

Nigeria

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NIGERIA

The Government of Nigeria during 1998 went from an authoritarian dictatorship to a transitional government that at year's end was in the process of implementing a program of democratic transition to democratic civilian government in the first half of 1999. For the first half of the year, the Government was dominated by General Sani Abacha, and committed serious human rights abuses systematically in order to retain political power. In June Abacha died and was succeeded by General Abulsalami Abubakar, who launched a program intended to restore decentralized constitutional democracy in the form of a federal republic by May 29, 1999. During the second half of the year, the Government implemented the first half of this democratization program effectively, impartially, and on schedule and took steps to reduce significantly human rights abuses. Formally, the Government remained a military dictatorship. Throughout the year, Nigeria continued to be governed by a military Provisional Ruling Council (PRC) dominated by the Commander-in-Chief of the Armed Forces, who until June was Abacha and after June was Abubakar. The PRC continued to rule by decree without a constitution or a legislature. The presumed winner of the annulled 1993 Presidential election, chief Moshood Abiola, died of natural causes in July on the eve of his expected release from prolonged detention on charges of treason. However, during the second half of the year the Government conducted a broad national discussion of constitutional issues, on the basis of which it then prepared to promulgate a new constitution based closely on the suspended 1979 Constitution, which prescribed a democratic federal state. In August the Government formed an Independent National Election Commission (INEC), which swiftly relaxed restrictions on the formation and operations of political parties and scheduled a series of four elections for local government officials, state (regional) legislators and governors, national legislators, and president to be held between early December 1998 and late February 1999. The December elections for local government officials, although marred by scattered violence and local irregularities, were generally free, fair, and open, and the INEC improved its electoral procedures following the local elections. General Abubakar declared that he would not run for political office and would transfer executive power on May 29 to the winner of the presidential election scheduled for February 27. The judiciary remained subject to executive influence and other influences; however, during the second half of the year the PRC Government ceased both to exercise judicial power and to deny the courts the authority to review its actions.

During the last months of the Abacha regime, the Government continued to enforce its arbitrary authority through the federal security system (the military, the State Security Service (SSS), the national police, and other national and subnational regulatory and law enforcement agencies). The PRC continued to control and coordinate these diverse forces. The security forces continued to commit numerous serious human rights abuses; however, during the latter half of the year, following Abubakar's consolidation of his authority within the armed forces and the PRC, human rights abuses by the security forces diminished significantly. There was evidence of reform of the SSS, including arrest of officials implicated in human rights abuses under the Abacha regime.

Most of the population of approximately 120 million was rural and engaged in small-scale agriculture. Agriculture accounted for less than 40 percent of gross domestic product but employed more than 65 percent of the population. Recorded gross domestic product per capita was \$280. Much of the nation's wealth had been concentrated in the hands of a small military, political, or commercial elite through corruption and nontransparent government contracting practices. Crude oil exports provided the preponderance of both national foreign exchange earnings and government revenues. During the year the economy grew slightly, but growth continued to be impeded by endemic corruption and lack of transparency in government, high defense and security expenditures, governmental inability to collect internal revenues effectively, numerous state-owned monopolies, and overregulation of the private sector. The country suffered from a severe fuel shortage caused by the closure of the state-owned oil refineries, whose operations declined due to corruption; the Government continued to require them to sell their products at below-cost prices, but no longer was able to subsidize them adequately due to lower international crude oil prices. Numerous problems of basic infrastructure persisted, and there was inadequate security from violent crime. These problems stemmed from corruption, lack of transparency in awarding government contracts, and extortion by regulatory officials. These problems were compounded by severe constraints on economic activity and foreign investment posed by unreliable telecommunications and postal systems, fuel shortages, and official corruption at points of entry.

The Government's previously extremely poor human rights record improved markedly in the latter half of the year.

During the first half of the year, before the death of General Abacha, there was no improvement. Security forces committed extrajudicial killings and used excessive force to quell antigovernment protests as well as to combat crime, resulting in the death or injury of many individuals, including innocent civilians. Security forces tortured and beat suspects and detainees. There were reports of sexual abuse of female suspects and prisoners by security forces. Prison conditions remained life threatening; many prisoners died in custody. Under Abacha, the Government repeatedly used arbitrary arrest and detention, and lengthy pretrial detention continued to be a problem. The Abacha Government repeatedly denied persons fair public trials by trying civilians and members of the armed forces before military tribunals that operated outside the constitutional court system and by prohibiting judicial review of the actions of these tribunals. There were many political prisoners, including prodemocracy activists, journalists, labor leaders, local autonomy activists, persons accused of plotting a coup, and the winner of the most recent presidential election. The Abacha regime detained family members of persons whom it sought to arrest and routinely infringed on citizens' right to privacy. It severely restricted freedom of speech and of the press and harassed, arrested, and detained journalists. It severely restricted freedom of assembly and association. It also restricted freedom of religion and freedom of movement. Under Abacha the security services routinely harassed human rights and prodemocracy groups, including labor leaders, journalists, and student activists. The Government denied citizens the right to change their government; it continued to suspend the Constitution and did not hold and implement the results of free and fair elections. Domestic violence against women remained widespread and permitted by law. Discrimination against women remained a problem. Female genital mutilation remained widespread, and child abuse and child prostitution were common. Ethnic and regional discrimination remained widespread and interethnic and regional tensions often became violent; number of persons were killed in various local ethnic conflicts. The national Government and public sector management continued to be dominated by Muslims from the north and middle belt. While

Abacha ruled, the Government continued to suppress harshly demands for greater local autonomy by members of ethnic minorities in the oil-producing Niger River delta region, including the Ogoni minority. The Government severely restricted the right of workers to associate in independent labor unions and to strike. Child labor remained a problem. Some children, including children trafficked from nearby countries, were subjected to forced labor. Of these abuses, those that were largely societal rather than governmental in origin generally persisted throughout the year without significant improvement.

After Abubakar consolidated his authority in the armed forces--a process that lasted from June to August--the Government's human rights record improved markedly in many areas. The Government largely ceased to use lethal force to repress nonviolent political activities. The Government took steps to curb torture and beating of detainees and prisoners, including the dismissal and arrest of senior security officers well known for abusing detainees. Reports both of torture and beatings of detainees and prisoners and of arbitrary arrest and detention became much less frequent. The Government acknowledged the life threatening nature of prison conditions, and took steps to ease prison congestion. In January 1999, the Ministry of the Interior claimed that the Presidential Committee on Prisons' Decongestion had released 2,433 prisoners since September. The Government ceased to use military tribunals to try civilians and released most known political prisoners and all known political detainees. General Abubakar commuted to imprisonment the death sentences of nine persons convicted by an Abacha-era military tribunal of plotting a coup. Under Abubakar, the Government ended the Abacha regime's harsh suppression of press freedom; nearly all known journalists in prison were released, and the security forces no longer beat or detained journalists, no longer seized newspaper print runs, and no longer harassed newspaper printers, advertisers and distributors. The Government significantly relaxed its restrictions on the rights of freedom of association, assembly and movement. The Government acted to restore to citizens the right to choose their government and scheduled a presidential election for February 1999. The Government held generally free and fair elections at the local level in December. The Government generally ceased to harass human rights organizations and increased the independence of the Nigerian Human Rights Commission (NHRC). The Government acted to mitigate ethnic and regional discrimination and tensions by restoring a federal system of government with substantial local and regional autonomy; however, military authorities in Bayelsa State in the Niger delta region declared a state of emergency in late December in response to violence by members of the Ijaw ethnic group who sought greater local autonomy. The Government released two imprisoned petroleum sector union leaders, ended government control of the Nigeria Labor Congress and the oil workers' unions, and restored to these organizations the right to elect their leaders. By year's end, although serious human rights problems remained in many areas, many Nigerian refugees or asylees in other countries had returned to Nigeria.

A number of persons were killed in incidents of mob violence and in local ethnic conflicts throughout the country. Some members of the Ijaw ethnic group in the Niger delta region who sought greater local autonomy resorted to violence and committed serious abuses including killings and kidnappings.

RESPECT FOR HUMAN RIGHTS

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

a. Political and Other Extrajudicial Killing

The security forces committed numerous extrajudicial killings.

Under the Abacha regime, security forces committed extrajudicial killings and used excessive force to quell antigovernment protests and civil unrest. Nigerian human rights groups received credible reports of deaths in custody of suspects held by Abacha's security forces. Security forces rarely were held accountable for excessive, deadly use of force or the death of individuals in custody. The climate of impunity created by this inaction extended to the various anticrime task forces established by the federal states (such as "Operation Sweep" in Lagos State), personal security teams, and also to the National Drug Law Enforcement Agency (NDLEA). During the Abacha regime and until Abubakar consolidated his authority, security forces killed numerous demonstrators. For example, on January 30, security forces in Kaduna broke up a demonstration on behalf of the release of the leader of the Muslim Brotherhood, Ibrahim El-Zakzaky (see Sections 1.d., 2.a., and 5), and reportedly killed three demonstrators. On April 15 in Ibadan, police fired on unarmed protestors who attempted to disrupt a pro-Abacha rally and reportedly killed three demonstrators. On July 9, police opened fire on students marching on the campus of the University of Lagos (UNILAG) and reportedly killed some students. On July 10, police shot and killed seven students during demonstrations at the University of Ibadan (see Section 2.b.). In July press reports alleged that officials of the National Drug Law Enforcement Agency (NDLEA) in Borno State tortured to death Mallam Mohammed Kachalla, a man accused of hemp trafficking; although NDLEA officials admitted that Kachalla was in NDLEA custody when he died, they denied mistreatment (see Section 1.c.). There were continued reports of extrajudicial killings by the Rivers State Internal Security Task Force in Ogoniland (the part of the Niger River delta region in which the Ogoni ethnic minority is concentrated) during the first 8 months of the year. On May 25, a group of 300 Ilaje youths seized control of an oil platform off the coast of Ondo State, taking some 200 oil company employees hostage. After unsuccessful negotiations, security forces regained control of the platform on May 29, reportedly killing two of the Ilaje protestors. On May 31, the international oil company and Ilaje leaders negotiated the release of the remaining seven hostages.

Security forces used violence and lethal force at roadblocks and checkpoints where extortion was commonplace (see Section 2.d.). On July 18, an officer of the State Intelligence and Investigation Bureau (SIIB) shot and killed a taxi driver in Ondo State. According to media reports, the SIIB officer was attempting to extort money from the driver at a police checkpoint. The taxi driver was shot in the head when he refused to pay the sum demanded, which was equivalent to approximately 23 cents. On July 20, the police officers connected with the July 18 killing were apprehended, but at year's end they had not been tried. Accounts of security officers shooting at individuals who refused to pay bribes were numerous until July, when roadblocks became somewhat less frequent and the security forces became more concerned about being held accountable for their actions. However, some such incidents continued to occur during the second half of the year. In August an NDLEA officer shot and killed at close range a vegetable trader at a checkpoint in Borno State who had refused to allow a search of his bags. The NDLEA officer was arrested but at year's end had not been prosecuted.

