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"Truth"-Without-Justice-and-Reconciliation: A Study of the Passivity of the Nigerian Government to the Confession of "Abacha Boys" to State Terrorism.

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HWS 6

How on earth can we explain this, a professor of my own calibre and age who has served the country for so many years in different capacities being subjected to indignity and utmost brutality by some majors and privates who are nitwits ordinarily. I'm not being boastful. It's like you take a jewel and you start messing it up in the mud. You cannot explain it. Any time I recalled the humiliation meted out to me by those nitwits I started weeping, not for myself, but for Nigeria, country, which was being savagely reduced to nothingness.

Professor Femi Odekunle [Tell, August 31, 1998:20].

Yar' Adua was hale and hearty inside Abakaliki Prison. Then some people came saying they were from Abacha and they wanted to take Yar'Adua for medical check-up. They picked him up hale and hearty but he arrived the University Teaching Hospital, Enugu dead. What happened between Abakaliki and Enugu nobody seems to know. But something happened and if pressure is put on those people who picked him up they would give an answer to the country.

Comrade Shehu Sani, a Northern Nigerian human rights activists arrested for the 1995 phantom coup on the account of his human rights activism [TheNews 7 Sept. 1998:15, 18].

Zakari Biu is an animal. He's just wicked..he is dead to feelings. I fact, I don't know why such people should still be walking the streets of Lagos or this country. I am surpised as I am told that he has even been promoted, even given special assignments. I am surpised at this government. Zakari Biu, for what, they know him to have done, that they could still keep him. This government itself is culpable of all acts they committed...Omenka started the whole thing. He co-supervised our torture. But the main actor in my case was really Zakari Biu. I say both of them have the same instincts, if we compare them.

Col. Ronald Emokpae [Tell, April 12, 1999:24].

I have called for the arrest and trial immediately at the Abuja High Court the following government officials for the atrocities committed against Nigeria and Nigerians in the course of the late Gen. Abacha's administration: Alhaji Ismaila Gwazo; Brigadier-Gen. Sabo [rtd]., Col. Frank Omenka..There are also Lt. Col. M. Garuba..and Lt. Ibrahim who was one of the people beating Generals in Jos...For the purpose of true national reconciliation and genuine peace, these people should be retired and be put on trial.

Chief Yomi Tokoya, a suspected coupist released on July 15, 1998 [The News 7 Sept 1998:19].

..the experience I had when the government decided to send *Operation Swop*, a para-military outfit to break up the farewell reception the human rights groups and pro-democracy activists organised for me, personally was a vivid demonstration of the dehumanisation Nigerians were going through everyday under the General Abacha administration. It was very surprising and careless about international protocol, hence they could break a reception held for an ambassador.

Ambassador Walter Carrington, former US Ambassador to Nigeria [Tell, March 29 1999:25]

Introduction

Human rights abuses are a problem of growing concern around the world. The need to discourage this ugly phenomenon and promote reconciliation between the perpetrators and victims of human rights abuses has culminated in the establishment of Truth and Reconciliation Commissions in some parts of the world. The most important of such commissions to be established in Africa was the Truth and Reconciliation Commission which was established in South Africa by Act No. 34 of 1995. Since June 1998, some Nigerians have be asking that their country should join the league of nations that have dealt with their past human rights problems using the path of TRC. The call is made necessary by the gross human rights abuses that took place in Nigeria between 1993 and 1998. This was the period

when General Sani Abacha, the most authoritarian military man to have ever ruled Nigeria, gave a "bad name" to all the national questions besetting Nigeria since the 1960s: ethnic chauvinism, purposeless leadership, electoral fraud, lack of integrity, corruption, mediocrity, violation of human rights etc.

It is necessary to state that the problems that rocked Nigeria between 1993 and 1998 did not start with General Abacha. It started during the administration of General Ibrahim Babangida. On June 12, 1993 a presidential election was held in Nigeria which Chief M.K.O Abiola was popularly believed to have won. This was the first time any southerner have ever won any election in Nigeria. The election was acclaimed by Nigerians and international observers to have been free and fair. As the last batch of the obvious election results were to be announced, the Head of State, General Ibrahim Babangida announced that the results had been annulled. Up till today the Nigerian military has not been able to provide any convincing explanation as to why the election was annulled. Many interpreted the ugly development as an open indication that the military was not prepared to vacate the seat of power in Nigeria. The hues and cries that greeted the annulment within and outside Nigeria [Ihonvbere 1998] forced General Babangida to resign as Nigerian president and commander- in-chief of the armed forces on 26 August 1993. He hurriedly and illegally installed a 32 person Interim National Government [ING] headed by Chief Ernest Shonekan. The INC suffered different forms of legitimacy crisis and could therefore not function. On 10 November 1993, the Lagos High Court, presided over by Justice Dolapo Akinsanya, ruled that the ING was illegal given the fact that General Babangida had no constitutional backing for constituting the body. Babangida had resigned as the president before signing the decree under which the ING was established. On 17 November 1993, General Sani Abacha forced Chief Shonekan to surrender power to him.

General Abacha started his administration in November 1993 by soliciting for the support of the Yoruba people who were still aggrieved about the annulment of the June 12 election. He consequently succeeded in getting a few prominent individuals from this part of Nigeria to serve in his cabinet as Ministers. He appointed General Oladipo Diya [an indigene of Ogun where Chief Abiola came from] as his deputy. The original understanding among most of the people that initially agreed to serve in Abacha's cabinet from the south-west was that the new Head of State would deal with the injustice of the June 12 election. General Abacha said, while taking over from Chief Shonekan, that his administration was going to be very brief. The "June 12" agitators therefore saw in Abacha a messiah. They supported him thinking that within few weeks of his coming to power he would de-annul the election and enthrone Bashorun Abiola. It did not take much time for the people to realise that General Abacha was in power for selfish reason and that his administration would not as brief as the dictator promised.

