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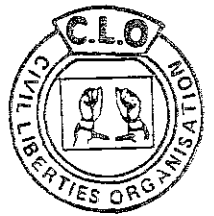
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ORGAN OF THE CIVIL LIBERTIES ORGANISATION (CLO)

**THE LAW ALONE CANNOT GUARANTEE HUMAN RIGHTS
NOR CAN ANY GOVERNMENT. ONLY AN ENLIGHTENED
AND ACTIVE PUBLIC OPINION HOLD THE BEST
ASSURANCE OF PROGRESS.**

THE TRAVAILS OF THREE JAILED COUP SUSPECTS

After six years in prison, three coup suspects sentenced, after unfair trials, to life imprisonment in 1986, deserve a review of their case.

BACKGROUND

In March 1986, three Army officers, Lt Colonel Moses Effiong and, Majors Tobias Akwashiki and D.E. West were sentenced to life imprisonment by the Federal Military Government for allegedly participating in a coup plot to overthrow the government of General Ibrahim Babangida. The plot was suspected to have been masterminded by Late Major General Mamman Vatsa, who was then the Minister of the Federal Capital Territory, Abuja.

Before their arrest, they were commanding officers in the Nigerian Army. Majors T. Akwashiki and D.E. West commanded the 6th Battalion of the Brigade of Guards, Lagos and 342 Special Artillery Regiment, Zaria, respectively.

TRIAL AND CONVICTION.

Their trial was conducted in secret by a Special Military Tribunal established under the Treason and Other Offenses Decree No.1 of 1986. It violated basic Constitutional and legal requirements for fairness. The suspects were denied right to counsel of choice. Instead, according to General Domkat Bali, then Defence Minister and Chairman Joint Chiefs of Staff, who announced the sentence on March 5, 1986, "10 Armed Forces personnel with legal training were made available for the defence of the accused". This could hardly constitute an independent defence team since it owed allegiance primarily to the Federal Military Government which was also the accuser in the case.

Although General Bali in his broadcast said the accused persons were given a chance to appeal against their conviction, this cannot stand the test of legal scrutiny. The accused persons were given only 24 hours to appeal whereas even Decree NO.1 of 1986 under which they were tried required them to appeal within 7 days. This reduction of period of appeal was based on

the "advice" of Major General Charles Ndiomu, who was chairman of the special Military Tribunal that conducted the trial. Noteworthy also is the haste with which the appeals themselves were considered and disposed of. The appeals were heard by the Joint Chiefs of Staff and the Armed Forces Ruling Council (AFRC), all within a period of 24 hours. Apart from the fact that the appellate bodies were themselves not neutral parties in the case, 24 hours was not enough time to give meaningful consideration to the substance of the appeals.

Similarly suspect was the basis of the final decision to sentence the three men to life imprisonment. According to General Bali, the reason was that the three men "did not belong to the hard core but were on the periphery". This he said was because "where there was any doubt (in the trial), the Armed Forces Ruling Council has given the accused the benefit of doubt and spared



MAJOR D.E. WEST

their lives". It is however, worrisome, that the three persons under reference were still sentenced to life imprisonment despite the fact that their involvement in the plot was merely "peripheral" and indeed, in doubt. Under the criminal procedures law when the

guilt of an accused person is in doubt, it is required that he be set free.

TRAVAILS

MAJOR T. AKWASHIKI is in Uyo Prison. Before his life sentence in 1986, he had no major health problem, apart from occasional waist pains. But after a few years in prison he developed hypertension and a heart problem. As at August 1992, he was expected to go for a medical test at the University of Calabar Teaching Hospital (UCTH), Cross River State, because the medical services he required were not available in Uyo. But he has not been able to do this because he has not been able to raise the funds for it since he is expected to foot the bill of medical treatments not available in Uyo General Hospital.

His health problem, which may be partly traceable to the shock he may have received from his initial death sentence which was commuted to life imprisonment on appeal, can also be located in the condition of Uyo prison. Although doctors prescribe a special diet for him on account of his health condition, no special consideration is given to this in the preparation of the prison food served him. The Prison food itself is both quantitatively and qualitatively substandard. He is therefore left with no option than to feed himself in prison. To these are added the poor sanitary conditions in the prison all of which compound his condition.

Major Akwashiki is married with two children, a girl, Asheazi Akwashiki, sixteen and a boy Ovyo Akwashiki, fourteen. Both children are in secondary school - the girl is in Senior Secondary (SS) 11 and the boy, in Junior Secondary (JS) 111. The absence of their father has affected them so much, especially the boy, who is a sickle cell patient. Because of the distance between their place of residence, Jos in Plateau state, and the prison where their father is kept in Akwa-Ibom State, a distance of about 1,000 kilometers, they visit him only once in a year.