After Abubakar consolidated his authority, the security forces continued to commit many extrajudicial killings, but these were generally not of a political character. During numerous fuel shortages, the police and the military personnel deployed to maintain order at filling stations repeatedly killed customers and operators, according to press reports. On September 7, during a transport workers' strike in Lagos, security forces killed one person in the process of breaking up a demonstration by striking bus drivers who created a large traffic jam by burning a taxi van at a key intersection. In Kano

on September 18, police fired on a group of Shi'a demonstrators who were protesting the continued detention of Muslim scholar and leader of the Muslim Brotherhood, Ibrahim El-Zakzaky (see Sections 1.d. and 5). Five of the approximately 2,000 persons gathered were killed; the police previously had tried but failed to disperse the crowd with tear gas. During the month of November alone, members of the combined police and military anticrime task force known as "Operation Sweep" reportedly committed at least 16 extrajudicial killings. For example, "Sweepers" shot and killed two young men suspected of robbery and fatally beat and killed in the presence of journalists a suspect who refused to confess to his alleged crime. On December 8, in the Bariga area of Lagos, "Sweepers" killed four persons, according to press reports, during a clash with members of the Oodua People's Congress, a militant political and cultural organization whose adherents had taken weapons from the police in previous confrontations. No members of the security forces were charged, tried, or convicted for these killings. On December 30, security forces guarding the Government House in Yenagoa, in Delta State, fired on an approaching crowd of Ijaw protestors, killing two persons. Also in late December, security forces stationed on a bridge in Kaiama, in Bayelsa State, reportedly fired into an approaching crowd of Ijaw demonstrators, killing an unknown number. No members of the security forces were charged, tried, or convicted for these killings.

In September the Government withdrew the Rivers State Internal Security Task Force from its checkpoints in Ogoniland, ending reports of extrajudicial killings by this security force in this area.

Harsh prison conditions and denial of proper medical treatment contributed to the death of inmates (see Section 1.c.).

On August 18, the police attempted to account for the death of journalist Bagauda Kaltho by implicating him as the victim of his own bomb in a January 1996 Kaduna blast. This explanation appeared to be an effort to avoid embarrassment for the security forces' responsibility in his death. Journalists, labor unions, and human rights organizations have claimed that Kaltho died in 1996 or 1997 at the hands of military intelligence while in detention.

Large scale riots in Ibadan on May 1 resulted in as many as 30 deaths, including hospitalized protesters and medical personnel shot by private security guards hired by Abacha supporters. The killings were apparently in retribution for the burning of property during the rioting. In July a mob in Borno stoned and killed the NDLEA official alleged in press accounts to have tortured and killed suspected hemp trafficker Mallam Mohammed Kachalla. Following the death in detention on July 7 of 1993 presidential election winner M.K.O. Abiola, who was a Yoruba, about 40 persons reportedly were killed in 4 days of mob violence between members of the Yoruba and Hausa ethnic groups in the cities of Lagos, Abeokuta, Ibadan, and Sokoto (see Sections 1.d., 3, and 5). On July 18, the taxi drivers' union in Ondo reportedly killed several government security officers during a violent protest against the fatal shooting of a taxi driver by a member of the security forces in Ondo earlier the same day. The crowd also seized a police station and the local prison, freed approximately 130 prisoners, and burned the prison. Press reports stated that at least 14 persons were killed and approximately 30 persons were arrested during the riot. A number of persons were killed in sectarian religious violence.

b. Disappearance

There were no reports of politically motivated disappearances.

Members of minority ethnic groups in the oil producing areas kidnaped foreign and local oil company employees throughout the year to press their demands for more redistribution of wealth generated by joint ventures with the state-controlled petroleum operator and for specific projects in their areas. In early April, 64 Ijaw youths took control of an offshore platform in Bayelsa State for 2 weeks, holding 20 hostages. In late May, Klaje youth took 200 workers hostage in Ondo State (see Section 1.a.). On October 9, Ijaw youths took two expatriate hostages in Warri. The hostages were released after 2 days of negotiations and payment of a \$11,000 (1 million naira) ransom by the international oil company.

It was concluded by human rights organizations that the Razor newspaper editor Moshood Fayemiwo, missing in 1997, fell victim to armed robbers while traveling.

Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The 1979 Constitution (suspended) and the 1989 Constitution (never implemented) prohibit torture and mistreatment of prisoners and provide criminal sanctions for such excesses; however, during the Abacha regime, there were credible reports of detainees' deaths from torture while in custody. Security officers regularly beat suspects, detainees, and convicted prisoners. Detainees often were kept incommunicado for long periods of time. These practices continued, but at a decreased level, since Abacha's death in June. The Evidence Act of 1960 prohibits the introduction into trials of evidence obtained through torture.

There were continued reports of torture or abuse by the Rivers State Internal Security Task Force in Ogoniland during Abacha's rule. Reported abuses included torture, beating, and looting. The task force withdrew from its checkpoints in September. Numerous reports and eyewitness accounts confirmed that police officials used flogging, stripping, and acts of public humiliation (such as forcing persons to crawl) as punishment for minor infractions or public disturbances.

In March police arrested and reportedly tortured approximately 40 students who were members of the then-banned National Association of Nigerian Students (NANS), (see Section 2.b.). In July press reports alleged that NDLEA officials in Borno State tortured to death Mallam Mohammed Kachalla, a man accused of hemp trafficking. NDLEA officials admitted that Kachalla was in NDLEA custody when he died, but denied mistreatment (see Section 1.a.).

Police harassed, beat, arrested, and detained journalists (see Section 2.a.).

Prison and detention conditions remained life threatening. Lack of potable water, inadequate sewage facilities, and severe overcrowding resulted in unhealthy and dangerous sanitary conditions. Disease was pervasive in the cramped, poorly ventilated facilities and chronic shortages of medical supplies were reported. Prison inmates were only irregularly allowed outside their cells for recreation or exercise and many inmates must provide their own food. Only those with money or whose relatives brought food regularly had sufficient food; petty corruption among prison officials made it difficult for money provided for food to reach prisoners. Poor inmates often relied on handouts from others to survive. Beds or mattresses are not provided to many inmates, forcing them to sleep on concrete floors, often without a blanket. Prison officials, police, and security forces often denied inmates food and medical treatment as a form of punishment or to extort money from them. Harsh conditions and denial of proper medical treatment may have contributed to the deaths in detention of prominent poli-

tical detainees such as 1993 presidential election winner M.K.O. Abiola, who died in prison in July, and Musa Yar'adua, who died in prison in late 1997. The Abacha government repeatedly denied Abiola's physician access to treat his patient. On December 28, according to press reports, Lt. Colonel Olu Akiode, one of the alleged December 1997 coup plotters sentenced with General Oladipo Diya in April (see Section 1.e.), died in Makurdi prison.

Both the Abacha and Abubakar governments acknowledged the problem of overcrowding in the prisons as the main cause of the harsh conditions common in the prison system. At the end of May, the National Human Rights Commission published the 1997 prisons report which detailed the harsh conditions. Most prisons were built 70 to 80 years ago and lack adequate basic facilities. The majority of prisoners are so-called awaiting trial persons (ATP's) who have not been charged. The May NCHR report puts the percentage of ATP's at 74 percent of the prison population. For example, in Ikoyi prison over 90 percent of inmates, or over 1,500 individuals, are ATP's. They are housed in cells intended to house about 150 convicts. A total of over 1,600 prisoners are held in a prison designed for 800.

The Abubakar administration focused on prison reform. In mid-September, Internal Affairs Minister Musa Yakubu toured the nation's prisons and concluded that decongestion of the prisons should be a government priority. In January 1999, the Ministry of the Interior claimed that the Presidential Committee on Prisons Decongestion released 2,433 prisoners after September.

Throughout the year, the Government allowed both international and domestic NGO's occasional access to prisons. It did not allow them continuous access to all prisons.

d. Arbitrary Arrest, Detention, or Exile

Under Abacha the security forces continued to engage in arbitrary arrest and detention; although such practices continued after Abubakar consolidated his authority, the level of such abuses decreased.

The State Security (Detention of Persons) Decree of 1984 (Decree Two) allows the Government to detain without charge persons suspected of acts prejudicial to state security or harmful to the economic well-being of the country. When invoked, Decree Two suspends the detainee's civil liberties and precludes judicial review. Decree 11 of 1994 authorizes the PRC Vice Chairman or the Commissioner of Police to detain persons for up to 3 months without charge. This 3-month period often is exceeded in practice. Persons who remained abroad in self-exile often referred to Decree Two to explain their refusal to return, despite specific requests by Abubakar for all persons in exile to participate in the transition program. However, the Abubakar Government indicated that it would promulgate before May 29, 1999, a new constitution that would supercede presidential decrees, including Decrees 2 and 11, and substantial progress toward this end had been made by year's end (see Section 3). Police and security forces are empowered to make arrests without warrants if they believed that there was reason to suspect that a person had committed an offense; they often abused this power. The law requires an arresting officer to inform the accused of charges at the time of arrest and to take the accused to a station for processing within a reasonable amount of time. By law police must provide suspects with the opportunity to engage counsel and post bail.

However, police generally did not adhere to legally-mandated procedures during the period of Abacha's rule and often held suspects incommunicado under harsh conditions for extended periods without charge, frequently for periods of many years.

While the majority of civilian political detainees were freed in the first months after Abacha's death, there are no confirmed or reliable reports on the status of a small number of detainees presumed to remain in prison. In several public statements since early September, Head of State Abubakar repeatedly stated that all known political detainees had been released.

On June 16, shortly after his appointment as Head of State, Abubakar released nine prominent political detainees, among them former Head of State Olusegun Obasanjo, Beko Ransome-Kuti, Bola Ige, Ibrahim Dasuki, and labor leaders Frank Kokori and Milton Dabibi. Prison officials quietly freed further detainees prior to Abubakar's announcement on July 15 calling for the release of 362 nonpolitical prisoners. The NGO community believes that prison officials simply released detainees who were unaccounted for rather than admit to central authorities that they had been detained without authorization.

Chief Moshooḍ K.O. Abiola, the winner of the 1993 Presidential election, remained in detention under charges of treason until July 8, when he died suddenly of natural causes. Abiola died on the eve of his expected release from prison, during a visit by U.S. government officials.

There were no releases of former active duty military personnel implicated in the 1995 coup plot, such as those blamed for fomenting it, that is, Colonel Lawan Gwadabe and Colonel Bello Fadile. Moreover, it is unclear when or whether approximately 30 active duty military personnel imprisoned for alleged involvement in the plot may be released. On December 28, one of the prisoners, Lieutenant Colonel Olu Akiode, died in Makurdi prison. At year's end, the press reported concern for the health of General Diya, who also had his death sentence commuted by General Abubakar. Both were charged with treason by a military tribunal in April.

