead of asking him to go like before, they never did and that was the beginning of his 18months stay in detention at the Force CID Headquarters Alagbon Close. He was only released on 25/7/98.

The Petitioner was in fact charged to court with 10 others on 25/3/97 for treason at the Ikeja Magistrate Court. He was also charged for conspiracy. Of his co-accused, the Petitioner alleges that he had never met or seen them before with exception of Dr. Fred Faseun.

The Petitioner however alleges that he was informed by some Police Officers that his case was political and that they were acting on orders from above.

Period Covered by the Petition

January 1997 to 25/7/98.

Names and Addresses of Persons or Institutions Petitioned Against

The Inspector General of Police
Police Headquarters,
Abuja.

Injury Suffered by the Petitioner

1. Indignity and humiliation .

2. Loss of income.

Relief Sought by the Petitioner

Compensation for the indignity, humiliation and economic loss.

Nature of Hearing Received by Petitioner

None.

Years of Service

Not applicable.

Names and Addresses of Witnesses

1. The Petitioner
2. The Commissioner of Police
Lagos State Command.

Remarks

This is another case of gross abuse of a citizen's right to the dignity of his person and his right to his personal liberty. These liberties guaranteed by the constitution must be zealously guarded and protected. That alone is the basis of sustainable democracy.

Recommendations

BRIEF ON
MEMO NO 1412

Petitioner's Full Name(s) and Address(es)

Mr. Uba Okeke
No.1 Lateef Jakande Road
Agidingbi
Ikeja – Lagos.

Title of Petition

Gross and Cruel Violation of Human Right.

Date of Petition

20/8/99.

Particulars of Petition

The Petitioner alleges that his brother Theophilus Anekwe was arrested by the Police in Warri on a trumped up charge of receiving stolen properties namely: 2 bundles of plastic conduct pipes, the Petitioner had bought N90 each and was issued a receipt.

The Petitioner alleges he was asked to bring N3,000 by the IPO Mr. Rasaki Shola in Warri Police Station to bail his brother, but he refused. The Petitioner wrote a petition to the Commissioner of Police, which forced the IPO to take the matter to court. However, the case was settled out of court.

Two weeks later, while the Petitioner was out of town, his wife and housemaid were arrested by naval men from the Warri Naval Base. They came in Vehicle No. BD 451 W.

Before coming to his house, the naval men had also earlier gone to the Petitioner's shop in a Volkswagen Beetle car No. BD 702 JA. The Naval men said they were looking for a printing and duplicating machine allegedly stolen by one Omonigho Okpili and sold to the Petitioner. One John Masojie allegedly witnessed both the stealing and the sale. The machines in question belonged to one Anthony Anene.

When the Petitioner returned from his trip, his shop was locked up. The Petitioner feels the IPO Mr. Rasaki Shola must be behind this. On getting to the Naval Base, his wife and house girl had been so beaten and battered, his wife forced to kneel down under the sun.

On the Petitioner's arrival, 2 men calling themselves John Masojie and Omonigho Okpili identified him. The Petitioner alleges he had never seen them before.

On the instructions of Naval Commander Salaudeen Akwao, his men namely Tijani Lawal, Falayibola Joseph, Jack Sarlas, Simeon Shawan and Abayomi Kofi – all Navy Personnel descended on him. He was mercilessly beaten up and lied completely naked and helpless to a pillar post.

The Petitioner alleges he was beaten insensate and even had a spike from a bicycle inserted into his penis through the hole. The pain of this inhuman act was so excruciating, he passed out.

The Petitioner asked them how much they wanted and they said N24,700. He didn't have the money, but his brother gave them N3,000 leaving a balance of N21,700. He was again thrown into a cell. He stayed in this cell for 6 days.

On the 2nd day, he was forced to drink his urine at gun point. All through his ordeal, the Petitioner kept on asserting his innocence and that he knew nothing about the machines. The Petitioner was eventually released on 17/5/88.

On his release, he went to Veenell Hospital, Warri for treatment. The Hospital referred him to University of Benin Teaching Hospital. Suffice it to say that after all treatment, the Petitioner lost the sight in his left eye and is now impotent.