His wife, Mrs Patricia Akwashiki, an actress, was formerly part of the cast of Village Headmaster, the popular Nigerian Television Authority (NTA) comedy Programme.

The traumatic experience of her husband's imprisonment made her abandon the prestigious, though poorly paying, acting career. Now the bread winner of the family, it has been very difficult for her. To this is added the cost of her husband's upkeep - feeding and medical expenses - in prison.

MAJOR D.E. WEST, after his conviction in March 1986, was sent to serve his sentence in Sokoto prison and was later transferred to Enugu, Prison in November 1990. In Sokoto prison he developed high blood pressure. For a whole year during his stay in Sokoto Prisons, he was denied medical attention. No official reason was given for this, but sources close to the prison authorities stated that it was because he was a "coup plotter". In 1988, his doctor at the Sokoto University Teaching Hospital on two occasions recommended that he be admitted in hospital but the prison authorities would not oblige, insisting on getting clearance first from the Federal Controller of Prisons in Lagos. When the approval finally came and he was admitted in the Hospital, his doctor recommended some special diet for him suitable for his state of health problem but the prison authorities would not prepare that for him, insisting that he must eat the prison food. However, the then Chief Controller of Prisons in Sokoto State, Alhaji Biu, later yielded to persisting appeals from the hospital.

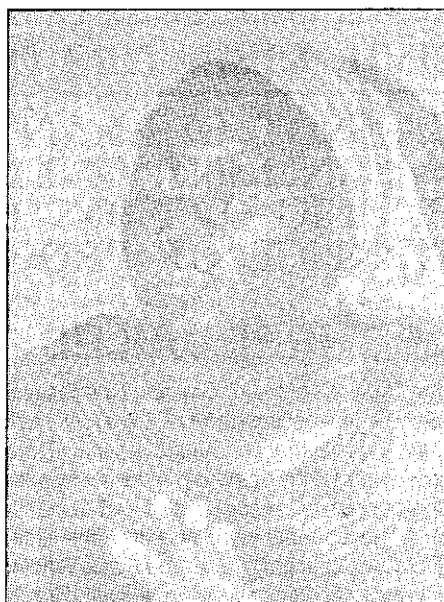
Major West was re-admitted in the Teaching Hospital, for the second time within that year when his health deteriorated but was prematurely taken back into custody while he was still ill. This was done on the orders of the Chief Superintendent of Prisons who may have feared that he might plan an escape from custody while in hospital. These contributed to the rapid, avoidable, deterioration of his health which now constitute a huge financial burden on his family who battle to pay for his frequent treatment at the University of Nigeria teaching Hospital while he serves his prison term at the Enugu Prisons.

Major West is married to Mrs Nume West. He has five children namely - Edwin West (15), Edna West (14), Edwina West (13), Mabel West (11) and Steren West (10)

Until August 1992, when they packed to his home in Port-Harcourt, Rivers State, the West family was staying at Paladan village in Zaria, Kaduna state, where he was residing before his arrest and imprisonment. While they were still in Zaria, the family was attacked, on June 11, 1990, by Armed Robbers who were said to have come with aviation guns and pistols and carted away the entire family property there including Major West's certificates and his peugeot 504 saloon car, with registration number PL 5400 JE. But as providence would have it, no member of his family was hurt.

Mrs West, a nurse by training but until her husband's incarceration, a house wife, now works as a staff nurse in order to cater for the large family. unable to cope on its own, however, the family moved in with Major West's sister in Port-Harcourt, Hon (Mrs)

Daisy West-Maxwell. A legislator in the Rivers State House of Assembly, Mrs West-Maxwell appealed to the Federal Government to review her brother's case with a view to releasing him. She lamented that since



MRS PATRICIA AKWASHIKI
Deserted by friends

her brother's imprisonment things have fallen apart for the family. She alleged that Major West's children were denied admission to the Army Children's School in Zaria on account of their father's alleged involvement in the coup plot. She said even her own private business which was often government con-



MRS NUME WEST
Forced to take up employment to support her children

tracts-related had suffered as result of her being associated with Major West, lamenting that Major West's family and relatives were being treated like 'untouchables'. Within the period of his imprisonment, Major West also lost his younger sister, Mrs E.N Werek Dihoyesuku who died with an 8 months pregnancy on April 17, 1986, shortly after his life sentence. His father, Chief Edwin Thomas - West died in 1992.

LT COL. MOSES EFFIONG, like the other two is not in the best condition of health compounded by harsh prison conditions in Kano prison where he is serving his term, over 1,500 kilometers from his home in Cross River State. His psychological trauma reached a climax in August 1990 when his wife died in ghastly motor accident while she was travelling from Benin to visit him in prison. This left their four children, all of primary and secondary school age, without parental guide and care.