On September 7, a high court in Port Harcourt unconditionally released the Ogoni 19, who had been awaiting trial since January 1994. All other detained Ogoni activists, including about 60 activists arrested in conjunction with Ogoni day in January, reportedly were released on September 15.

There is some evidence to suggest that up to six other civilians remain political detainees. Turner Ogboru, a lawyer arrested in April 1990 as a suspect in the alleged coup plot, was convicted by a special military tribunal that year, granted a pardon in 1993, ordered released, and then promptly rearrested in 1995. According to a human rights group, Adegbeḡa Aḡebusui, a farm manager for self-exiled General Alani Akinrinade, has been detained since January 1997 in connection with accusations of Akinrinade's involvement with bombings and has yet to be released. In addition it is believed by human rights groups that four suspects from the 1996 airport bomb blast in Lagos remained in detention. However, a foreign diplomatic mission reported that two of the four bomb suspects were released on June 25.

While Abubakar apparently began a serious effort to release all political detainees, the lack of authoritative information regarding the exact number of remaining detainees served to confirm the fact that

Abacha-era security forces were able to put persons in detention with very little concern about due process or accountability. They often detained individuals on fabricated charges or used Decree Two.

Under the Abacha government, there were reports that the NDLEA detained suspects or their relatives for lengthy periods of time without charge (see Section 1.f.). In May lawyers for Martin Okide filed suit against the NDLEA for their client's incarceration without charge since September 1997, during which time Okide was denied access to his lawyers. As a result of the pending suit, NDLEA officials indicated that they would release Okide; at year's end, Okide reportedly had been released. In April NDLEA agents in Kebbi State abducted the lawyer for the estranged wife of NDLEA chief Major General Musa Bamaïyi and held him incommunicado for 3 days. Press reports indicated that the lawyer's abduction was related to a lawsuit filed by Mrs. Bamaïyi against her husband. In July after Abubakar came to power, General Bamaïyi told reporters that the NDLEA would compile a list of all detainees in the agency's custody and would free all of those "held for no just reason even without our knowledge." There are no reports as to the number of persons subsequently released by the NDLEA.

Persons unfortunate enough to be nearby when a crime is committed are normally held for interrogation for periods ranging from a few hours to several months. Even after their release, those detained are asked to return repeatedly for further questioning. In March SSS agents detained labor union members (see Section 6.a.). Security agents harassed, arrested, and detained journalists (see Section 2.a.), and harassed and detained human rights activists (see Section 4). The Government also held approximately 130 Cameroonian prisoners of war (see Section 4).

Under Abacha security and law enforcement agencies regularly placed relatives and friends of wanted suspects in detention without criminal charge to induce suspects to surrender to arrest (see Section 1.f.). On July 24, 1997, NDLEA agents in Mugu detained Mrs. S. Okoye and her 14-month old baby in lieu of her husband, who was sought for drug trafficking. The NDLEA released Mrs. Okoye and her baby when her husband turned himself in on July 27. Ogoni HR activist Bariara Kpalap and Abuja bureau chief of African Concord, Mohammed Adamu were released in July. On December 4, the Kaduna State attorney general withdrew all charges against Ibrahim El-Zakzaky, leader of the Muslim Brotherhood, who had been detained since 1996 on charges of seditious publishing; his release appeared imminent at year's end (see Sections 1.a. and 2.a.). On December 10, the Lagos High Court granted bail to 58 executives of a failed bank and borrowers detained under the authority of the Abacha-era Failed Bank Tribunal; some of them had been detained without trial for more than 3 years.

The Government does not use forced exile. Many citizens who had lived abroad due to fear of persecution under the Abacha regime returned to the country during the closing months of the year, in response to invitations from General Abubakar to do so.

e. Denial of Fair Public Trial

Both of the suspended 1979 and the never implemented 1989 Constitutions provide for an independent judiciary; however, in practice, the judiciary remained subject to influence by the Head of State and the Provisional Ruling Council, and the military arrogated judicial authority under the Abacha regime. In addition, understaffing, inefficiency, and corruption continued to prevent the judiciary

from functioning adequately. Citizens encountered long delays and frequent requests for small bribes primarily due to a lack of sufficient resources necessary for the court system.

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

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

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

Some courts are understaffed. Judges frequently fail to show up for trials, often because they are pursuing other means of income. In addition court officials often lack the proper equipment, training, and motivation for the performance of their duties, again due in no small part to inadequate compensation. On December 8, the Government appointed six respected judges to the federal Supreme Court, bringing it to its full complement of 16 judges for the first time in its history. The Government also named 24 new federal appellate court justices.

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

Under the Abacha government, military tribunals operating outside the constitutional court system frequently were used to try both military personnel and civilians accused of involvement in alleged coup plots. Human rights groups assert that these tribunals failed to meet internationally accepted standards for fair trial. In most cases before the tribunals, the accused had the right to legal counsel, bail, and appeal, although some tribunals substituted a presumption of guilt for the presumption of innocence, and conviction rates in the tribunals reportedly exceeded conviction rates in the regular courts. Despite assurances in 1997 that military-style tribunals would no longer be used in nonmilitary cases, the practice continued until mid-year. By year's end, none of the tribunals were operating. During August prisoners awaiting sentencing or trial for financial crimes by the Failed Banks Tribunal conducted a hunger strike to protest their continued incarceration. The tribunal was required to bring those charged to trial within 14 days of detention; some had been waiting for more than 3 years. By PRC decree, the actions of the tribunals were exempt from judicial review. On December 10, in an

action widely viewed as a step toward ending that exemption, the Lagos High Court granted bail to persons detained by the Failed Banks Tribunal.

The case identifying 16 people charged with treason including Chief Anthony Enaharo, Nobel laureate Wole Soyinka, and prodemocracy advocate Dr Fred Fasehun was dropped. General Abubakar's invitation to the exiles to return formally nullified government efforts to charge Enaharo, Soyinka and others with treason.

On July 20, 10 other prominent civilian detainees convicted by the Special Military Tribunal for their alleged roles in the 1995 coup plot were released, among them 3 journalists.

In a mid-September interview with Newsweek magazine, Abubakar indicated that he believed that those remaining persons convicted of treason in coup tribunals were not political prisoners. However, the cases of those convicted of coup plotting in 1995 and 1997 were reportedly under review by the PRC at year's end. The eight civilians sentenced by the 1995 Aziza military tribunal were not among those whose sentences were commuted in July (see Section 1.d.).

Abubakar stated his intention to release all political detainees and political prisoners and began steps to do so (see Section 1.d.). However, those persons convicted of coup plotting and sentenced by tribunals are widely regarded as political prisoners, especially the civilians who were sentenced by military tribunals. The number of political prisoners who remain in government custody is unknown.

Arbitrary Interference with Privacy, Family, Home, or Correspondence

Although prohibited by the suspended 1979 Constitution, these abuses were common under the Abacha regime. It was widely believed that the SSS monitored private communication as well as the movements of journalists and individuals active in human rights organizations. The security forces reportedly operated networks of informants on university campuses (see Section 2.a.). Forced entry into homes was commonplace when security forces arrested suspects. Family members often were threatened with violence for alleged infractions by relatives and taken into custody for questioning or to force the suspect to surrender to security officials (see Sections 1.d. and 2.a.). These practices were not reported under the Abubakar government since he consolidated his authority.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The 1979 Constitution that provided for freedom of speech and of the press remained suspended, and the Government continued systematically not to respect these rights in practice during the first half of the year. The Abacha regime often publicly declared support for these freedoms, but it nevertheless sought to limit or confine public political dialogue. The regime continued its arbitrary intimidation and harassment of the press through legal and extralegal means. However, since June when General Abubakar succeeded Abacha, the Government significantly relaxed its restrictions on freedom of speech and of the press and increasingly respected these rights in practice.

Although there is a large and vibrant private domestic press that is frequently critical of the Government, the Government also owns or controls many publications. All newspapers and magazines are required to register with the Government under the Newspaper Registration Board Decree 43 of 1993, and under Abacha the Ministry of Culture and Information continued to threaten to close newspapers not registered with the board. However, the newspapers have continued to refuse to register. The Guardian in 1994 and the National Union of Journalists (NUJ) in 1995 filed a lawsuit over the registration requirement. The case was still pending at year's end. The registration process requires editors to provide their home as well as office address, and the registration fee is about \$3,000 for each title; therefore, a medium that publishes five titles would have to pay \$15,000 and also have its yearly registration subject to good behavior. The Abacha regime, at various times, shut independent newspapers for perceived offenses, but there were no known cases of papers being prosecuted for failing to register. By year's end, the new Information Minister, John Nwodo, had stated that Decree 43 would be removed, but registration requirements were not modified.

In the first half of the year, security agents frequently harassed, arrested, and detained journalists. Virtually all senior editors of publications critical of the Government were subject to surveillance and harassment by security agents. Some were driven underground by fear of arrest and operated clandestinely from numerous locations scattered throughout Lagos. The Government sought some editors so desperately that their immediate family members were held as ransom (see Section 1.f.). The Government later declared that these editors were "wanted dead or alive," implying that they could be shot on sight. Consequently, Nosa Igiebor of Tell and Bayo Onanuga of The News/Tempo fled the country. On January 9, security agents seized the offices of the Omega Weekly magazine in Ibadan, forcing its editors and staffers to go underground. Credible reports stated that security operatives were attempting to arrest the magazine's top journalists. Government security forces intimidated the media with a series of arrests of editors and reporters from journals critical of the Abacha administration. One human rights group estimated that more than 30 journalists were being held in detention or imprisoned after being convicted on criminal charges prior to Abacha's death.

On December 28, 1997, government security operatives arrested four journalists working for The Diet newspaper. Three of the four were released on December 29, 1997; but the fourth, editor Niran Malaolu, was convicted in April by the special military tribunal of being an accessory to the coup plot. He was given a life sentence, which was commuted to 25 years, and then commuted again by Abubakar to 15 years. In January Obi Chukwumba, deputy editor of African Concord magazine was arrested by the SSS on charges undisclosed to the public. He remained in detention with two other African Concord journalists who were arrested in 1997, until his release in July. All three African Concord journalists subsequently were released.