While in hospital, the Navy people re-arrested his wife. However, his brother secured the wife's release the second time. However, the Petitioner's wife who was 4 months pregnant aborted the pregnancy because of the drug she was given when she went for treatment. She also later developed psychiatric problems and had to be treated at the Psychiatric Hospital, Enugu.

The Petitioner sued them at the High Court, Warri and was awarded the sum of N1.9m as both exemplary and general damages. This amount has not been paid. (The Petitioner attached all medical reports and a copy of the court's judgment).

Period Covered by the Petition

1988 till date.

**Names and Addresses of Persons or Institutions Petitioned
Against**

1. Navy Commander Salaudeen Akawo (Rtd)
No. 10 Saludeen Akawo Street
Ogudu G.R.A. Lagos.
2. The Chief of Naval Staff
Navy Headquarters, Abuja.
3. Tijani Lawal
4. Folajibola Joseph
5. Jack Sarlas
6. Simeon Shawan
7. Abayomi Kofi
All c/o Navy Headquarters, Abuja.

8. John Masojie
9. Omonigho Okpili
10. Anthony Anene)

11. Mr. Rasaki Shola
C/o the Inspector General of Police
Force Headquarters, Abuja.

Injury Suffered by the Petitioner

1. Infringement of his right to personal liberty.
2. Infringement of his right to respect in the dignity of his person.
3. Loss of some consortium with his wife.
4. Loss of the amenities of life.

Relief Sought by the Petitioner

N38m as compensation to him and his wife.

Nature of Hearing Received by Petitioner

Court of competent jurisdiction

Years of Service

Not applicable.

Names and Addresses of Witnesses

1. Felix Chuks (no address)
2. Obiora Ezeani
3. Theophilus Anekwe – c/o the Petitioner.

Remarks

A most savage, brutal, callous and dehumanizing treatment to mete out to an individual.

However, a court of competent jurisdiction has already pronounced on the matter. Efforts should be geared towards paying the amount awarded by the court as negligible as it is.

However, the perpetrators of this crime should be made to face the full wrath of the law under the criminal justice system.

Recommendations

BRIEF ON
MEMO NO 1402

Petitioner's Full Name(s) and Address(es)

Mrs. Florence Abosedo Omotehinwa
No. 26 Okunola Aina Street
Okupe Estate
Maryland, Lagos.

Title of Petition

Petition On Human Rights Violation. Re: Rear Admiral Emmanuel Olu Omotehinwa (deceased).

Date of Petition

16th August 1999.

Particulars of Petition

The Petitioner is the wife of the deceased.

On 23rd May 1996 between 8:15pm and 8:30pm, 3 men entered their compound unnoticed. They only noticed their presence when they saw 2 strange men in the sitting room and one in the kitchen. Already in the sitting room were 2 men Lt. (NN) Bashir and Abraham, who were ordered to lie face down near the dinning section.

The son Olugbenga coming in from outside noticed the man at the kitchen door, he asked the man who locked the door but he didn't reply. Olugbenga then heard his father late Rear Admiral coming in. He hooted his horns at the gate. He went to open the gate. The 2 men inside also heard the car horn and remarked "the man we have been

looking for has come”.One of the men went to meet him outside. The Rear Admiral noticed immediately he was in danger and tried to move back. By this time he had come inside and gotten out of his car. The men warned him not to move again. He tried moving again and they shot him twice on the thigh and sped away with the Rear Admiral’s Mercedes Benz car.

Meanwhile, all along the Petitioner did not know anything was amiss until she heard the gunshots and her husband’s sharp cry. She rushed down with her other children.

The Rear Admiral was rushed to a hospital but he died before he could be attended to. His Mercedes Benz car was recovered the next day. A report was lodged with the police at Pedro Police Station and also with the then Chief of Naval Staff, Rear Admiral Mike Akhigbe. The Police came around that day but no further actions were taken.

The petitioner suspects that her husband was murdered by the State because of his rumoured friendship with Lt. Gen. Akinrinade (Rtd) who was a NADECO member and on political exile at the time. The husband’s business trips to Cotonou Dakar and Abidjan were seen as politically motivated to enable him hold meetings with Lt. Gen. Akinrinade (Rtd).