Shortly after stabilising his administration, General Abacha came out in his true colour. He jettisoned all his promises to the Nigerian people and started to eliminate the "June 12" sympathisers and radicals in his cabinet [both military men and civilians] one after the other using different kinds of unholy tactics. He jettisoned the usual military intelligence people that worked with him and set up a "Presidential Strike Force" [PSF] controlled by a group of young Nigerian military officers led by Major Hamzat El-Mustapha - Abacha's Chief Security Officer. These young military officers conducted themselves the way they liked and had little or nothing to do with military ethics. They openly disobeyed their seniors and took delight in putting them to ridicule. They constituted a world unto themselves and the Nigerian press men therefore labelled them as "Abacha boys". With the PSF, the Abacha boys terrorised the Nigerian populace. They killed, tortured and detained many under bestial conditions. The period between 1993 and 1998 thus witnessed what would qualify as "governance by terror" in Duvall and Stohl's analysis [1988]. Nigerians saw hell. Under mysterious circumstance, General Abacha suddenly died in June 1998. He was immediately succeeded by General Abdusalam Abubakar. For reasons not

having much to do with the protection of human rights, members of the new military junta seized the opportunity of Abacha's death to arrest some [and not all] of his boys. In the process of their interrogations the Abacha boys formally confessed to various acts of state terrorism. Using the confessions of these boys and the testimonies of their victims, this paper calls the establishment of a Truth and Reconciliation Commission for dealing with the past of Nigeria. It argues that though the truth is well known about the past human rights abuses in Nigeria nobody is willing to use the available evidence to try the perpetrators. Can there be reconciliation without justice? The paper identifies how the work of such the Nigerian Truth and Reconciliation Commission could be organised and the benefits that could result therefrom.

State Terrorism in Abacha's Nigeria

Terrorism is an emotive and denotative word; only few people hear or talk about it neutrally [Duvall and Stohl 1988:231. It is defined as "the systematic employment of violence and intimidation to coerce a government or community, especially into acceding to specific political demands" [Brown 1992: 3258]. Shultz [1978] sees it as "..the threat or use of extra normal forms of political violence, in varying degrees with the objectives of achieving certain political objectives/goals". Terrorism is usually geared towards achieving two opposing political goals. It is either organised by the "opposition" to discredit or/and overthrow a regime or mobilised by those controlling the institutions of power used as a tool of political oppression.

There is state terrorism in a situation whereby it is agents of the state, rather than the ordinary citizen, that is perpetrating terrorism. No government, no matter how widely condemned, would however see its action against "political dissidents" as constituting terrorism. Political leaders, most especially those presiding over authoritarian states, usually base their inhuman action on the conceptual standpoint that the state has the responsibility for ensuring law and order within her sovereign territory and that the state is the repository of legitimate [physical] violence [MacIver 1926:221]. Little wonders that Weber too presented the state as "that human community, which, within a given territory [territory is one of its characteristics] claims for itself [successfully] the legitimate monopoly of physical violence"[Gerth and Mills 1958:78]. There is no doubting the fact that a government has the right to the use of violence but such rights is only limited to the use of "legitimate force" or "legitimate violence" [Nielsen [1981:437]. The use of violence by a state becomes illegitimate when it deployed against the citizens outside the limits allowed by the popularly sanctioned Constitution and laws of that society. It is an absurdity for a person who has not been tried in a court of competent jurisdiction and whose guilt has not been established "beyond reasonable doubt to be treated like a criminal. National and international laws frown against the practice of torture and other cruel, inhuman or degrading treatment or punishment or extra-legal execution of persons. *Declaration on the Protection of All Persons from Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* adopted by the General Assembly of the United Nations on 9 December 1975 [resolution 3452 [XXX] noted for example that:

> No state may permit or tolerate torture or other cruel, inhuman or degrading treatment or punishment. *Exceptional circumstances such as a state of war or a threat of war, internal political instability or any other public emergency may not be invoked as a justification of torture or other cruel, inhuman or degrading treatment or punishment* [emphasis *mine] [UN 1992:227].*

Article 1 of the Declaration defined Torture as:

> ..any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted by or at the instigation of a public official on a person for such purposes as obtaining from him or a third person information or confession, punishing him for an act he has committed or is suspected of having committed, or intimidating him or other persons...Torture constitutes an aggravated and deliberate form of cruel, inhuman or degrading treatment or punishment [Ibid.

Pp.226-7].

Throughout his administration General Sani Abacha used the rhetoric of "national security" as cloak for state absolutism. Nigerians could clearly see where Abacha was going shortly after he came to power. He started to have problems with majority of Nigerians when it was realised that his administration was not interested in any democratic project. Abacha and his collaborators were simply in office to advance their personal interests which included looting the Nigerian treasury. What was recovered from the family of General Abacha when he died is officially put at $628, 263, 187.19; Pounds 75, 396, 884.93 and DM 80 millions [**The Punch**, March 5, 1999]. But the Abubakar administration "forgot" to tell us how many billions of Naira was found in the dictator's local accounts. None of his over 100 buildings in different parts of Nigeria was seized. Nigerians know that Abacha, like other Nigerian military leaders, stole more than the figures reported by the government. What is he stole is enough to make life better for the teeming Nigerian populace that are now living in abject penury.

The main battle line between General Sani Abacha and human rights / pro-democracy groups in Nigeria was formally drawn in May 1994 with the formation of the National Democratic Coalition [NADECO] in Lagos. The democrats in Nigeria had become agitated following the interviews granted by Brigadier David Mark [Retired] in the **Newswatch** Magazine published, in its April 11, 1994 edition to the effect that General Abacha was not interested in enthroning any democracy in Nigeria. His hidden agenda was to keep himself in power till December 1999. The confession of General Mark was taken seriously as he was a prominent member of the group that supported Abacha in overthrowing the Shonekan regime in November 1993. During their maiden meeting NADECO members, drawn mostly from the south-west resolved to establish participatory democracy in Nigeria using democratic procedures. This set NADECO on a collision path with the Abacha administration. Members of the organisation were labelled by the government as subversive elements [and later terrorists] and were harshly dealt with from this perspective. Within a short time, NADECO and the Yoruba people who supported its activities thus became the number one opposition to the regime of General Abacha.