On March 3, several journalists were beaten and arrested by police operatives during a prodemocracy rally in Lagos. Yusuf Olaniyonu, Chukudi Kwabuko, and Robert Kajom (reporters for Thisday), and Bassey Udo, a reporter for the Post-Express, were detained at the event but subsequently released. Sunday Ode, a reporter for The New Nigerian; Emmanuel Ogunyale, a photojournalist for the Nigerian Tribune; and Kola Oshiyemi, a photojournalist for the News Agency of Nigeria also were arrested and reportedly beaten at the rally. On March 9, Joshua Ogbonna, publisher of the Rising Sun newspaper was arrested in Lagos. No charges were given, although credible reports indicate that he was detained because of allegedly defamatory articles that he published about several Abacha supporters. On March 27, Danlami Khobu, Kuduna State bureau chief of Tell was arrested at his home by state

security agents. Due to fear of possible arrest and harassment, many Tell journalists operated clandestinely. On April 6, Issac Agbo, Plateau State correspondent of The Diet, was detained and subjected to physical punishment by security officers attached to the special military tribunal. Agbo later was released. On July 29, state police operatives arrested Ofonime Umanah, Anambra State correspondent of The Punch; Umanah was released the following day. The police gave no reason for the arrest. A court ordered the Federal Government to pay damages for the security officers' pointing a rifle at the head of the 4-year old daughter of Tell's editor-in-chief, Nosa Igiebor, while raiding Igiebor's home. At year's end, the Government had not paid damages to Tell or Igiebor. Between June and September, the Abubakar government released all detained journalists except Niran Malaolu, who was serving a prison sentence imposed by a tribunal. The long-held journalists who were released included Kunle Ajibade, Ben Charles Obi, George Mba, and Chris Anyakwu (see Section 1.d.).

Subsequent to the December 21, 1997, arrest of second-in-command Lieutenant General Oladipo Diya and 11 others for allegedly plotting a coup, the Abacha government warned journalists that they could face treason charges if they repeated unsubstantiated reports carried in international media. In issuing these warnings, the government spokesman referred to the four journalists convicted of coup plotting offenses after the fact by a secret military tribunal in 1995. On January 1, the Lagos State police announced that they would begin arresting individuals who made negative remarks about the state police force. No such threats by government officials or security forces were reported after Abubakar consolidated his authority.

The Abacha government used other means to harass and intimidate the press, including intimidation of advertisers, surveillance of printers, and seizure of print runs. On April 20, 50 armed security operatives of the SSS and mobile police surrounded the Lagos office of the Independent Communications Network Limited (ICNL), publisher of The News/Tempo and PM News and arrested several ICNL staffers. Later that week, on April 22, security agents invaded Twenty-four Hours Printing Press Limited, a subsidiary of the ICNL, and arrested two managers and a company security guard. On April 23, all of the offices of INCL were sealed, and heavily armed state security guards were posted to maintain a vigil. They were opened shortly thereafter. No such harassment of advertisers or printers and no seizures of press runs were reported after Abubakar consolidated his authority.

For some publications, the relationship with the Government was so adversarial that they were forced to operate essentially as underground newspapers. The Abacha government did not proscribe any newspapers during the year, although it had done so in the past. However, on January 1, Tempo magazine was forced off newsstands by Kaduna State authorities. During the same day, Kaduna State police arrested Mallam Mustapha, manager of Omola distribution agency, for possessing copies of Tell, Tempo, and The News magazines. Throughout Abacha's regime, Tell and The News only were sold in secret in Abuja. Vendors who displayed them openly were beaten and harassed. There were no reports of such harassment of distributors after Abubakar consolidated his authority.

Because newspapers and television are relatively expensive and literacy is not universal, radio remained the most important medium of mass communication and information. The Government continued to prohibit nationwide private radio broadcasting. The Abacha regime granted broadcasting rights to local and regional private radio stations in 1994. Of the four private radio stations, two consistently broadcast domestic news and political commentary. Radio Kudirat and other clandestine radio stations now broadcast only infrequently. License fees are not unduly restrictive. Pending applications

submitted to the Government are not denied for political reasons. No licenses were revoked during the year. The Abacha government used the foreign content provision of the Press Law of 1993 to revoke licenses granted to some broadcasters. The Abacha regime closely monitored private radio broadcasts. In July the Eastern Mandate Union (EMU) announced that it would establish a prodemocracy radio frequency, but by year's end it had not managed to set up its planned radio station. The Government continued to detain Muslim Brotherhood leader Ihrahim El-Zakzaky in connection with operating an illegal radio station, although the Government dropped charges of seditious publication against him in December, and his release appeared imminent at year's end (see Sections 1.d. and 2.c.).

Television, both domestic and foreign, is widely available. However, the Government's prohibition of nationwide private broadcasting restricted private television to local and regional broadcasting. There are nine privately owned television stations in the southwest, most of which broadcast domestic news and political commentary. The Press Law of 1993 requires local television stations to limit programming from other countries to 40 percent. In March the Nigerian Broadcasting Commission (NBC) considered the termination of several television broadcasting licenses. The Press Law of 1993 restricts the foreign content of satellite broadcasting to 20 percent. The Government does not restrict access to or reception of international cable or satellite television. The Government does not restrict Internet access, although unreliable or unavailable digital telephone service limits access and hinders service providers. All Internet service providers are private.

There are two national, daily state-owned newspapers in English, the New Nigerian and The Daily Times. The New Nigerian has an additional Hausa edition. Each of the 36 federal states has a state-owned newspaper in English, some daily and others weekly. There is a national radio broadcaster, the Federal radio Corporation of Nigeria (FRCN) that broadcasts in English, Hausa, Yoruba, Igbo, and other languages. State radio stations broadcast in English and local languages. The national television station, NTA, is state-owned. The federal states also operate television stations.

The Government controls state-owned media to varying degrees. Since Abubakar consolidated his authority, some state-owned media outlets have exercised a greater measure of editorial freedom.

While private television and radio broadcasters remained economically viable on advertising alone, despite the restrictions that the Government imposed on them, government broadcasters complained that government funding and advertising were inadequate for their needs.

In March Morgan Omobu, general manager of the Rivers State Radio Corporation, was fired by the state military administrator. His position was terminated because the radio station carried a report critical of the now defunct United Nigeria Congress Party (UNCP). On April 15, Kayode Adedire and Femi Adifila, journalists at the Osun State Broadcasting Service (OSBS) were suspended without pay for broadcasting a story that state government officials viewed negatively, but were reinstated after 2 weeks. In May Mosun Mosunro, an editor with Ogun State Television (OSTV) was suspended indefinitely for allegedly approving a broadcast that asked Christians to boycott a government-organized prayer program in Abuja (see Section 2.c.). He was also reinstated by year's end.

Under General Abubakar, journalists and editors of state media did not fear suspension for their editorial decisions, although some self-censorship lingered. All candidates and parties had opportunities to express their views during the December local elections.

Under the Abacha regime, foreign journalists routinely were required to inform the Nigerian embassy in their country of origin about the subject matter of their proposed coverage before they were granted visas. During the first half of the year, requests for political coverage were discouraged and often resulted in the denial of a visa request. Since July the visa process became easier for foreign journalists who sought to enter the country to cover political developments.

During the first half of the year, the Government increased its efforts to limit academic freedom. Security forces routinely monitored and on occasion interfered with conferences they perceived as forums for prodemocracy or human rights groups. In July the Abubakar government repealed Decree 24, which proscribed many student and academic staff unions. Following the repeal, organizations, including the Academic Staff Union of Universities (ASUU), publicly met for the first time in several years. During the Abacha era, Nigerian embassies often refused to issue visas to visiting lecturers and artists (see Section 2.d.). This policy limited discussions between foreign and Nigerian academicians on topics of mutual interest. Under Abubakar Nigerian embassies have improved their issuance procedures for visas to academics and artists. Officials at Nigerian embassies have been accommodating, despite occasional continued bureaucratic delays.

Security forces used force to quell campus disturbances several times during the year. Security agents disrupted some student activities, such as elections. Several student associations accused the Abacha regime of clandestinely inserting young government operatives into student organizations and the security forces reportedly operated networks of informers on university campuses (see Section 1.f.). Student groups believed that university authorities followed government directives to suspend or expel activist students. In March approximately 40 students, of the then-banned National Association of Nigerian Students (NANS) were arrested and reportedly tortured (see Section 1.c.). The arrests occurred during delegation meetings in Ekiti State. The state police accused the students of attempting to hold anti-Abacha rallies.

Security forces forcibly disrupted student demonstrators (see Sections 1.c. and 2.b.).

b. Freedom of Peaceful Assembly and Association

The suspended 1979 Constitution provides citizens with the right to assemble freely; however, the Government did not respect this right in practice during the first half of the year.

The Government severely restricted the right of assembly until Abubakar consolidated his authority in the armed forces, but generally respected it thereafter.

Throughout the year, the Government nominally required organizers of outdoor public functions to apply for permits, although this requirement often was ignored by both government authorities and those assembling. The Government retained legal provisions banning gatherings whose political, ethnic, or religious content might lead to unrest. Open-air religious services away from places of worship remained prohibited in most states due to religious tensions in various parts of the country (see Section 2.c.).

During the first half of the year, the Abacha government continued to restrict the right of its critics to assemble. A number of public meetings were canceled or prevented arbitrarily, including cultural

events, academic conferences, and human rights meetings. While permits normally are not required for public meetings indoors, security forces disrupted prodemocracy conferences, meetings, or seminars and cited the absence of a permit as justification for their actions. Security forces often attempted to prevent or disperse labor-related seminars and meetings (see Section 6.a.).

On March 3, anti-riot police cordoned off a rally organized by a Lagos prodemocracy NGO and turned away organization members, journalists, and featured dignitaries. Several journalists were arrested and reportedly beaten during the incident (see Section 2.a.). On March 7, a combined team of government operatives from Operation Sweep and the SSS disrupted an International Women's Day workshop organized by the Free Beko Kutu campaign committee. Also in March, approximately 40 members of a university association banned by the regime were arrested and reportedly physically mistreated during an annual delegation meeting in Ekiti State (see Section 1.c.).

On May 1, a rally organized by a prodemocracy organization in Ibadan was disrupted when government security personnel and private security guards opened fire on unarmed protesters. Media reports stated that at least seven protesters were killed. Several human rights organizations publicly criticized the police for firing on the protesters.

Police forcibly disrupted student demonstrations--some of which had degenerated into campus riots--that occurred at many universities in the predominantly Yoruba southwest following the death in detention on July 8 of the 1993 Presidential election winner M.K.O. Abiola, who was a Yoruba. In July police opened fire on students marching on the campus of the University of Lagos (UNILAG) and reportedly killed some students. On July 10, police shot and killed seven students during demonstrations at the University of Ibadan (see Section 1.a.). Many students were arrested, along with several professors, during the same week. By year's end, the students and professors arrested during these events had been released; however, no government action had been taken against the police who committed the killings.

In late December, government authorities declared a state of emergency, and under it severely restricted freedom of assembly in Bayelsa State in the Niger River delta, in response to serious violence by members of the Ijaw ethnic minority who sought greater local autonomy (see Sections 1.a. and 1.b.). Otherwise, there were no reports that the Government or security forces denied permits, prohibited or disrupted peaceful public meetings after Abubakar consolidated his authority in the armed forces.

The suspended 1979 Constitution provides for the right to associate freely with other persons in political parties, trade unions, or special interest associations; however, the Government seriously restricted the right of association during the Abacha era. The Government generally respected this right after Abubakar consolidated his authority.