CLO has not, however, been able to contact the surviving members of his family for an account of their ordeal since his unjust imprisonment.

CLO'S INTERVENTION

On July 25, 1992, the CLO wrote a letter to General Ibrahim Babangida, President and Commander-in-Chief of the Nigerian Armed Forces, General Ibrahim Babangida, appealing for amnesty on behalf of the suspects. But until the time of writing this, the letter has neither been acknowledged nor is it known whether it is being acted upon.

APPEALS

Please write, or make representations, to relevant Nigerian authorities expressing concerns over the plight of the suspects and urging that they be set free.

1. His Excellency
General Ibrahim Babangida
President and Commander in Chief of the Armed Forces,
Federal Republic of Nigeria
The Presidency
Abuja.

2. Mr Clement Akpangbo
Minister of Justice and
Attorney-General of the Federation
Federal Ministry of Justice
Lagos.

You may also write the authorities of the various prisons, through the following addresses urging them to improve the living conditions of the suspects.

1. The State Controller of Prisons
Nigerian Prisons Service
P.M.B. 01062
Enugu
Enugu State

2. The State Controller of Prisons
Uyo Prisons
Uyo
Akwa Ibom State

3 The State Controller of Prisons
Kano Prisons
Kano
Kano State.

You may send copies of your letter to the suspects in their respective prisons expressing sympathy with them and in so doing, strengthen their sagging spirits.

(Continued from back page)

Naval Logistic School, Owerrinta, for permission to use its premises for their camping activities which included the following:

1. A lecture on policy-making as it affects the Youths.
2. Endurance Exercise and physical training
3. Parade drill/Cross Country
4. Lecture on leadership and its qualities
5. Discipleship and citizenship
6. Sporting, drama and cultural exhibition

On 22nd January, 1992, the Naval School approved their request and the students commenced camping from 25th to 31st January 1992. About 550 male and female students from Junior and Senior Secondary Schools in the state took part in the programme.

The State Director of Youth and Sports represented the Commissioner of Education in performing the opening ceremony.

The arrest of the 14 teenage leaders of the group a little over a month later, was in connection with this programme which the government said the Naval School in Owerrinta had no official approval to allow the use of its premises for.

ARREST

The arrest of the boys on March 6 was effected by personnel from the Naval Logistic School, Owerrinta. The boys were initially accused of damaging a bore hole in the school during their camping exercise a little over a month previously. In Ngwa High School, where the leader of the Corps ('Commandant') was arrested, the act was accompanied by a lot of brutality on the part of the Navy men. Five students received gun shot wounds as the officers resorted to shooting to disperse a crowd of students who tried to resist the arrest.

The arrested students were taken to the Naval Logistic School and detained there.

The authorities of Ngwa High School reported the incident to the Divisional Police Officer (DPO) in charge of Osioma Division who later took up the matter with the authorities of the Navy School in Owerrinta, complaining about the unlawful arrest of persons from his

area of jurisdiction and requesting that the case be handed over to his Division for investigation. Receiving no co-operation from them, he lodged a complaint with the Naval Intelligence Unit of the Naval College, Onura in Port - Harcourt, Rivers state. On the 19th of March, the Provost of the Naval College in Port - Harcourt led a troop of officers to the Naval Logistic School in Owerrinta, arrested all the personnel connected with the incident and took them to Port - Harcourt. The arrested students were also taken along with them. They were detained there for 3 days and on 22nd March they were all transferred to Lagos.

ALLEGATIONS OF POLITICAL THUGGERY

In Lagos, the Naval Headquarters set up a Committee to conduct an investigation into the arrest of the teenagers and their connection with the Naval Logistics School, Owerrinta. The Committee came out with the finding that the Officer in Charge of the Naval School, Lt. Commander D.A. Bakoshi, along with other officers in the school, had secretly trained the teenagers for some political party in the state with an intent to disrupt the Transition Programme. The Committee did not disclose the particular party nor was any politician(s) arrested in this connection.

Following this, a special Military panel was set up by the Armed Forces Ruling Council to try the affected Naval Officers. Their trial which was conducted in secret began on 22nd June 1992 at the Western Naval Command in Olokun - Apapa, Lagos. The officers were charged with conducting illegal training of political thugs at the Naval Logistics School in Owerrinta.

After a trial that fell far short of constitutional requirements for fair hearing, the affected officers, were found guilty of the allegation by the panel and sentenced to various prison terms.

However, the 14 teenagers have since been abandoned at the Kirikiri. Maximum Security Prison and have not been arraigned before any court, tribunal or panel of inquiry apart from being summoned before the special panel as prosecution witnesses in the trial of the Naval men.