The face-off between General Abacha and NADECO assumed a dangerous dimension when NADECO gave the Abacha administration a few days ultimatum to hand over power to Abiola before May 31, 1994. Abiola was invited by the organization to form a broad-based national government. The Abiola-led government must compose of representatives of various ethnic and interest groups in Nigeria. The new regime must convene a sovereign national conference to discuss restructuring of the Nigerian state. NADECO called on Nigerians to boycott the Constitutional National Conference proposed by the Abacha regime [**Tell** May 30, 1994; **Newswatch** May 30, 1994]. On the occasion of the first anniversary of the annulment of June 12 1993 election, Chief M.K.O Abiola declared himself the president of Nigeria and was consequently thrown into detention by the Abacha administration. The government consequently descended powerfully on members of NADECO and all pro-democracy movements and elements in the country. Some members of the organisation were murdered in cold blood; several others were detained on the charge of being responsible for the bombs that exploded in some major Nigerian cities. It was later learnt that it was the same Abacha regime that was responsible for the planting of these bombs as a way of demonising his opponents and reinforcing his position as the "saviour of Nigeria".

In the desperate attempt to stamp out all opposition groups, the Abacha administration also descended heavily on the human rights activists in the country. It became very fashionable for all prominent human rights activists to have a taste of Abacha's gulag. Those who did not were either working with Abacha or had fled the country. It was also a good opportunity for Abacha to deal with the people of Ogoniland, who had been protesting the degradation of their environment by Shell oil company. Several Ogoni villages were sacked by Abacha boys between 1994 and 1998. At the height of

the insurgency against the Ogoni people, Ken Saro Wiwa, the leader of the Movement for the Survival of Ogoni people [MOSOP] and eight other Ogoni leaders were murdered in cold blood by the Abacha regime. Following the Ogoni example, youths from different parts of the Niger Delta took up arms against the multinational oil companies in their communities. In the counter-insurgency attacks launched on them by the Nigerian police and army, thousands of these young men were killed.

People murdered by agents of the Abacha regime in the south-western parts of Nigeria, largely as a result of their real or imagined membership of NADECO, included Pa Alfred Rewalne, Alhaji Kudirat Abiola [the wife of Chief M.K.O. Abiola]. Several members of the organisation who feared being killed went on exile. The latter include Chief Anthony Enahoro [the veteran politican who moved the motion for Nigeria's independence in 1953]; General Alani Akinrinade, the Chief of Defence Staff under the Shagari administration; Dr. Bola Tinubu [the present Governor of Lagos State] etc. Professor Wole Soyinka was not a member of the NADECO but he too had to go on exile when he was inundated with plans of the "Abacha boys" to eliminate him. There was an aborted attempt to kill Chief Abraham Adesanya who the Yoruba people appointed as their national leader. Other members of NADECO who choose to remain in Nigeria were detained on flimsy grounds and subjected to different kinds of physical and psychological torture. People belonging to the last category included Chief Bola Ige [former Governor of Oyo State], Alhaji Lam Adesina [the present Governor of Oyo State], Chief Olu Falae [the former Secretary to the Federal Government and a candidate for the 1999 presidential election in Nigeria], Chief Frederick Faseun [the leader of Oduduwa People's Congress] etc.

The detainees were subjected to different degrees of physical and mental torture. Several of them were kept in dark or solitary cells. Tear gas was fired into their cells from time to time. They were poorly fed and denied medical attention. Many left the detention camps with different kinds of medical complications. Some of them, like Major General Yar'Adua, Colonel Akinyode, Chief Abiola etc. died in detention. In the process of dealing with his real and imaginary enemies, General Abacha turned Nigeria to a pariah state. The international community could therefore not but take a number of punitive measures against Nigeria. The measures included the following [Banjo 1998]:

- Total expulsion from the Commonwealth
- Ostracization from all international sporting activities - like Olympics, World Cup, African Cupo of Nations etc.
- Non-issuance of visa to Nigerians [private and public] by some embassies. The most affected were public officials most especially members of the armed forces and their family members. Canada even closed down its embassy in Nigeria.
- Imposition of oil embargo by some countries;
- Disinvestment from Nigeria most especially by members of the European Union
- Stoppage of all forms of loans and aids to Nigeria;
- Freezing of the accounts and seizure of all assets of ex and serving military officers;
- Stoppage of all negotiations for the rescheduling of Nigerian debts by the International Monetary Funds, Paris and London Clubs
- International boycott of all Shell products etc.

The Abacha military junta denied all allegations that it was abusing the rights of the Nigerian people. The apologists of the administration, consisting of some prominent northern Nigerians, military officers who were assured of constant largesse so as not to rock the boat, and a few southern Nigerian running local and international errands for Abacha in the name of laundering the external image of Nigeria, dubbed the administration as the best to have ever been produced in Nigeria. General Abacha was presented to Nigerians as a great patriot who had contributed most to the promotion of unity and peace in Nigeria. To this end, the *Sani Abacha Foundation for Peace and National Unity* was established at

Abuja to celebrate the achievement of the Nigerian dictator. The Foundation made a lot of money producing television documentaries for laundering the image of Nigeria. One of the productions of the centre - a video - was entitled "Not in Our Character" was developed to ward off the attacks of the enemies of Nigeria - which included virtually all members of the international community that ever called for Nigeria to be governed according to civilised standards.

Sooner than later, General Abacha and his collaborators started preaching the practice of "African democracy" and started to tour this to the international community as the best thing for Nigeria. What is "African democracy? In Abacha's definition, African democracy is a political system that enables a military man to transmute into a civilian head of state by simply removing his military uniform. Millions of badges bearing the image of the Nigerian dictator were printed. The "patriots" in Nigeria, as of this time, were determined by wearing the "Abacha badges" most especially at public functions. Civil servants were forced to buy "Abacha television" which was meant for popularising the Nigerian Head of State in Nigerian homes. The Nigerian dictator constituted a youth group called "Nigerian Youth Earnestly Asking for Abacha". Led by one Daniel Kanu, this organisation drew its membership from the "Area boys" of Nigerian cities whose equivalents in other African societies include the South African "Street children", Kenyan's "Parking boys" and the Senegalese "Hooligan boys". They organised rallies in Nigerian cities preaching the "virtues" of General Abacha. Those who refused to listen to them got beaten up or arrested by the police who were always protecting them in the hostile environment in which they carried out their activities. Nigerian students and pro-democracy activists who tried to organise rival rallies were either not granted police permit or arrested for "planning to destabilise Nigeria".