Period Covered by the Petition

23rd May 1996

Names and Addresses of Persons or Institutions Petitioned Against

The State i.e. the Federal Government

Injury Allegedly Suffered by the Petitioner

Loss of husband – husband’s life brutally extinguished.

Relief Sought by the Petitioner

1. A proper investigation to get to the people behind the husband’s murder.
2. Compensation for loss of their breadwinner.

Nature of Hearing Received by Petitioner

None

Years of Service

N/A

Names and Addresses of Witnesses

1. Lt. (NN) Bashir
2. Lt. (NN) Abraham
Both of Navy HQs
3. Olugbenga Omotehinwa
26 Okunola Aina Street, Okupe
Estate Maryland Lagos.

Remarks

This is a case where a man was denied his right to life.

However, as brutal and blood thirsty as the Abacha regime was, not all assassinations were engineered by the State. Some arose out of business deals that went awry.

A proper investigation must first be carried out to ascertain the real brains behind this.

Recommendations

**BRIEF ON
MEMO NO 584**

Petitioner's Full Name(s) and Address (es)

Comrade Alh. Rashidi Bayo Salawu
c/o Atingisi Compound,
Oke-Afin Quarters,
P.O. Box 163, Oyo,
Oyo State.

Title of Petition

THE BRUTAL MURDER OF A HIGH CHIEF OF OYO- LATE CHIEF
AMUDA OLORUNKOSEBI – THE ASIPA OF OYO

Date of Petition

July 4, 1999

Particulars of Petition

This petition is about the murder on Nov., 26, 1992 of the Asipa of Oyo, Late Chief Amuda Olorunkosebi. The Petitioner claims that there has been a cover up by the high-ups in Oyo State, including the Military Administrator at the time Col. Nwosu, that has made it impossible to identify and bring to trial the real murderers of the late Chief. The petitioner claims that one person had confessed to the act and named the Alafin of Oyo, Oba lamidi O. Adeyemi, as the planner and bank-roller of the murder, and that both the FIIB. And the Police DPO had recommended the Alafin and three others be charged to court for the murder but the MILAD rejected the recommendation and in the end, only one Dr. Segun Oduneye was docked and convicted for conspiracy to murder, on June 18, 1998.

Petitioner claims that the late Chief's murder had to do with a long standing quarrel between him and the Alafin. Petitioner also claims that there has been an attempt on his life.

Period Covered by the Petition

1992 to present.

Names and Addresses of Persons or Institutions Petitioned Against

- The Oyo State Government.
- The Oyo State Police Command.

Injury Suffered by the Petitioner

- Petitioner feels justice has not been done.
- Petitioner feels threatened and fears for his life.

Relief Sought by the Petitioner

- Petitioner wants the murder case revisited and fully investigated so that all those involved will be tried and punished.
- Petitioner want the Commission's intervention in this matter, especially as regards the threat to his life.

Nature of Hearing Received by Petition

The Petitioner has reported complaints to the Police and has made statements, but nothing has come of it.

Years of Service**Names and Addresses of Witnesses**

- The Nigeria Police, Oyo State Command.
- The High court of Justice, Oyo
- Mr. Abiodun Faseyiton.

Remarks

The murder case has already been tried in a court of law and it is unlikely that the police and/or the government will re-open the case and bring to trial others who may be involved. It is very curious that only one person has been tried and found guilty of conspiracy to murder and those who might have been the actual planners were not tried at all. But this is up to the Police and the Oyo State Government. The Commission can write to the Police about the threat to the Petitioner's life, and to the government to investigate further the murder case.

BRIEF ON
MEMO NO 952

Petitioner's Full Name(s) and Address (es)

LAZARUS MBA, c/o A.B. Akogu Esq, 16, Achimugu Street, Idah, Kogi State.