In August 1994, General Abacha prohibited the formation of political parties. In June 1996, the National Electoral Commission of Nigeria (NECON) announced a partial lifting of the ban but included cumbersome and complex requirements for political party registration. In September 1996, the NECON announced the registration of five political parties and ordered all other parties to be dissolved effectively preventing the participation of the majority of established politicians and potential opposition leaders. Although most religious, professional, and other organizations did not have to register

with the Government and generally were permitted to associate freely with other national and foreign bodies, the Abacha regime significantly tightened regulations on organized labor (see Section 6.a.).

The Abacha government banned political organizations that it contended were founded primarily along ethnic, tribal, religious, or other parochial lines for the purpose of sponsoring various political candidates. During the first half of the year, only the five government-sanctioned political parties were able to sponsor political candidates. However, in August General Abubakar announced the formation of the Independent National Electoral Commission (INEC), which liberalized regulations governing the formation of new political parties. Under these regulations, which the Government respected in practice, political associations that pay a \$1,200 nonrefundable deposit and meet several other non-restrictive requirements are recognized and provisionally registered. The Abubakar administration disbanded the Abacha-era parties in July. However, there were no restrictions preventing the parties from reforming and applying anew for registration. These parties as well as previously existing parties were allowed to participate in the elections for local government officials in December. However, only parties that won at least 10 percent of the vote in at least 24 of the 36 federal states in the local elections in December were to be allowed to compete in the 1999 state and federal elections. In November INEC lowered to 5 percent the 10 percent in 24 states requirement for continued registration. INEC also changed the election guidelines to reflect that a minimum of three parties would be assured registration for the subsequent elections, even if less than three met the 5 percent requirements.

The expected effect of these restrictions was to prevent parties with narrow regional or ethnic bases from competing in state and federal elections, while allowing them to compete in local elections.

Government placed restrictions on NGO's under Abacha, including a raid on the offices of the Civil Liberties Organization in May, during which papers, computers, and library materials were removed. Labor unions were subjected to government control until Abubakar's consolidation of power. Government restrictions on labor unions' freedom to associate, as well as government harassment of NGO's diminished after August (see Sections 6.a. and 4)

c. Freedom of Religion

The suspended 1979 Constitution provides for freedom of religion, including belief, practice, and religious education; however, the Government restricted this right in practice in certain respects. The 1979 Constitution also prohibits state and local governments from adopting an official religion. In 1987 the Government instituted a ban (still in effect at year's end) on religious organizations on campuses of primary schools, although individual students retain the right to practice their religion in recognized places of worship.

About half the population is Muslim, about 40 percent Christian, and about 10 percent practices traditional indigenous religions or no religion. Religious tensions between Muslims and Christians and between Sunni and the small number of Shi'ite Muslims repeatedly have erupted into violence (see Section 5). In an attempt to minimize these tensions, the Government continued to discourage proselytizing in the belief that it stimulates religious tensions, although it did not outlaw it. Although distribution of religious publications remained generally unrestricted, there is a lightly enforced ban on published religious advertisements. Religious programming on television and radio was closely controlled by the Abacha regime, but this restriction appears to have ended. The Government also conti-

nued to enforce a ban on open-air religious services-away from places of worship (see Section 2.b.). Both Christian and Muslim organizations allege that the Ministry of Foreign Affairs and the Immigration Department restricted the entry into the country of certain religious practitioners, particularly persons suspected of proselytizing.

The Government continued to detain Muslim Brotherhood leader Ibrahim El-Zakzaky, although the Government dropped charges against him in December and his release appeared imminent at year's end. El-Zakzaky had been in detention since 1996 on charges by the Government of operating an illegal radio station and causing the "disaffection" of citizens. On April 17, Hajia Zeinet Ibrahim, a wife of El-Zakzaky, was arrested in Kaduna by government security forces. Amnesty International reported that she was among eight women and six children who were arrested as a result of their alleged participation in pro-El-Zakzaky demonstrations. Since their detention, there have been numerous demonstrations in support of the women and children; however, El-Zakzaky's supporters were released by year's end.

On May 25, an editor with Ogun State Television (OSTV) was suspended indefinitely without pay, for allegedly approving the broadcast of a statement issued by the Ogun State chapter of the Christian Association of Nigeria (CAN). State officials considered the statement asking Christians to boycott a government-organized prayer program in Abuja to be offensive. At year's end, she had been reinstated.

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

The suspended 1979 Constitution entitles citizens to move freely throughout the country and reside where they wish. However, the Government restricted this right. Police set up roadblocks and checkpoints where security and law enforcement officials routinely engaged in extortion, violence, and excessive use of force (see Section 1.a.).

The suspended 1979 Constitution also prohibits expulsion or denial of exit or entry to any citizen. However, in practice women often must obtain permission from a male family member before having an application for a passport processed. The Abacha government commonly prevented travel for political reasons. During the first half of the year, the Abacha-led government seized the passports of many critics. However, General Abubakar abolished many of the restrictive travel regulations established during previous military administrations.

Under the Abacha regime, journalists reported harassment at the nation's airports by security officials, including being required to fill out special entry and exit forms detailing their movement abroad, reasons for traveling, and names of friends and associates overseas. Abacha's security officials interrogated and temporarily confiscated the passports of journalists and academics seeking to depart or returning from foreign travel. The Government assigned security personnel to Murtala Mohammed International Airport in Lagos to screen departing passengers and to apprehend prodemocracy supporters. Government security agents questioned extensively citizens who had been issued visas to some Western countries. Agents reportedly had orders to seize passports and detain citizens whose responses were not satisfactory. Some travelers were transferred to military intelligence officers or SSS personnel for further questioning.

On February 22, Lanre Ogundip, national president of the Nigeria Union of Journalists (NUJ), and Lanre Arogundade, Lagos State chairman of the NUJ, were detained and questioned at the Murtala Mohammed International Airport. They were scheduled to travel to Dakar, Senegal to address a regional conference of the West Africa Journalists Association (WAJA). Airport security officials seized their passports and other documents, and each of them had to complete lengthy security forms. Although the passports later were released, the journalists arrived in Senegal 2 days behind schedule. On June 9, Sule Musa, a Gambian-based Nigerian journalist, was arrested in Bakau, Gambia, reportedly on the orders of the Nigerian High Commissioner. Musa was detained on charges of publishing anti-Abacha stories, and the Gambian government deported him to Nigeria.

Impediments to travel lessened after General Abubakar's consolidation of power. Officials returned several passports belonging to journalists taken by agents of the former Government. In August government officials returned the passport of Odia Ofeimun, chairman of Tempo magazine's editorial board, which was seized at Murtala Mohammed International Airport in March 1996. The Government also allowed several former political prisoners to travel freely abroad in order to participate in various human rights events and political meetings. After Abubakar consolidated power, the Government was not reported to have denied passports to political figures or journalists, to have detained such persons entering or leaving the country, or to have interrogated citizens who were issued visas to foreign countries. At year's end, the Government was not known to be in possession of the passports of any political figures or journalists.

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

At year's end, there were 4,386 recognized refugees. The UNHCR repatriated 952 Liberian refugees in July and December, leaving 2,147 of the 3,099 present at the beginning of the year. There were 500 Sierra Leonean, 170 Chadian, 100 Sudanese, 42 Congolese, 13 Cameroonian refugees, and 1,414 from other countries.

There were no reports of the forced return of persons to a country where they feared persecution.

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

Citizens did not have the right to change their government in 1998. Under the Abacha government, laws continued to be made by decree approved by the Head of State, and the regime committed numerous, repeated, and serious human rights abuses in its effort to prevent citizens from mounting peaceful opposition. However, during the second half of the year, the Government, under the leadership of General Abubakar, launched a program to restore that right to citizens by May 1999 in the form of a democratic and constitutional federal republic, and implemented the first half of this democratization.

on program effectively, impartially, and on schedule. In December citizens elected local government officials in elections that were generally free, fair, and open, although marred by scattered violence and local irregularities.

At year's end, the country had been under military rule for 28 of its 38 years of independence. All effective political power continued to lie with the central Government and its military leadership, with ultimate authority residing in the military Provisional Ruling Council. The PRC continued to rule by decree without a Constitution or legislature. Although state and local governments existed, elections for their legislatures were not open, and state governments were run by military administrators and other officials appointed by the Commander-in-Chief of the armed forces, who served as Head of State and also controlled the national Government. The current Head of State, former Chief of Defense Staff General Abubakar, was appointed and sworn in on June 9, following the sudden death of General Sani Abacha on June 8.

The Government continued not to implement the results of the 1993 Presidential election, the winner of which, chief Moshood Abiola, died in July while still in detention on charges of treason, on the eve of his expected release (see Section 1.d.). Independent international pathologists judged that heart disease caused his death, but 4 years in prison with inadequate medical care may have been a contributing factor. His death was followed by widespread mob violence and interethnic conflict (see Sections 1.a. and 5).

After assuming power in 1993, the former Abacha regime abolished many of the country's political institutions. In 1995 General Abacha announced a 3-year program of transition to civilian rule, which was heavily manipulated by the Government and appeared likely to result in Abacha's inauguration as a civilian President on October 1. Most prominent politicians continued to remain outside the political arena, after key political parties were denied registration in 1996. Although the Government held elections for local councils in March 1997, for state legislatures in December 1997, and for the National Assembly in April, the SSS and other organizations controlled by the PRC screened candidates and systematically excluded candidates affiliated with prodemocracy or human rights organizations; voter turnout was very low. All five of the permitted political parties nominated Abacha as their candidate for president in April in hastily called government-manipulated party congresses. During the first half of the year, citizens' political rights continued to be restricted severely by the Abacha government. State security forces systematically disrupted public political functions and arrested and detained political opposition leaders.

Upon succeeding Abacha, General Abubakar abrogated Abacha's program for transition to nominally civilian rule, and, following Abiola's death on July 7, Abubakar developed his own program for a transition to democratic civilian government, which he announced in a July 20 address to the nation. He dissolved the five political parties established by the Abacha regime and annulled the three elections conducted during that era. Abubakar promised to allow the free and fair formation of new political parties and pledged to transfer power to a civilian president on May 29, 1999. He established the INEC to assist in constructing the framework for a new political transition period. Abubakar also announced that he would release all political prisoners and emphasized his commitment to greater civil liberties for citizens.

Initially, citizens reacted cautiously to Abubakar's speech, in view of past presidential assurances and attempts to create democratic civilian rule. However, during the following 5 months Abubakar's Government proceeded to implement the democratization program outlined in that address.

In August Abubakar established a 31-member Federal Executive Council (FEC) as his Cabinet, which remains in place at year's end. Although 9 members of the FEC were former ministers of the Abacha military government, the remaining 22 cabinet positions were filled by civilian appointees.

On August 25, the newly established INEC announced a timetable for the transition to civilian government and released liberal guidelines for the registration of new political parties (see Section 2.d.). The timetable included registration of political parties and voters, local government and council elections in December, state gubernatorial and assembly elections in January 1999, National Assembly elections in early February 1999, and a presidential election on February 27, 1999. This process would be concluded with a formal transfer of power on May 29, 1999. The INEC promulgated election rules that would restrict parties competing in state and national elections to those that won at least 10 percent of the vote in at least 24 of the 36 federal states. This rule was expected to allow parties with narrow ethnic and regional bases to participate in local elections, but not in state and national elections. General Abubakar indicated that he would not be a candidate in any of these elections.