General Sani Abacha's attack on the "opposition" was not just limited to the civilian populace. He dealt harshly with military men - serving or retired - who failed to support his self-succession agenda. In 1995, he accused General Olusegun Obasanjo, the present Nigerian Head of State and some serving military men of trying to overthrow his regime. Colonel Bello Fadile, a military lawyer was arrested, tortured and forced to "confess" that he had meeting with General Obasanjo to overthrow the military government. This provided the room for the Abacha boys to go after Generals Obasanjo, Shehu Musa Yar'Adua [who died in prison], Colonel Gwadababe etc. Commenting on how Fadile was used to get General Obasanjo and others into trouble, Alhaji Mato said "I have granted more than five or six interviews..in which I emphasised our innocence [myself, Colonel Gwadabe, General Yar'Adua, General Obasanjo, Fadile and others]. Our issue is completely framed up because there was no intention of overthrowing any government. There was no meeting, there was no thought, there was no attempt, so I don't know why they had to establish a *prima facie* case against us..[TheNews 28 Dec. 1998:35].He noted during another interview "Colonel Fadile was tortured badly and he suffered both psychological and physical torture. They wrote whatever they liked and made him to sign under duress. He signed it thinking that during judgement the chairman of the tribunal would be reasonable because any statement signed under duress is not valid in court of law. Honestly Bello Fadile suffered and it is not out of place that he did all he did because of torture" [Weekend Vanguard March 13, 1999:10].

The "coupists" were sentenced to death by firing squad at the end of what Nigerians still refer to as "Kangaroo court session" under which they were tried. The tribunal was chaired by General Patrick Aziza. The coup plotters could not be killed because of the appeals and protests from the international community. Their sentences were therefore reduced to imprisonment terms. Mrs. Chris Anyawu, the publisher of TSM Magazine who tried to report the proceedings of the "kangaroo court" in which the "coupists" were tried was picked up and sentenced to long term of imprisonment. So also was Dr. Beko Ransome Kuti who tried to alert the international community about the gross human rights abuses associated with the phantom coup. He too was picked up and sent to jail. They were all released in 1998 following the death of Abacha.

General Sani Abacha made more enemies within the Nigerian military in 1997 while putting finishing touches to his self-succession agenda. The self-succession bid was strongly opposed on the floor of the Provisional Ruling Council [PRC]. Leading this opposition movement was Abacha's deputy, Lt. General Oladipo Diya, the Chief of Staff. The Abacha boys were therefore ordered to eliminate Diya. But this had to be carefully done so that Abacha's involvement in the whole episode will be difficult to detect. A contrary situation could lead to problems within the army. Using some of his prominent Nigerian military commanders - namely Major General Ishaya Bamaiyi, Major Gen. Patrick Aziza and others - General Abacha is believed by the Nigerian press to have approached Diya with the irrevocable plan of the "Nigerian Military Commanders" to topple Abacha regime. The prime target was General Abacha - Diya was told that the army would like to force him to resign as the problems of Nigeria were becoming more and more complex. General Diya believed what he was told because General Bamaiyi, as the Chief of Army Staff was literally the person controlling the entire armed forces in Nigeria. General Diya hosted these "Commanders" thrice not knowing that they were sent by Abacha. For reasons not clear to Nigerians, the Abacha boys decided that it would be better to do away with Diya by bombing him and attributing the death to NADECO - the number one opposition to the Abacha regime. This latter strategy which was thought would be better than the coup allegation was tried first.

Diya was billed to have travelled to Makurdi on 13 December 1997 for the burial of the mother of Major General Lawrence Onoja, his principal staff. Just as he was trying to board the aircraft to convey him to Makurdi, a bomb went off at the airport blowing one of the security operatives in the vicinity into shreds. The companion of the dead security operative who also suffered first degree burn was still alive. He was soon taken to the hospital "where he was finished off for fear he might spill the beans on what he knew about the plan to bomb Diya's plane out of the skies 10 minutes into the flight" [TheNews 28 December 1998:32]. The true plans of the Abacha boys were divulged to the Major Fadipe, the Chief Security Officer to Diya, before the unfortunate security operative was later "finished" by those he was working for. Diya was lucky that he did not arrive at the airport at the scheduled time. The bomb which had already been programmed would have been dropped in his aircraft and would have gone off ten minutes into the flight. In an interview granted to Tell [*****], Chief Godwin Daboh who described himself as a close associate of General Abacha said that Major Mustapha told him that the bomb attack was a"failed mission". He too confessed that the target was Diya.

On 21 December 1997, the Abacha boys came back for Diya. Falling back on the original plans, they accused him of trying to overthrow the Abacha regime. A few things that he said during the meetings with General Bamaiyi and others, which were tape recorded, were waved to Nigerians as an evidence. Some prominent Nigerian traditional rulers, moulders of public opinion and diplomats were invited to Abuja to listen to the tapes and to watch the video of where Diya was begging Abacha after his arrest. While in detention, Diya and his fellow accused persons were harshly tortured. They were later taken before a military tribunal headed by Major General Malu who had just returned to Nigeria as the Commander of ECOMOG in Sierra Leone. But quite surprisingly, those who sponsored the coup meetings - i.e. General Bamaiyi and others were not tried for any coup plot. Those brought for trial were General Diya, two other Yoruba Generals [Generals Tajudeen Olanrewaju and Karimu Adisa], and some army officers of lower ranks. It was within this framework that Diya made his widely cited statement: "Ordinarily, we would have appreciated the calibre of the tribunal members. But this is the first time a case of setting up is becoming a coup case..I am the target and it is organised from the top. I am surprised that the Chief of Army Staff is not here. He, who is the masterminder [sic], the executioner and planner of this incident" [TheNews 28 Dec. 1998:33]. Diya and others were sentenced to death by firing squad. The execution order was being awaited when General Abacha died in June 1998.