Title of Petition

RE LAZARUS MBA

Date of Petition

20TH July, 1999

Particulars of Petition

The Petitioner was a cook employed in the Catering Department of the Federal Polytechnic, Idah, and assigned to the Rector of the Polytechnic. The Petitioner had just recovered from a case of whitlow in May 1997 when the Rector caused his employment to be terminated. The petitioner alleges that the ostensible reason was that the Rector felt uncomfortable with the petitioner cooking for him on account of the whitlow infection.

The Petitioner had had his employment terminated in 1990 but was re-engaged in 1992 before this second termination in 1997. Cumulatively he had served the Polytechnic for 12 years. His requests for merger of the two periods of his service (1983-1990 and 1992-1997) were refused by his employer.

Period Covered by the Petition

1997 to date.

Names and Addresses of Persons or Institutions Petitioned Against

- The Hon. Minister, Federal Ministry of Education, Federal Secretariat, Abuja.
- The Rector, Federal Polytechnic, Idah, Kogi State.
- The Registrar, Federal Polytechnic, Idah, Kogi State.

Injury Suffered by the Petitioner

- Unjust termination of employment.
- Denial of pension.

Relief Sought by the Petitioner

- Reinstatement or in the alternative.
- Merger of two periods of service (1983-1990) and 1002-1997 to enable the petitioner qualify for pension.
- Payment of pension from 1997.

Nature of Hearing Received by Petition

None stated.

Years of Service

12 years.

Names and Addresses of Witnesses

- The Petitioner, c/o his address as in Column 1 above.
- The Rector, Federal Polytechnic, Idah, Kogi State.
- The Registrar, Federal Polytechnic, Idah, Kogi State.
- Mr. Omeje, Catering Officer, Federal Polytechnic, Idah, Kogi State.

- The Principal Catering Officer, Federal Polytechnic, Idah, Kogi State.

Remarks

The facts of this petition suggest on arbitrary exercise of power by the Rector of the Polytechnic in the termination of the Petitioner's employment. Though the authorities of the Polytechnic are competent in law to terminate the appointment of the Petitioner, yet that power ought to be exercised fairly and judiciously.

Nevertheless, the petitioner's years of service ought to be merged as requested to enable him enjoy a pension.

**BRIEF ON
MEMO NO: 223**

Petitioner's Full Name(s) and Address(es)

Adediran Benson
Richlaw Chambers
198, Ikorodu Road,
P. O. Box 2048, Somolu, Lagos.

Title of Petition

Re: Petition in Respect of the Unlawful Detention, Torture and Extra-Judicial Murder of Late Mr. Adesegun Benson by Officers of the Lagos State Police Command at Ikeja.

Date of Petition

20th July, 1999

Particulars of Petition

This is a Petition presented by Adediran Benson Esq. On behalf of his brother Mr. Olaiwola Benson on the extra-judicial murder of his son late Mr. Adesegun Benson by officers of the Special Anti-Robbery Squad (SARS), Lagos State Police Command at their office in Ikeja following his unlawful arrest, detention and torture to death on the 7th of October, 1996. The deceased was allegedly arrested by one SARS Officer named Ekong Akpan on 28/9/96 at Ikorodu town on the ground that two alleged robbery suspects in police custody had mentioned his name as being part of their robbery gang. The Petitioner alleged that Late Adesegun was transferred to Ikeja office of S.A.R.S the following day and was severely tortured and brutalised by the Investigating Officer Ekong Akpan and his leader one ASP Onah. The Petitioner visited the deceased at the detention camp, Ikeja on 1/10/96 and was horrified with his physical condition: swollen body, deep laceration on all parts of his body and was not able to walk on his own. In fact, the Petitioner claimed that the deceased was being treated by a nurse at the time of his visit and that late Adesegun narrated that he was hung upside-down for hours by Police in order to force him to admit what he knew nothing about. The Petitioner immediately alerted the IGP on 2/10/96 and the IGP graciously ordered a full scale investigation the following day 3/10/96. Yet, nothing was done by the then Commissioner of Police Alhaji Abubakar Tsav and his SARS men who made false promises until Mr. Adesegun Benson died in detention on 7/10/96. The Police only informed the family members on 9/10/96 and all appeal and repeated demands for

the prosecution of the two police officers were effectively frustrated by the police despite glaring evidence and the autopsy report. In fact, the several appeal letters sent by Lagos State DPP for legal Advice despite promises and assurance by the then Commissioner of Police Alhaji, Abubakar Tsav with the result Messrs. Ekong Akpan and ASP. Onah were prosecuted till date.