During the second half of the year the Government conducted a broad national discussion of constitutional issues, on the basis of which it then prepared to promulgate a new constitution based closely on the suspended 1979 Constitution, which prescribed a democratic and federal state. The Constitutional Debate Coordinating Committee submitted its recommendations to the PRC. After extensive debate that was considered inclusive by interested NGO's, the Committee submitted recommendations that closely adhered to the suspended 1979 Constitution. The Committee did not include any proposals for a rotational presidency or the rotational principle in key offices between the six geopolitical zones. The Government indicated that it would promulgate the new Constitution before inaugurating an elected civilian president on May 29, 1999.

Elections for local government officials were held throughout the nation on December 5. Despite a grave fuel shortage, observers estimated that 30 to 40 percent of registered voters participated. The preelection registration process was flawed, excluding many potential voters due to lack of time or documentation, but there were no indications that this exclusion was deliberate. Organizational and logistical difficulties, aggravated by the fuel shortage and lack of recent experience, caused voting equipment or officials to arrive late and delayed voting in many localities. There were scattered incidents of attempts to interfere with the voting by stealing ballot boxes or election materials, and the INEC dismissed several election officials in Ibadan on December 4 for allegedly trying to cast large numbers of fraudulent ballots. The election also was marred by isolated incidents of violence, mostly in the Niger River delta region or in Akwa Ibom, Ekiti, or Kano States. In Akwa Ibom State, political thugs killed a police officer who prevented them from stealing voting materials. In Ekiti State, one policeman reportedly shot and killed another in an argument during the vote, and he was then lynched by the crowd. Election delays and violence were worst in Delta State; six persons were shot and killed at Olupe, 60 miles south of Warri, in an argument about the election. Nevertheless, voting and vote counting were monitored by representatives of all parties, vote counting generally was transparent, and national and international observers generally regarded the election as free, open, and fair.

There were no reports of postelection violence in protest of election procedures or results. The INEC noted the need to improve its logistical and security arrangements for the early 1999 elections.

In the December elections, the People's Democratic Party (PDP) won more than 50 percent of local government council and chairperson positions, the All Peoples Party (APP) won about 30 percent, and the Alliance for Democracy (AD) won about 20 percent. Both the PDP and the APP attracted broad support and won elections nationwide, although the APP was widely perceived to be dominated by persons associated with the Abacha regime. The AD won elections chiefly in the predominantly Yoruba southwest and was widely perceived to represent the interests of the Yoruba ethnic group. The INEC ruled that all three parties would be allowed to compete in the early 1999 state and federal elections, although the AD did not meet the requirements earlier set by the INEC for participation in those elections, as the

10 percent threshold was lowered to 5 percent 1 week prior to the December 5 local elections.

At year's end, the INEC was preparing to hold state gubernatorial and legislative elections in January 1999. These preparations incorporated some organizational, logistical, and security lessons learned from the December local elections.

At year's end, the Head of State still had the authority to replace at will any elected, local government official with a sole administrator and forbid court review of election contests, but General Abubakar has not used this power. The review of subnational boundaries that the Federal Government was conducting during 1997 was abandoned. The Government has taken no action against the 10 former state administrators removed from their positions in 1996, reportedly for their activities while holding office.

There are no legal impediments to political participation or voting by women, however, men dominate the political arena. No women directly led any of the Abacha state-sanctioned political associations. Only a small percentage of women served as officers in political parties, and only three women served as government ministers in both Abacha's and Abubakar's cabinets. NGO's continued to protest the underrepresentation of women in the political process

(see Section 5).

Although there are no legal impediments to participation in government by members of any ethnic group, northerners and in particular Hausa continued to dominate the national government, including the military officer corps.

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

The Government permitted local human rights groups to operate but, under Abacha, often interfered with their activities, detaining, intimidating, and harassing their members, impounding their files and equipment, and preventing them from criticizing the Government's human rights record (see Section 1.d. and 2.a.). High-level government officials regularly denounced the activities of the human rights

community, frequently accusing its members and the independent press of participating in foreign-inspired plots to destabilize the country.

The International Committee of the Red Cross (ICRC) is active with a Lagos office under the direction of a regional delegate. Its primary human rights activities during the year involved the training of the military on the rules of war. ICRC efforts also focused on persuading the Government to acknowledge the presence of approximately 130 Cameroonian prisoners of war captured in the Bakassi conflict. The ICRC arranged an exchange of prisoners of war with Cameroon, which took place on November 24. The ICRC believes that the treatment that the prisoners received was in accordance with international humanitarian standards.

The National Human Rights Commission (NHRC), established by the Abacha regime in 1996, continued to lack credibility as an independent monitoring body, although some NGO's found limited coordination with the NHRC possible and useful after Abacha's death. The scope of the Commission's activities was hindered by lack of adequate funding and organizational support. It was further hampered by the lack of a clear mandate to do anything other than convene meetings. Repeated requests for the NHRC to review the cases of alleged coup plotters and political detainees went unanswered. In July the Constitutional Rights Project (CRP) organized a workshop in conjunction with the NHRC on the role of the police in civil society. The forum provided an opportunity for dialog between the human rights community and the Nigerian police force. In May the NHRC published the 1997 Prisons Report, which described the overcrowding and congestion in the prisons that prevented them from meeting minimum international standards. The report identified some of the causes for the overcrowding, but it did not address the serious sanitary and health problems or the petty corruption and extortion present in the prison system.

The uncooperative stance of the Abacha government further impeded any visits by the Special Rapporteur for Nigeria of the United Nations Human Rights Commission (UNHRC) or by representatives of the Commonwealth Ministerial Action Group in the first 8 months of the year. During the UNHRC session in April, Foreign Minister Tom Ikimi, a member of the government delegation, refused to cooperate with the newly appointed Special Rapporteur and blocked any visit.

Since Abubakar consolidated his authority, reports of official harassment of local human rights groups ceased, as have official denunciations of human rights groups. The Government also began to cooperate with both national and international human rights groups and organizations; for example, the International Committee of the Red Cross. In September the Abubakar Government invited the UNHRC Special Rapporteur to travel to Nigeria; he visited for 2 weeks in November. He traveled to five cities, met with a wide variety of government officials and representatives of nongovernmental organizations, and acknowledged that he was granted unrestricted access to prisons. The UNHRC is expected to release his report in March 1999. In August the International Labor Organization (ILO) completed a successful fact-finding mission designed to investigate alleged government violation of the right to freedom of association. The visit had been delayed for over 18 months due to obstruction by the Abacha government.

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

The suspended 1979 Constitution provides citizens with the right to freedom from discrimination based on "community, place of origin, ethnic group, sex, religion, or political opinion." However, customary and religious discrimination against women persisted, occasional religious violence persisted, social discrimination on the basis of both religion and ethnicity remained widespread, and ethnic and regional tensions continued to contribute to serious violence both between groups of citizens and between citizens and the security forces.

Women

Reports of spousal abuse were common, especially those of wife beating in polygynous families. Police did not normally intervene in domestic disputes, which seldom were discussed publicly. The Penal Code permits husbands to use physical means to chastise their wives as long as it does not result in "grievous harm," which is defined as loss of sight, hearing, power of speech, facial disfigurement, or other life-endangering injuries. A women's rights group estimated that spousal abuse occurred in 20 percent of adult relationships. In more traditional areas, courts and police were reluctant to intervene to protect women who accused their husbands formally, if the level of alleged abuse did not exceed customary norms in the area. In August the Nigerian office of the United Nations Development Fund for Women (UNIFEM) launched a 1-year campaign against abuse of females. Rape, prostitution, and sexual harassment are problems. Prostitution is not illegal; pandering is. In some parts of the country, women reportedly continued to be harassed for social and religious reasons. Purdah, the Islamic practice of keeping girls and women in seclusion from men outside the family, continued in parts of the far north.

Women experienced considerable discrimination as well as physical abuse. There are no laws barring women from particular fields of employment, but women often experienced discrimination because the Government tolerates customary and religious practices that adversely affect them. The Nigerian NGO's Coalition (NNC) expressed concern with continued discrimination against women in the private sector, particularly in access to employment, promotion to higher professional positions, and in salary inequality. There were credible reports that several businesses operated with a "get pregnant, get fired" policy. Women remained underrepresented in the formal sector, but played an active and vital role in the country's important informal economy. While the number of women employed in the business sector increases every year, women do not receive equal pay for equal work and often find it extremely difficult to acquire commercial credit or to obtain tax deductions or rebates as heads of households.

While some women have made considerable individual progress, both in the academic and business world, women remained underprivileged. Although women are not barred legally from owning land, under some customary land tenure systems only men can own land, and women gain access to land only through marriage or family. In addition many customary practices do not recognize a woman's right to inherit her husband's property, and many widows are rendered destitute when their in-laws take virtually all of the deceased husband's property. Widows are subjected to unfavorable conditions, the result of traditional customs and economic deprivation. "Confinement" is the most common rite of deprivation to which widows are subjected, and it occurs predominantly in eastern Nigeria. Confined widows are held for up to 1 year and usually are required to shave their heads and dress in black garments. In other areas, a widow is considered a part of her husband's property and she too may be "inherited" by his family. Polygyny continued to be practiced widely among all ethnic groups and

among Christians as well as Muslims and animists. Women sometimes were required to obtain permission from a male family member to get a passport (see Section 2.d.). The testimony of women is not equal to that of men in Shari'a courts (see Section 1.e.). The Women's Justice Program and several other NGO's hosted seminars and workshops to help make the population more aware of the problems associated with traditional treatment of women.

Women are discriminated against in access to education for social and economic reasons. In the north, Muslim communities favor boys over girls in deciding which children to enroll in secondary and elementary schools. In the south, economic hardship also restricts many families' ability to send girls to school and, instead, they are directed into commercial activities such as trading and street merchandizing.

Children

The Abacha government paid only sporadic attention to children's rights and welfare. Cases of child abuse, abandoned infants, child prostitution, and physically harmful child labor practices (see Section 6.d.) remained common throughout the country. Public schools continued to deteriorate, and limited facilities precluded access to education for many children. The requirement for compulsory primary education rarely is enforced, particularly in the north (see Section 6). While the Government has increased spending on children's health in recent years, it seldom enforced even the inadequate laws designed to protect the rights of children. In July General Abubakar announced a commitment to improve children's welfare, but by year's end there had been no action to implement this commitment.