Testimonies of the Victims

Those tortured by the Abacha boys can be divided into two broad groups: [1] the civilians consisting of student union leaders, human rights and pro-democracy activists and [2] military men and a few civilians arrested on the charge of trying to overthrow the Abacha regime. Most of those belonging to the first group would prefer to be silent on their experience in detention for now. A few are writing up their experiences into books. A few are virtually afraid of attracting more problems upon themselves by saying anything. Some others think that the time is not ripe for them to say anything. The testimonies included in this paper are therefore limited to those arrested for the 1995 and 1997 phantom coup. What they experienced was however not different from what the others in the first category went through because the torturers were the same Abacha boys and the torture chambers were not different. To this extent, the testimonies given below will give us a good picture of the hell some Nigerians went through in the hands of General Abacha and his boys.

Colonel Lawan Gwadabe

Colonel Lawan Gwadabe was accused by the Abacha regime to have master-minded the 1995 "coup". Like all other members of the "95 set", Gwadabe has argued that there was no coup, no plot by him to overthrow. He was implicated in the "coup" because he refused to co-operate with General Abacha to carry out a number of evil things that the Nigerian dictator planned. One of these, according to Gwadabe, was to use him to arrest and deal with General Babangida with whom Abacha fell out shortly after the latter came to power. After his arrest, Gwandabe was tortured for refusing to implicate some other military officers that the Abacha junta wanted to eliminate. Gwadabe was thoroughly tortured and during each torture session a tape recorder was placed beside him into which all the questions he answered were taped. Explaining why he was subjected to so much torture Gwadabe noted, [**Weekend Vanguard** March 13, 1999:4] noted:

> ..the reason for any torture is not far fetched. It was at the SIB. Here they were creating scenarios and trying to fit me in and every time a scenario was about to click, something would go wrong and it would collapse. So, they..accused me of not co-operating with them. I said, "well it is impossible for somebody to co-operate to implicate himself"...As far as they were concerned, I was not co-operating with them. So the best way for them to find co-operation in their own skewed view of things was to send me to the torture chambers..And I am sure they took instructions directly from Abuja on how to I should be tortured. I am sure they were told just put him there until he dies because he is not co-operating. But what co-operation would I give when I didn't know anything?

Asked to comment on how he was tortured, Gwadabe noted:

> Honestly, the experience is something I would not want to remember or recount now. In fact, I don't want to think about it at all because it is the most cruel, animalistic and inhuman experience you can think of. I have written all about it down somewhere and I will make it public someday. But I must tell you that I was taken there on a morning and when I was brought back the following day, all my limbs stopped functioning..by the time they finished with me on their rack, I was virtually dead. The following morning when I was able to speak, I said they should call me a doctor to look at my nerves because they had collapsed..I thank Almighty God for assisting me assiduously and for enabling me to walk without getting fatigued until I got back the use of my limbs.

Despite his refusal to "co-operate" with his torturers, Colonel Gwadabe was found guilty of trying to overthrow the Abacha regime. He was consequently sentenced to death by firing squad. He survived it because General Obasanjo was among those convicted for the "coup plot". This aroused international attention and the Abacha government became intimidated and could not execute the convicts.

Colonel Roland Emokpae

A lawyer, Colonel Emokpae had just been promoted as the Deputy Provost Marshall General of at the Headquarters of the Corps of Military Police when he was arrested as being part of the 1995 coup plot. He stepped on Abacha's toes while handling a number of fraud cases in the Nigerian army in which General Abacha was involved before seizing power in 1993. The 1995 coup saga provided Abacha the chance of hitting back at Emokpae and he did this with much cruelty. He was arrested on February 27, 1995 and thrown into detention.

> Nobody told me anything..For weeks, nobody told me. Later I saw Colonel Bello-Fadile, I saw Colonel Ajayi - we were in different cells, but there was a connecting corridor where we could stay and see them across. And I asked them, they said they didn't know why they were there too. Then, I kept seeing Segun Oladeinde himself, Olu, the intelligence boys and it was the same bizarre thing. "Why am I here?". They said they didn't know. Then, it was later that somebody told me, one of the officers or so, that he was told because of the seminar we had in Enugu, a military law seminar. I said, "Ah, ah, what about it? Was there anything unusual about the seminar? So, if that is the thing then I have no problem, because it was a seminar that was approved by the army headquarters, and attended by the army headquarters staff. Everybody was there. So, if there was anything wrong, at least I could have known because I hosted it by virtue of the fact that I was the assistant director of legal services in 82 Division...It was later, much, much later, I think about a week or two weeks, when they brought Gwadabe's team from Kaduna, that I started getting some fallouts - that they said there was a coup plan. And that was the first time I ever heard there was any plot. I didn't believe it because as at that time, almost everybody claimed they did not know why they were arrested [Tell, April 12, 1999:22].

Narrating how he was tortured, Emokpae noted:

> I went through hell. If there was hell on earth, I saw it..apart from the initial mental torture, the agony I had to go through was enormous, because I was the only officer that was subjected to various cells transfer. I was taken to the worst cell and when I asked question, I was told Abacha directed that I should be kept in the worst cell. In fact, that cell..it's dark, there is not light, it's infested, it's so narrow that in fact you have to stand both day and night...That was the first stage of the torture. And for two, three nights I spent there, it was harrowing. After complaining, they had to push me out to another cell. I think I went through about four or five cells in that place..we were there for three months, and nobody came to to talk to you so that you can even ask what was going on...They sent for me; with the usual chaining, arms shackles, whatever and took me to the interrogation centre somewhere in Ikoyi, off Bourdillion. We got in there and I met one of the panels. Omenka was there. One other officer, whose name I have forgotten, and Zakari Biu. And they asked me if I knew why I was there, I said no. They said they were surprised..They said okay, what was my movement like in the last two or three years?..They said, "Look, don't you know why you are here? Don't you know the plan you have to topple the government? I said, "This is news to me. I don't know of that. I have never planned to overthrow any government right from the day I was commissioned"..they were very hostile and they said okay, since I was not willing to cooperate, I should go and put down my statement. So..at about 6 to 6.15 p.m. a private soldier and said he had instruction that we should come out. We got out. He said we should undress. We took off our shirts and trousers. He said no, no, we should be naked completely. So, we took off everything. We were naked and we were chained, back to back, and that was how we walked into the open. We stayed there right from about that time till 7 a.m. We spend the night standing..Another funny thing was while they kept us there, Bello-Fadile was chained alone and kept close to us. Maybe they wanted to hear if there had been

anything; maybe we could talk, they'll pick it up. They sent out some men to monitor what was going on. And we kept asking Bello-Fadile, "what is going on? Please if you know, let us know and save us from this humiliation". He said he did not know So that was our first ordea. The following morning, when people started coming to work, they pushed us in, we wore our dresses; and we were still chained hand to hand, le to leg and kept in the open field in the scorching sun. My colleague asked for water, he was refused water. At about 4 p.m. the second day, we were now thrown into one dungeon behind, so that nobody would see us..After some time, I heard nothing. And a week or two later, that was when they came picked me up, took me back to the same place, this time, me alone, to ask the same question. I said, "Please, I really don't know what you people want". They said well, it would appear I was not ready to cooperate. They claimed that in my movement, they observed that at a point in time, I spoke to Bello-Fadile in his office. I said, "Yes, but I told you, when I came, I had this tooth and eye problem. I went to Bonny Camp which was where Bello-Fadile was ad director of legal services, and we had just finished from Enugu, and he is my coursemate and friend, I felt like saying hi to him. And that was exactly what I did. In fact I spent less than two minutes with Bello-Fadile". But they said no, no, we spent about two, three hours talking..They took me behind a cell and of course had to hang me. They call it the spider hanging - your hands up, the two legs all suspended, I was there throughout the night. They pulled my shirt off so, I was in my pant only. Look. Name all the kinds of insects, they preyed on me. I told them you are punishing an innocent man. The following day, they took me back to my cell...About three weeks later, the same Zakari Biu came...With shackles on, I was blindfolded. The next thing, they pushed me into a waiting vehicle and sped off, driving roughly..I didn't know where they were heading to. But somehow, having had a little knowledge of Lagos, through the cries in the various bus-stops, I was able to kind of guess where they were taking me to. They took me to that particular area and I heard shouts and cries, like some other people were being tortured. "Colonel", they kept asking me, "tell us what you have done. Tell us how much Bello-Fadile gave to you. How much was promised you by some generals. And I said, "Look I'm sorry. Nobody ever gave me money"...They okay, I am not ready to talk. This time, I was in chains. I had been blindfolded, I didn't know what was going on. Then later, that other man that was being tortured was now.. I heard a kind of silence, I believed he has passed out and they dropped him. They said I should come out. In fact, they themselves just brought me out like a bundle of firewood and the next thing, they just threw me on the ground, folded my legs, folded my hands behind and they tied me like they tie logs and they carried me like that. All I knew was a pole was inserted under my armpit and like a barbecued chicken, I was there suspended for hours. In fact, by the time I passed out, everything about me, the limbs, all were gone. While there, they would strike a match and put under my nose, my eyes, to say something, to confess..So after almost about two hours of torture, I was finished, and by the time I regained consciousness, I could not shout, I couldn't even move. They knew I was passing out. They just removed me, and dumped me like you dump ..if you've been to abartoir, you must have seen how they throw a slaughtered cow...For 10 good days, I was lying prostrate on the bed. I couldn't move my knees. Even eating, they had to spoonfeed me.

At the end of Emokpae's "trial" he was sentenced to death by firing squad. "As soon as he [Patrick Aziza] said it, I said, "I'm rejecting it in the name of the Lord". Openly, he shouted at me, "Shut up and sit down"..Before we knew it, vehicles, tanks and all these things had been brought in, we were shackled again and we were taken back to the black maria..it was on July 14, 1995 that the judgement was passed".

Colonel Happy Bulus

He was the Adjutant of the Nigeria Defence Academy. He was arrested on 28 February 1995 for

being part of the 1995 phantom coup said to have been led by Colonel Gwadabe. Narrating his ordeals, he noted:

> Two officers came and told me that the GOC wanted to see me. I dressed up in mufti and left with them to the GOC's guest house. They kept me there for two weeks, after which they put me in chains one evening and flew me to Lagos in a military helicopter. I was then taken to the interrogation centre in Ikoyi. There they gave me papers to write my views of the government, the economy and the country generally. After that, they put me in a cell where I found others lying on the bare floor in chains..Then they chained me to the ground...They asked me what I studied, I told them Political Science. Then they said I used to borrow constitutional books from the NDA library. That I was reading those books in order to change the country's constitution. I said that was not true. The books I borrowed from the NDA library were not not constitutional books, but encyclopeadia, which I was using to get definitions for a Ph.D thesis, which I was writing then...The chairman of the tribunal, Major General Patrick Aziza said my case was very pathetic. But he still went ahead and condemned me to death and said may God have mercy on my soul. That day, myself, Navy Lt. Akin Olowokere, General Yar'Adua, and Col. Ndubueze were taken to the condemned men's cell in Kirikri prison and our names were entered into one big red book for men condemned to death. However, in September 1995 Brigadier-General Ibrahim Sabo, Colonel Omenka and Colonel Olu of the directorate of military intelligence, DMI, came and called me out. Ndubueze and others were frightened, thinking they had called me out to be shot. They intensified their prayers. But I found they had only come to play their military intelligence tricks. They said that the government wants to grant me clemency. That I would get presidential pardon if I name some senior military officers in connection with the coup. I told them I did not plan coup with anybody and had no one to name [Tell, April 5 1999:34]