Period Covered by the Petition

1996 to date

Names and Addresses of Persons or Institutions Petitioned Against

1. The Inspector-General of Police, Force Headquarters, Abuja.
2. The Commissioner of Police, Lagos State Police Command.
3. The Hon. Attorney-General of Lagos State and Commissioner for Justice, Secretariat, Alausa, Ikeja.

Injury Allegedly Suffered by the Petitioner

1. Bereavement.
2. Non-investigation by the Police of the circumstances leading to the death of Mr. Adesegun Benson in Police cell.
3. Non-prosecution of the culprits, namely ASP. Onah and Ekong Akpan.

Relief Sought by the Petitioner

Investigation of the matter to ensure that all those responsible for the death of Mr. Adesegun Benson are brought to book and punished.

Nature of Hearing Received by Petitioner

The Petitioner was denied fair hearing and was frustrated by the Lagos State Police Command.

Years of Service

Not applicable.

Names and Addresses of Witnesses

1. The Petitioner.
2. Office of the Lagos State Commissioner of Police.
3. Office of the Hon. Attorney-General and Commissioner for Justice, Lagos State.
4. Alhaji Abubakar Tsav.

Remarks

Allegations of extra-judicial murder and inhuman torture of suspects in Police Cells are multiplying by the day so much that one begins to wonder whether there are no other ways or means for the police to investigate serious crimes in our society. It is really painful and shameful that all the Nigerian Police can do in investigating crimes is just to “torture and torture until the suspect admits committing an alleged crime. There is absolutely no justification for police to torture to death a suspect who is already in their custody. The law has made adequate provisions for dealing with all manner of suspects and sundry offences. This matter should therefore be taken-on squarely against the Lagos State Police Command. The culprits must be made to face the law.

Recommendations

MEMO BRIEF
MEMO NO. 486B

Petitioner's Full Name(s) and Address (es)

Oladipo Morohundiya, c/o Morohundiya & Co.
19B Ogundana Street, Ikeja.

Title of Petition

Illegal Arrest, Detention and Unlawful Dismissal.

Date of Petition

25th July, 1999.

Particulars of Petition

The Petitioner avers as follows. That one Mr. Ifeanyi Okeke brought to the Office of NDLEA Zone 7 Onitsha a report against two officers of NDLEA namely Hasiya Usman and one Monsur, both narcotic agents so at least this petition alleges. The Petitioner, officer of NDLEA received same and forwarded it to the Zonal Commander one Isa Adoro, N>S.

Later Hasiya Usman was transferred to Zuru, kebbi State but Maj. Gen. M. M. Bamaiyi; NDLEA Chairman through a handwritten note posted her back to Onitsha and directed that she be kept at the Onitsha -Asaba Nye bridge NDLEA, a place considered as lucrative.

On the contrary Maj. Gen. Bamaiyi ordered that the Petitioner be brought to Lagos on 22/9/97. The petitioner was then taken to No. 4 King George road residence where Bamaiyi ordered that he detained. The Petitioner was from then detained till July 1998. He was held incommunicado, confined in solitary detention for two months, often starved and refused medical attention. He was later accused of 'leakage of information" but his dismissal was predicated on official corruption. The Petitioner now uses glasses a result of prolonged detention. Now he seeks the intervention of this Commission.

Period Covered by the Petition

1997 – 2000.

Names and Addresses of Persons or Institutions Petitioned Against

1. NDLEA
2. Maj. Gen. M. M. Bamaiyi (rtd)
3. Capt Auta ADC to Bamaiyi.
4. Mr. Singa N. A.
5. Usman, N.A.

Injury Allegedly Suffered by the Petitioner

1. Arrest, detention and torture.
2. Dismissal
3. Trumped up charge.

Relief Sought by the Petitioner

1. Reinstatement.
2. Compensation.

Nature of Hearing Received by Petition

Years of Service

Names and Addresses of Witnesses

- Mr. W. G. Midala, NDLEA Headquarters.
- Mrs. Kemi Oshinowo, Admin, NDLEA- Ikoyi.
- Paul Audu, Prosecution Unit, NDLEA.