Although the law stipulates that "no child shall be ordered to be imprisoned," juvenile offenders are incarcerated routinely along with hardened adult criminals. On April 17, six children, ages 1 month to 10 years, were arrested and detained with their mothers on charges of participating in a demonstration by an Islamic sect in the northern city of Zaria (see Section 2.c.). Several international human rights organizations protested the imprisonment of the six children, and the demonstrators were released by year's end. The Government only occasionally criticized child abuse and neglect, and it made little effort to stop customary practices harmful to children, such as the sale of young girls into marriage. There were credible reports that poor families sold their daughters into marriage as a means of supplementing their income. Young girls often were forced into marriage as soon as they reached puberty, regardless of age, in order to prevent the "indecent" associated with premarital sex. In April Dr. Babajide Brown, an officer with the Nigeria Immigration Service (NIS), announced that the Government had saved approximately 200 children from being sold into child slavery during the past 2 years.

The Government publicly opposed female genital mutilation (FGM), which is widely condemned by international health experts as damaging to both physical and psychological health. The Government has taken no legal action against the practice; in the past, government officials (notably the Ministry of Health) have supported the campaign against FGM, which is spearheaded by private groups. In February 1997, Minister of Health Ihechukwu Madubuike announced that the Government had established a 25-person committee to study the issue; however, at year's end, no results had been released by the committee. FGM still is practiced extensively in all parts of the country, predominantly in the southern and eastern zones, and among all ethnic and religious groups. According to the Nigerian NGO Coalition (NNC) study, an estimated 33 percent of all households practice the procedure. Cur-

rent estimates place the prevalence of FGM at between 40 and 60 percent of all females, although estimates vary. Studies conducted by the United Nations Development Systems (UNDS) and the World Health Organization (WHO) estimated the FGM rate at approximately 60 percent among the nation's female population. However, according to local experts, the actual prevalence may be as high as 90 percent. Nevertheless, most agreed that the number of young girls now subjected to FGM is declining.

Indigenous forms of FGM vary from the simple removal of the clitoral hood or labia minora to excision of the clitoris and the most dangerous form, infibulation. The age at which females are subjected to the practice varies from the first week of life until after a woman delivers her first child. Women's groups initiated awareness projects to educate communities about the health hazards of FGM. The Ministry of Health and many NGO's sponsored public awareness projects to educate communities about the health hazards of FGM. The press repeatedly criticized the practice.

People with Disabilities

While the Government called for private business to institute policies ensuring fair treatment for the disabled, it did not enact any laws requiring greater accessibility to buildings or public transportation, nor did it formulate any policy specifically ensuring the right of the disabled to work. Several private organizations and NGO's continued to fight for the rights and welfare of the disabled. In August these organizations held a rally in Lagos to help raise awareness about those afflicted with disabilities. At year's end, the reported plan by the Government to establish a National Rehabilitation Institute and Resource Center in Abuja had not developed further.

Religious Minorities

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

Religious differences often correspond to regional and ethnic differences. For example, the northern region is overwhelmingly Muslim, as are the large Hausa and Fulani ethnic groups of that region. Many southern ethnic groups are predominantly Christian. Consequently, at times it is difficult to distinguish religious discrimination from ethnic and regional discrimination, which is pervasive.

Religious tensions led to several instances of violence during the year. There were regular clashes in northern Nigeria between Shi'a Muslim groups and Sunni Muslims, which resulted in deaths and injuries. In Kano on September 18, police fired on a group of Shi'ite demonstrators who were protesting the continued detention of Muslim leader Ibrahim El-Zakzaky, reportedly killing five persons (see Section 1.a.). Sporadic incidents of attacks on individual religious leaders were reported, but the nature and perpetrators of the attacks were various, and there was not a pattern of one religious group attacking another. There were no attacks by Muslims on Christians in northern Nigeria during the year that were directly related to religious differences. However, there were isolated retribution attacks on Yorubas, some of them Christian, for the killings of Hausas by Yorubas in Lagos on July 7-

(see Section 1.a.).

National/Racial/Ethnic Minorities

The country's population of about 120 million is ethnically diverse, comprising more than 250 ethnic groups, many of which speak distinct primary languages and are concentrated geographically. There is no majority ethnic group. The three largest ethnic groups the Hausa-Fulani of the north, the Yoruba of the southwest, and the Igbos of the southeast, who together make up about two-thirds of the population. The fourth largest group, the Ijaw, has a population of approximately 12 million.

Societal discrimination on the basis of ethnicity is widely practiced by members of all ethnic groups, and is evident in private sector hiring patterns, de facto ethnic segregation of urban neighborhoods and a continuing paucity of marriage across major ethnic and regional lines. There is a long history of tension among the diverse ethnic groups. Although the country's successive constitutions all have prohibited ethnic discrimination by the State, northerners and particularly Hausas have long been predominant in the national government, including the military officer corps. Tradition continued to impose considerable pressure on individual government officials to favor their own ethnic group, and ethnic favoritism persisted. Resentment of northern domination of the Government--aggravated by the suspension of federal decentralization under the Abacha regime--and resentment of Igbo success in private commerce, have contributed to ethnic and regional tensions.

Chief Moshood K.O. Abiola, a Yoruba, unofficially won the 1993 presidential election, but the armed forces annulled the election and later imprisoned Abiola on charges of treason in 1994. Many in the south believed that the military acted to preserve the interests of the north in doing so, pointing out that many former heads of state were from the north and the middle belt, the military, or both. In the southwestern cities of Lagos, Abeokuta, and Ibadan, 4 days of riots followed the news of Abiola's death, while in detention, on July 7 (see Section 1.d). Press reports indicated that there were approximately 40 deaths, primarily of ethnic Hausas, who were attacked by Yorubas. Isolated retribution attacks on Yorubas by Hausas occurred in areas of Ibadan and Sokoto (see Section 1.a.).

While tensions among the largest ethnic groups generated violence related to control of the national Government, the aspirations of some smaller ethnic groups and tensions among some of these groups generated violence related to the control and powers of subnational governments. Clashes continued between rival ethnic groups in Delta, Rivers, Benue, Cross River, Bayelsa, Osun, Kaduna, Plateau, and Taraba States, often resulting in casualties. The ongoing government review of boundaries for state and local government areas sparked several communal clashes, most notably in Ife-Modakeke, Osun State (which by some estimates has taken over 100 lives), and the Ijaw-Itsekiri conflict in Delta State (which has led to over 110 deaths according to unofficial estimates). In clashes between Ijaw and Ilaje in Ondo State and Western Delta State during July and August, hundreds reportedly were killed and thousands lost their homes.

The Ogoni, an ethnic group indigenous to Rivers State in eastern Nigeria (one of the oil-producing regions), maintained that the Government continued a systematic campaign to deprive the group of its land and wealth. Members of the Ogoni group claimed that the Government seized their property without fair compensation, ignored the environmental impact of oil production on Ogoni land, and failed to provide adequate public services, such as water and electricity. The confrontation between

the Government and the Ogoni remained tense at times. MOSOP, an NGO that campaigns for Ogoni autonomy, described government policy toward the Ogoni as genocide. Ogoni concerns about environmental degradation and the quality of social services have merit. The Ogoni 19, who were accused of murdering 4 Ogoni leaders in July 1994, were released unconditionally in early September, as were other Ogonis suspected of opposing the Government.

Other ethnic minorities, particularly in Delta, Rivers, Bayelsa and Akwa Ibom States have echoed Ogoni claims of environmental degradation and government indifference to their development. Groups such as the Ijaw, Itsekiri, and Urhobo continued to grow increasingly vocal in expressing their unhappiness, while incidents of ethnic conflict and confrontation with government forces continued to increase in these areas. For example, in May about 200 youths of the Ilaje ethnic group occupied an offshore oil platform owned by an international oil company and stopped production; security forces transported to the oil platform by the oil company reportedly killed two protestors.

During the year, there were three areas of conflict involving members of the Ijaw ethnic group, the country's fourth largest. These included clashes with the Ilajes of Ondo and Northern Delta States; with neighboring Itsekiri and Urhobo in the Warri area of Delta State; and against tribal elders, and eventually government forces, in Bayelsa State. The conflict between the Ilaje and the Ijaw may have been the bloodiest, arising from an argument over the moving of a local government headquarters and the construction of what the Ilaje believed was an Ijaw traditional religious shrine on Ilaje territory. Several hundred persons died in intercommunal fighting, and many thousand Ilaje fled their traditional territory with many of them moving to Edo State. The trouble around Warri, a regional headquarters town for many international oil companies, began with another relocation (1997) of a local government headquarters from Ijaw to Itsekiri territory. Protests over this relocation escalated into periodic violence in which at least 200 persons died and spread to include fatal clashes between rival youth groups, including those of Urhobo ethnicity. Meanwhile, dissatisfaction with tribal elders who accepted "settlement" money from the Government to quiet community protests at oil spills or perceived problems with the international oil companies led to increased expulsions of tribal elders from villages in Bayelsa State by youth groups. In July young militants freed one of their leaders from police custody by claiming to have supernatural powers that scared the security forces into complying with their request. Others subsequently used similar threats elsewhere in Ijaw country, some of them in conjunction with hostage taking incidents involving oil company employees.

During the first half of the year, disparate organizations of youths from the Ijaw ethnic group became increasingly active in anti-Abacha campaigns and protests against oil companies operating in the Niger Delta region. A lull followed Abacha's death in June, but Delta youth organizations increasingly began to criticize the Abubakar administration, following the cancellation of Abacha's transition program without meeting one of their main demands: The summoning of a sovereign national conference. This protest culminated in the meeting on December 11 of about 4,000 Ijaw activists in Kaiama, Bayelsa State. The activists created the Ijaw Youth Council and issued a declaration demanding that all government armed forces withdraw from Ijaw areas and that oil companies stop all production in Ijawland by December 31. They emphasized that the Delta region belonged to the Ijaw. The declaration also warned that oil companies using the armed forces to defend their properties would be considered enemies. In response to the threat perceived by both oil companies and government authorities, the Government eventually decided to deploy additional armed forces in Bayelsa State and the state military administrator (governor) declared a state of emergency. During violent protests in Yenagoa,

the state capital, and in Kaiama, security forces killed approximately 35 persons around the end of the year.

Section 6 Worker Rights

a. The Right of Association

After Abubakar came to power in June, the Government took several important steps toward restoring worker rights and freedom of association for trade unions that had deteriorated seriously between 1993 and June 1998 under the Abacha regime. The Abubakar Government released two imprisoned leaders of the petroleum sector unions, Frank Kokori and Milton Dabibi; abolished two decrees that had removed elected leadership from the Nigeria Labour Congress (NLC) and the oil workers unions; and moved to allow leadership elections in these bodies. In August the Government also permitted an International Labor Organization (ILO) direct contacts mission to visit, as long demanded by the ILO.

By year's end, the Government had drafted and was preparing to implement decrees to amend or repeal several significant antilabor decrees from the Abacha era. Among other problems those decrees, limited the ability of unions to select their own leaders, granted the Labour Minister arbitrary authority to dissolve unions, required "no strike" clauses in collective bargaining agreements, and prohibited international affiliation without government permission.