Colonel Emmanuel Ndubueze

He was one of those gruesomely tortured in Abacha's gulag as a result of the 1995 "coup. Narrating his experience, he noted:

> They came to my house at Rubuka Barracks around 1.00a.m. banging on the door..They cocked their rifles and said that I was under arrest..they took me to the GOC's guest house in Rayfield, Jos. I was kept incommunicado. They just garrisoned the place with a company of soldiers, and kept me there for about three weeks. Then they came and handcuffed me and others, and flew us to Lagos in a military helicopter. In Lagos, they took us to a house..for further interogration and torture. At night, they would chain us together and match us into the court yard for torture. They said I, from the armoured corp, planned to have a coordinating conference at Enugu to coordinate the ouster of General Abacha, and that the conference could not hold because I didn't come to Enugu for the army officers's conference. I did not even know of the conference until I was nominated to attend. But I couldn't attend because my GOC did not permit me to go. ..they started asking very very funny questions. Who were my brothers in the army? Whom had I spoken to? When did I see General Ibrahim Babangida last? And who were my friends?...I didn't believe they were going to kill me. I believed that they were just joking. All of a sudden, at the tribunal, Aziza said I was condemned to death and that God should have mercy on my soul. And I was taken to the condemned men's cell at Kirikiri prison and my name was entered into their red book of condemned men...Then they started using the warders to frighten us. They would say: "This very cell was occupied by Major Gideon Orkar, and after seven days, he was shot"[Tell, April 5 1999:34-5]

Corporal Joseph Onwe

He was of the armoured unit at the Nigeria Defence Academy, Kaduna by the time of his arreste

on March 28, 1995. He was arrested at Jaji while attending the Mortar course. He was said to have commited a "slip of tongue", after being drunk one evening, to the effect that he could fire a mortar from Jaji to Aso Rock [i.e. the official residence of the Nigerian Head of State]. He was consequently reported by one of his seniors [a sergeant] who saw this as an opportunity to curry the favour of his unit commanders in a military institution deeply eaten up by sycophancy and mediocrity. Onwe narrated the rest of his story in the following terms:

> While I was in class, an intelligence personnel came and arrested me, and took me to the officer in charge of intelligence who interrogated me. I told him that it was true that I drank at the mammy market with my friend, but that I could not remember saying that I could fire my mortar towards Aso Rock. They arrested my friend and frightened him into lying that I said I could fire my mortar towards Aso rock. ..One major said he would be my defence counsel. He told me to plead guilty, that he would plead for me and I would be released, I went and pleaded guilty before the tribunal and said I could not remember if I said what was reported, but if I did, it was a slip of tongue and asked for forgiveness. The tribunal still sentenced me to two years imprisonment..I was sent to Keffi prison [Tell, April 5 1999:35].

Professor Olufemi Odekunle

Professor Olufemi Odekunle is one of the few civilians arrested for the 1997 coup plot. Between 1994 and December 20, 1997 when he was arrested, he was the Chairman, Advisory Committee to the Chief of General Staff [General Oladipo Diya] on Socio-Political and Economic Matters. Before thenm he was a Professor of Criminology and Psychiatry at the Ahmadu Bello University, Zaria, He was the first Director of the United Nations Centre for Crime Prevention in Kampala, Uganda. The main reason for his arrest was that he was one of political advisers of General Diya and might have therefore been privy to the coup allegedly planned by the former.. He was accused of being responsible for helping Diya to write memoranda. His accusers believed Diya would have rewarded him with the Foreign Affairs ministerial appointment had the alleged coup succeeded. But Professor had no information about any coup plot. He was detained between December 20, 1997 and July 15, 1998 even while the tribunal that tried the "coup plotters" had earlier set him free. He saw how a few members of the "97 set" were tortured. Using himself as a case study, he discussed some of these with Dele Omotunde and Dare Babarinsa [the Deputy Editor-in-Chief and Executive Editor of Tell, respectively].

> Already, I had applied for leave to last from Monday, December 22 till January 5. I had borrowed a pick-up van from a friend to carry yams, rice and other items to my hometown for the Christmas celebration. It was expected to be a special one for me and my family because barely a week before the proposed commencement of my leave, we [the CGS entourage] had just escaped what looked like an assassination attempt through a bomb blast at the [Abuja] airport. My family was looking forward to having a thanksgiving dinner for friends and well-wishers on December 25. Thus everybody was packed and ready to leave Abuja for Ilesa the following day. At about 3.30 a.m., I was feeling tired and decided to have a nap and wake up at 6.30 a.m. or thereabouts...it couldn't have been more than forty minutes after I decided to sleep when my wife tapped me and shouted, "Femi, Femi, Femi, what's the noise about"? So I got up and looked through the window and saw people with guns. They were not in army uniforms, rather they were in jeans and T-Shirts and fez caps with machine guns...I just heard this heavy bang on the door and the corking of guns with the warning: "If I count three and you don't open, I'll shoot!"...The next thing I heard was *whamt* I was slapped with the side of the machine gun. I was almost unconscious. I started asking: Why? Why? Why are you beating me?"..I had a cut on my lips and another on my head. I was bleeding like a punch-drunk boxer. On my way downstairs, I saw somebody in handcuffs who later turned out to be the ADC to General Diya [Major

Keshinro]..he too was picked in a similar circumstance. They kicked me, slapped me, shoved and pushed me like a criminal. I suddenly regressed into childhood because I had never received that kind of beating in my life before...I was literally thrown down the staircase in front of my children..My children saw their father being battered and there was nothing they could do. It was so uncivilised [Tell, August 31, 1998:13].

Professor Odekunle was later driven away by the security men and taken "Aso Rock" where General Abacha lived. It was at these place that people arrested from different locations in Abuja were taken - usually in bad shapes. Narrating the situation at the State House, he noted further:

..the whole place was like bedlam. I saw about 40 to 50 of these people dressed in jeans, canvass shoes, blue or black T-shirts, fez caps, windbreakers and some of them wearing masks [hoods]. Later I gathered that these were the people called the Strike Force...I saw Major [Hamza El-] Mustapha also.."Yes, you stupid Yoruba man. So where is Diya now? Where is Olanrewaju now? Where is Adisa now?". .I didn't really know what was happening. At times he would ask again, "You stupid professor, yes we have seen your speech, that draft speech you wrote...And you want to be Foreign [Affairs] Minister..