Remarks

This Petition discloses a case that may be investigated. The allegation here is grave and suggests a conspiracy to perpetuate injustice without any regard to the constitutional rights of the persons affected. A public hearing may be considered.

MEMO BRIEF

MEMO NO. 499

Petitioner's Full Name(s) and Address (es)

Omiyale Ayobami
C/o Chikwendu and Chikwendu Solicitors,
70 D, Allen Avenue, P.O. Box 1542, Ikeja – Lagos.

Title of Petition

Report of My Abduction, Torture, Unlawful Detention and Trial by Members of the Nigerian Police Force while I was in Office as the Lagos State Sector Commander of the Federal Road Safety Commission

Date of Petition

28th July, 1999.

Particulars of Petition

The Petitioner was the Lagos State Sector Commander of the Federal Road Safety Commission (FRSC). Incidentally, there was this idea then, that the FRSC should be merged with the Police. And this became a public discourse. On the 2nd of December 1997, the Petitioner had a live television debate on AIT with Mr. Paddy Ogon the Lagos State Police Public Relation Officer. Undoubtedly, the Petitioner alleges, he had an upper hand in the debate, reaching out statistics of how the FRSC had reduced the rate of accident in the country within its nine years of existence and therefore posited that the merger should not be.

Later, the Petitioner had an interview with the Diet Newspaper where he alleged that the Police had failed the Nation. This interview was published at the back page of the said paper on 28/12/97. The failure alluded to here was with regards to the prevention and management of road accidents. Prior to this, the Lagos State Commissioner of Police as he then was, Abubakar Tsav in justifying

the proposed FRSC-Police Merger plan stated in the December 21, 1997 edition of the Diet Newspaper that Road Safety Marshals are corrupt. Given this scenario, on the 29th of December, 1997, the Police dispatched about 15 plain cloths police officers heavily armed to the Petitioner's office to effect his arrest at 1730hrs on the said date. In effecting this arrest, blows, slaps, gun butts and kicks rained ceaselessly on the Petitioner, so at least he alleges. The Police also were shooting freely into the air to scare people away. The leader of the Police gang was the Second-in-Command of the Special Anti-robbery Squad (SARS) Lagos Police Command. In the course of effecting this arrest, one Mr. Sesan Awoyemi (DRM) of FRSC who was on duty was shot at while trying to scale the wall for his safety. Arrested along with the Petitioner were Commanders J.K. Aremu and Ogundele (DRC). Of interest is the fact that emerged during the interrogation of the Petitioner by the Police to the effect that he claimed that two former Inspectors-General of Police were behind the merged and that one of them later became a Minister Alhaji Gambo's name was mentioned as having a hand in the Petitioner's ordeal. The Petitioner's office was ransacked and the sum of N36,000 belonging to him and his wife was removed by the Police. The Petitioner was subjected to serious harrowing experience by way of torture, assault etc.

Finally on the 2nd of January 1998, he was taken to court where he was granted bail. The charge was formally withdrawn on the 24th of August 1998. The Petitioner was detained for 5 days in Police custody and visitors including his wife and relations were not allowed to see him.

Period Covered by the Petition

Dec. 1997 - August 1998.

Names and Addresses of Persons or Institutions Petitioned Against

1. The Nigerian Police
2. Former IGP, Alhaji Gambo.
3. Mr. Yakubu Mohammed (Deputy Commissioner (Admin) Nigerian Police.
4. Mr. NSOL (Lagos Police Command).

Injury Allegedly Suffered by the Petitioner

- Arrest and unlawful detention.
- Assault.
- Arraignment in court on a trumped up charge.
- Loss of N36,000 allegedly stolen by police.

Relief Sought by the Petitioner

Nature of Hearing Received by Petition

Years of Service

Names and Addresses of Witnesses

- Omiyale Ayobami, c/o Chikwendu & Chiwendu, Barristers & Solicitors, 70D, Allen Avenue, P.O. Box 1542, Ikeja, Lagos.
- Commander Joseph Aremu (AAC) c/o FRSC.