At the Kirikiri prison, they are held

together with persons suspected of hard crimes as drug peddling and use, armed robbery, murder etc who could negatively influence their young, highly impressionable minds.

APPEAL

Please write letters, or make representations, to appropriate Nigerian authorities expressing concern over the fate of the 14 teenagers and requesting their release from unlawful custody. Please address your concerns to:

1. His Excellency
Mr Clement Akpamgbo
Honourable Minister of Justice
and Attorney - General of the Federation
Federal Ministry of Justice
Abuja.

2. His Excellency
Admiral Augustus Aikhomu
Vice - President
Federal Republic of Nigeria
Office of the Vice - President
Abuja.

3. His Excellency
General Ibrahim Babangida
President and Commander - In - Chief
of the Nigerian Armed Forces
The Presidency
Abuja.

**SUPPORT THE
FIGHT
FOR HUMAN
RIGHTS
IN NIGERIA**

**DONATE TO THE
CLO**

DEPRIVED OF THEIR LIBERTY

Fourteen teenage boys accused of being trained as political thugs spend the 8th month in custody without trial.

PREAMBLE

On 31st August 1992, the Civil Liberties Organisation drew the attention of government and the public to the plight of fourteen teenage boys aged 15 - 19 years who have been in detention since March 1992, without trial, at the Kirikiri Maximum Security Prison, Lagos. CLO urged the government to order their immediate release from unlawful custody or to charge them to civil courts if the government were convinced it had any case against them. However, the teenagers are still in detention and have not been formally charged or arraigned in court for the offence they are alleged to have committed, hence our renewed appeal to you to intervene on their behalf. Their ordeal is connected with a government allegation that they were being trained, as thugs for some politicians in Abia State, by some Naval officers at the Nigerian Navy School in Owerri in the State. However, the circumstances of their arrest and detention, as narrated by the boys themselves from their detention cells, do not support the allegation.

Held since March 6, in various places of detention, they are currently held at the Kirikiri Maximum Security Prison, Lagos in breach of their constitutional rights to fair hearing and to personal liberty. Before their detention at Kirikiri beginning March 23, they had been in illegal custody and without charge at the Nigeria Naval Logistic School Owerri from March 6-19, 1992 and also at the

Naval College Onura, Port - Harcourt in similar circumstances from March 19-22 1992. In the first place of detention they were severely beaten by their interrogators.

They were Senior Secondary School (SSSIII) students in various schools in Abia state and have all missed the General Certificate Examination/Senior Secondary School Certificate Examination which took place last May/June. They have since their initial arrest on March 6 been denied access to their parents and to legal counsel. They are:

1. Dickson Ameh 19 years
2. Sunday C. Ichappi 18 years
3. Abayomi Oyekade 18 years
4. Titus Ogwuche 18 years
5. Ekong Effiong 16 years
6. Lucky Idolor 18 years
7. Gabriel Odey 17 years
8. Emmanuel Bellgam 18 years
9. Messike Henry 17 years
10. Godswill Simon 15 years
11. Okechukwu Okoro 16 years
12. Udi 17 years
13. Emenike 16 years
14. Martin 17 years

CIRCUMSTANCES OF THEIR ARREST

The boys were officials of the Schools Cadet Corps, a branch of the National Cadets Corps which is a citizenship and leadership training outfit.

Following the creation of Abia State in 1991, a group of secondary school students applied for permission from the State Ministry of Education, Information, Culture, Youth and Sports to establish the School Cadet Corps in some selected post - primary institutions in the state. It's objectives included:

1. To assist Schools in the maintenance of discipline and service among students
 2. To train students physically, socially and morally.
 3. To provide security for schools valuables and quarters
 4. To monitor students truancy and loitering in town and apprehend culprits.
- In November, 1991, Mr Rex Ugorji, a Special Assistant in the State Ministry of Education approved their application to form the cadet. Thereafter, the Chairman of the Secondary School Management Board, Mr Nwabueze, similarly granted them permission to establish the Cadet Corp in selected secondary schools in the state. The students selected Ngwa High School, Aba, as their headquarters and commenced operation in November 1991.

CONNECTION WITH NAVAL LOGISTICS SCHOOL, OWERRINTA

On 18th Jan. 1992, the members of the Schools Cadet Corp applied to the

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I want to join the CLO please send me a membership form.

(Please return this coupon to CLO Office nearest to you.)

Civil Liberties Organisation

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1A Junction Road
P.O. Box 8982
Kaduna.
Tel: 062 - 211458

4, Mayne Avenue
Calabar,
Tel: 087 - 224737.

Name:

Postal Address:

Membership Information:

General Information:

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