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

By law any nonagricultural enterprise employing 50 or more persons in commerce or industry must allow blue-collar and clerical employees to unionize and must institute a compulsory dues checkoff. The Government has in the past withdrawn the obligatory dues checkoff provision when unions went on strike, as in the cases of the 1993 general strike and the 1994 petroleum workers strike, but did not do so during the year.

According to prominent labor leaders, total union membership has declined since the mid-1980's from 5.5 million to approximately 3 million. Approximately 10 percent of the total work force belong to unions. With the exception of a small number of workers in food processing enterprises, the agricultural sector, which employs the bulk of the work force, is not unionized. Most of the informal sector and practically all small businesses remain nonunionized.

In the past, the law recognized the right to strike, except for those performing essential services. Workers were required to give 21 days' notice prior to commencing a strike. However, the Abacha regime's Decree 26 of 1996 required the insertion of "no strike" clauses in collective bargaining agreements and provided for the termination of a union's automatic checkoff dues if a union launched a strike action in violation of such an agreement. Nevertheless, numerous public and private sector strikes occurred in recent years, often due to nonpayment of salaries or noncompliance with previous agreements.

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

Since 1978 the Government has mandated a single trade union structure with service and industrial unions grouped under the Nigeria Labour Congress (NLC). The NLC claims to represent some 3 million workers out of a total work force of about 30 million. Following crippling nationwide strikes in 1994 in support of the presidential mandate of M.K.O. Abiola, the Abacha government dissolved the NLC's elected National Executive Council and placed it under the authority of a government-appointed sole administrator. Despite repeated promises, the Abacha government failed to hold new elections for the NLC executive. Direct government control over the NLC's National Executive prevented it from representing workers in any credible manner.

In 1994 the Abacha government also dissolved the elected national executive councils of two key oil sector unions, the National Union of Petroleum and Natural Gas Workers (NUPENG) and the Petroleum and Natural Gas Senior Staff Association (PENGASSAN).

The Abubakar Government took steps to restore elected leadership in the NLC, NUPENG, and PENGASSAN. On August 11, Abubakar repealed Decrees 9 and 10 of 1994, which originally dissolved the union bodies' leadership and also provided for government-appointed sole administrators. On September 2, the Government and NLC affiliates agreed on a plan for the transfer of NLC leadership and the election of a new Executive Council. In line with this agreement, a caretaker committee of union representatives took control of the NLC on September 17, while elections were scheduled to take place in January 1999. Transfers of authority in NUPENG and PENGASSAN took place in September and October, respectively. The Labor Minister also announced on September 2 that the Government would no longer fund labor bodies, such as the NLC, in order to guard labor's independence.

The Government does not prohibit midlevel employees, termed "senior staff," from forming labor unions, called senior staff associations, but does not allow them to affiliate with the NLC. In 1985 these senior staff associations formed a nationwide body, the Senior Staff Association of Nigeria (SESCAN). Although it consists of 22 affiliates with a potential membership of some 600,000, the Government does not recognize SESCOAN. In the midst of a 1986 strike by senior university staff, the Government ruled that dues checkoff for senior staff was not compulsory, although many private companies continue the practice. By year's end, the Government had drafted but not enacted a decree legally recognizing senior staff associations, which heretofore have suffered from an ambiguous legal status, resulting in challenges to their authority in labor matters.

On August 11, the Abubakar Government repealed a 1996 decree that had dissolved three university-based unions: the Academic Staff Union of Universities (ASUU), the Nonacademic Staff Union (NASU), and the Senior Staff Association of Nigerian Universities (SSANU). The repeal permitted the revival of these labor bodies, and they have slowly revived.

The Abacha government used threats of arrests and detention without charge to intimidate labor activists. Security authorities often attempted to prevent or disperse labor-related seminars and meetings (see Section 2.b.). On March 4, the then Labor Minister Uba Ahmed warned that allegedly subversive activities of foreign labor oriented NGO's would not be tolerated. Subsequently, on March 12, security operatives arrested 10 participants in a labor seminar in Ilorin sponsored by the Friedrich Ebert Foundation. A court ordered their release on bail on March 17, and the Government eventually dropped charges of unlawful assembly. On March 23, SSS agents stopped a labor rights seminar in Akwa Ibom State, organized by a group specializing in labor solidarity sponsored by an international union, and detained the organizers overnight.

In mid-June, the Abubakar Government unconditionally released NUPENG General Secretary Frank Kokori, who had been detained without charge since August 1994, and PENGASSAN General Secretary Milton Dabibi, who had been imprisoned without charge since January 1996. Subsequently, both men resumed leadership positions in their unions. Since June labor seminars and labor-related activities have proceeded without undue interference from security authorities.

By year's end, the Abubakar Government had drafted but not yet implemented decrees designed to limit or amend a number of Abacha-era decrees that limited freedom of association and were not subject to legal challenge. These included:

--Decree 4 of 1996, which required unions to pay 10 percent of member dues to the NLC, forced the merger of 41 unions into 29, and proscribed professional union organizers from holding NLC positions (effectively eliminating most general secretaries from contention);

--Decree 26 of 1996, which provided the Labor Minister with broad authority to dissolve unions, required the inclusion of "no strike" clauses in collective bargaining agreements, and prohibited professional labor leaders from holding senior positions in unions or the NLC; and

--Decree 29 of 1996, which prohibited NLC and union affiliation with international labor bodies (except the Organization of African Trade Union Unity and the Organization of Trade Unions of West Africa), without the express permission of the Labor Minister.

From 1995 to 1997, Nigeria was the subject of a special paragraph stemming from the meeting of the International Labor Congress (ILC) due to the Abacha government's disregard for worker rights and violations of ILO Convention 87. At the ILO's March governing body meeting, workers' representatives filed a complaint that served as the basis for the creation of a committee of inquiry, one of the most serious steps the ILO can take against a government that has failed to observe the provisions of a convention. At the ILC in June, the ILO decided to defer the Committee of Inquiry's work for 60 days pending the Nigerian Government's receipt of a tripartite ILO mission during that time. Previously, the Abacha government had frustrated repeated ILO attempts to send a mission. However, on August 17 a four-person ILO team visited the country for 1 week of fact finding and consultations with workers, government, and employers. The team presented its findings to the ILO governing body in November.

The Government eventually dropped the charges against 21 strike leaders in Kaduna, who had criminal charges pending against them from strike actions in 1997.

There were a number of significant strikes by state government employees during the final months of the year. Workers undertook the strike actions to press demands for a wage increase similar to that given to federal workers in September. In Lagos the leader of the striking state employees was dismissed from his government position. As of year's end, the issue of wages for state employees remained unsettled in most states.

Decree 29 of 1996 prohibits NLC and union affiliation with international labor bodies (except the Organization of African Trade Union Unity and the Organization of Trade Unions of West Africa), without the express permission of the Labor Minister.

b. The Right to Organize and Bargain Collectively

The labor laws provide for both the right to organize and the right to bargain collectively between management and trade unions. Collective bargaining continues in many sectors of the economy. Complaints of antiunion discrimination may be brought to the Ministry of Labor for mediation and conciliation. The Labor Minister may refer unresolved disputes to the Industrial Arbitration Panel (IAP) and the NIC (see Section 6.a.). Union officials have questioned the independence of the NIC in view of its refusal in previous years to resolve various disputes stemming from the Government's failure to fulfill contract provisions for public sector employees. Union leaders also have criticized the arbitration system's dependence on the Labor Minister's referrals, which were infrequent under the Abacha government.

In 1997 the Abacha government announced the abolition of the uniform national salary structure and deregulation of collective bargaining in the civil service. The Government directed each state administration to establish its own salary structure on the basis of its ability to pay and with reference to the minimum wage (see Section 6.e.). The Government's decision was taken without consultation with the civil service unions. The Abubakar Government upheld the decentralization of public sector wages in its September announcement of substantially increased wages for federal workers and subsequent decrease in federal wages in December (see Section 6.d.).

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

c. Prohibition of Forced or Compulsory Labor

The 1974 Labor Decree and the 1979 and 1989 Constitutions prohibit forced or compulsory labor, and it is not known to occur with any prevalence. Although employment of persons under 18 years of age generally is prohibited, except for agricultural and domestic work, the Government does not specifically prohibit forced and bonded labor by children.

There were occasional reports of forced child labor, including child slavery rings operating between Nigeria and neighboring countries. According to press reports early in the year, Lagos police freed 14 children from an alleged child slavery ring that imported Togolese children to work as domestic servants. In January Togolese security forces arrested three persons who allegedly were trafficking

22 children from Togo to Benin for final sale in Nigeria. There were also reports that Nigerian children were exported to other African countries.

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

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

Primary education is compulsory, although this requirement rarely is enforced. Studies indicate declining school enrollment due to the continuing deterioration of public schools and to increased economic pressures on families. The lack of sufficient primary school infrastructure has ended some families' access to education, forcing them to place children in the labor market. Growing economic difficulties have led to a substantial increase in the use of children for commercial activities aimed at enhancing meager family income. The use of children as beggars, hawkers, and bus conductors is widespread in urban areas. In May the Lagos State military administrator indicated that as many as one in three children in Lagos works as a hawker. The use of children as domestic servants is common. According to an ILO statement in March, the incidence of child prostitution is also growing (see Section 5).

The 1974 labor Decree and the 1979 and 1989 Constitutions prohibit forced or compulsory labor, a prohibition that extends to children, although they are not mentioned specifically in the laws. Reports of forced labor are rare; however, there continue to be cases of trafficking in children (see Section 6.c.). Private and government initiatives to stem the growing incidence of child employment have not been effective.

e. Acceptable Conditions of Work

The 1974 Labor Decree sets a minimum wage, which is reviewed on an ad hoc basis. The last review of the private sector minimum wage, held in 1991, raised the lowest monthly salary to about \$5.30 (450 naira at the December exchange rate)--a level since rendered meaningless by inflation and depreciation of the naira--which does not provide a decent standard of living for a worker and family. Labor leaders and employers had argued unsuccessfully for an increase in public sector wages during the Abacha regime. Effective September 1, the Abubakar Government raised the benchmark minimum wage in the federal civil service to \$62 (5,300 naira) per month, an increase from the previous level of \$9.40 (800 naira). Between September and December, state government employees agitated for a similar increase in salaries, resulting in many strike actions. In December the Government announced that, given its poor oil revenue forecast, it could no longer afford to pay the new federal wages. Consequently, the Government announced its intention to reduce federal pay, with the minimum monthly wage falling from 5,300 to 3,000 naira (\$35), and directed state governments to renegotiate their salary structures proportionately downward. The Government took the decisions to increase federal salaries in August and to reduce them in December without prior consultations with labor.

The 1974 Labor Decree called for a 40-hour workweek, prescribed 2 to 4 weeks of annual leave, and stipulated that workers must be paid extra for hours worked over the legal limit. The Decree also sta-

ted that employees who work on Sundays and statutory public holidays must be paid a full day's pay in addition to their normal wages. There is no law prohibiting excessive compulsory overtime.

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

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