Remarks

The facts of this case call for a public hearing to determine the real motive behind this episode. A development such as this portends danger to the growth of public institutions in this country.

The petitioner's inalienable rights were trampled upon with impunity by the Police in a manner that was very humiliating thereby sending a wrong signal that ours is still a barbaric society where brute force reigns supreme. The culprits should be unmasked and the Police as an institution should be made to bear the brunt of the Petitioner's claim which incidentally is only N5million naira.

Recommendations

PETITION NO. 1771 : CAPT. A. A. OGUNSIYI

Mode Of Treatment Of Petition

The petition was heard during the public sittings of the Commission in Lagos. The Petitioner gave evidence, tendered his petition and adopted the earlier testimonies of his co-victims.

Evidence Of Alleged Perpetrators

The petition was treated in line with other cases involving the same alleged perpetrators in respect of the alleged coup plot of 1995. The alleged perpetrators who were mostly officers and men that constituted the Special Investigation Panel in respect of the alleged coup plot and also members of the 1Security Group, consistently denied torturing their victims during the investigations.

Findings And Observations:

The Commission carefully reviewed the evidence adduced by the Petitioner and other witnesses in related petitions. The Commission also examined relevant official records and visited the alleged torture centres in order to confirm the claims of the Petitioner and his fellow victims in the light of consistent denials by the alleged perpetrators. The Commissions makes the following findings and observation:-

- a) That the Petitioner was arrested, detained and arraigned before a Special Military Tribunal headed by then Brig-Gen. P. N. Aziza for alleged complicity in the alleged coup plot of 1995. The Petitioner was convicted and sentenced to 2 years imprisonment.
- b) That his sentence was later commuted by the then Provisional Ruling Council and the Petitioner served his term. He was later granted state pardon by the administration of Gen. A. A. Abubakar in March, 1999.

- c) That the Commission finds the allegations and claims of the Petitioner that he was tortured to be truthful based on the following :
- 1) the Commission visited the alleged torture centres and discovered horrifying structures and instruments of torture all over the places.
 - 2) All the victims of the alleged coup plot of 1995 gave consistent and corroborative evidence of torture and brutality.
 - 3) The conditions, circumstances and places of the Petitioner's detentions are sufficient evidence of psychological and mental torture.
- d) That the procedure, process and circumstances of the Petitioner's trial, conviction and sentence are flawed as it severally negate the basic and elementary demands of justice and the provisions of the African Charter on Human and Peoples' Rights.
- e) That the law under which the Petitioner and other victims of the alleged plot were tried and convicted is a bad law in that :
- i) it did not allow any right to appeal to the superior Courts of the land.
 - ii) It did not guarantee the Petitioner's rights to fair hearing and recourse to due process of law.
- f) That no law anywhere in the world permits torture or ill-treatment of detainees or prisoners in any circumstances.

Recommendations

The Commission accordingly recommends that the Federal Government of Nigeria should:

- Issue a public apology to the Petitioner

- Pay the sum of N100,000.00 (One Hundred Thousand Naira) only as compensations to the Petitioner.
- Direct the Army authorities to allow the Petitioner retire voluntarily from service.
- Grant the Petitioner free medical treatment in a government hospital in respect of any injury or disability suffered while in detention.
- Direct the Army Authorities to return all the seized properties of the Petitioner.
- Pay the Petitioner all his emoluments and other benefits.
- Refer her conviction to the appropriate courts for nullification.

The Commission further recommends as follows:

That the Federal Government of Nigeria should dismantle and demolish the following torture structures and centres, namely

- a) The Underground detention centre (otherwise called “The tunnel”) at the Security Groups office of the Directorate of Military Intelligence, Apapa , Lagos.
- b) The “Inter Centre” cell at the grave yards of Ikoyi Cemetery.
- c) The Interrogation Centre at No 67 Alexander Avenue, Ikoyi and transfer the premises and buildings to the use of the National Human Rights Commission.