As the Professor of Criminology was being interrogated and insulted he was at the same time being beaten by Mustapha's aide. At a point, Mustapha was said to have ordered the beating to stop for a "softer punishment".

No, stop beating him. We are supposed to be disciplined people'. Then he turned to me, "Go and kneel down there"...After some time one small boys came to challenge me that he saw me one day talking to a white man at Sheraton Hotel, Abuja, and demanded what I was telling the man. Before I could answer, he was already all over me saying, "you were passing information, you were making arrangement for the coup...Suddenly Mustapha ordered some of the boys to pour ice cold war water on me, and this was around 5.30 a.m. during the harmattan. So they started pouring ice water on my body. And now, this may shock you, the son of General Abacha, Mohammed, was the one to apply electric torture prod on me. I have about six witnesses to bear me out on this. He would place the electric prod on my wet body - you need to experience it to know what I am talking about..I could not understand why I was so specially tortured by Mustapha, Mohammed and their boys. Mustapha's own was more psychological than physical.

Narrating how he was taken to the detention camp and the hell he went through, Professor Odekunle noted among many other things:

Then they took me from Aso Rock to Gado Nasko [Barracks] guardroom. The people who took me there were very abusive while en route there. They said, "Let's shoot his leg", "Let's gorge his eyes", - all sorts of things..At Gado Nasko..you were not allowed to go to the toilet until they were ready which was twice a day, at most. The daily routine is like this - in the morning around 7 a.m. or 8 a.m., they would open one room at a time and tell you to go to the toilet. The other rooms remain locked while all of you in the opened room are marched to the toilet though you were not supposed to look to your left where the other detainees were so that you wouldn't know who was there. When you get to the toilet, there is a guard waiting and watching you while you're doing "No 1" and "No2". I hope you understand that - No 1 is urinating while No 2 is shitting [defecating]. Sometimes, as you are about to embark on either No 1 or No 2 , the man would shout, "Time up!" and that's it. You've lost your chance. It is not a question of going there to spend 5 to 10 minutes. For the first two weeks, we did not brush our mouths; and the for the first one and half weeks, no bath. When it was exactly one and a half weeks we were taken out to have our bath. I quickly removed my clothes, no shyness or any inhibition of any sort, and took the opportunity to wash my already dirty clothes because we were sleeping on bare cement

floor. While I was having my bath, I could remember Major Ishaiaku saying, "Oh, Prof. I didn't know you are light skinned, I thought you're black". That's to show you how dirty I really looked.

Professor Odekunle was later taken to Jos from where his trial for coup plotting started. The journey to Jos took 12 hours during which none of the accused persons were allowed to eat any food or ease themselves in any form. They were transported in a "Black Maria" used for carrying hardened criminals. Inside the vehicle, Professors and his colleagues were tied to one another in chains and then the vehicle was locked off from outside. Talking about the accommodation given to him at Jos, he noted:

> The room where I was put had evidence of fresh cement. They had dug hole in the ground and implanted iron hook into a concrete base. I was chained to the hook despite the fact that it was a solitary cell - meaning that I had to stay and sleep on the same spot. We were not given the luxury of moving up and down - meaning that we were not only detained in one room but on one spot. Thus, Gado Nasko [cell] looked to me like NICON-NOGA Hilton Hotel when compared with this creation of man's ingenious cruelty. In my own case, I'd say I had a raw deal. My leg-iron was removed and instead, I was handcuffed to the iron hook. You can imagine the sorry picture of me tied down like ..ram awaiting to be slaughtered, as it were...The way I was tied down was quite painful. Throughout the night, I was moaning and sort of literally crying for help..There were eight people guarding us at each given time and they belong to the Presidential Strike Force [2], the Military Police, SSS, Mobile Police, Intx [Army Intelligence Officers], DMI and the Prison.

When the trial started, Professor Odekunle was found to be innocent. He knew next to nothing about the military coup for which he was arrested along with his boss. He was therefore declared a free man having going through all the harrowing experience he narrated above. He was however not released. He was taken to the prison and detained there until July 1998 when General Abudusalam Abubakar ordered his released with some other political prisoners following the death of Abacha in June of the same year. All other members of the "97 set" went through the same ugly experience in the hands of the notorious Abacha boys. Like members of the "95 set" and other political detainees, Professor Odekunle mentioned the names of Major Mustapha and others as those responsible for the torture of political detainees.

The Confession of Abacha Boys

When General Abubakar took over the mantle of leadership in the country, Nigerians called on him from different parts of the country to bring to book all military officers that helped General Abacha to perpetrate all the evils mentioned above. Most prominent of these "Abacha boys" were Major Hamza Al-Mustapha, the Chief Security Officer [CSO] to the former Head of State; Brigadier Ibrahim Sabo, the Director of Military Intelligence [DMI]; Colonel Frank Omenka, former head of the security group at DMI; Colonel Kolawole John Olu, who was Omenka's predecessor at the DMI who later became the General Staff Officer at the Defence Intelligence Agency [DIA]; Major Adamu Argungu who worked with Major Mustapha at Aso Rock [the State House] and Lt. Col. Muktari of the Elite Brigade of Guards. General Abubakar was disposed towards a total war with the boys. He redeployed some of them and redeployed the remaining - away from Aso Rock.

The way all these "Abacha boys" were redeployed [and in fact retired as we saw in the case of Brig. Sabo and Omenka] in the wake of Abacha's death annoyed them. They saw those who were out against them, after the death of Abacha, as constituting nothing but a bunch of hypocrites. They were all part of the Abacha's kitchen cabinet. They knew why and how each person that was killed had to be killed and how those who were tortured by them were tortured. The Abacha boys therefore met from time to time after their deployment to organise against the Abubakar regime. They printed and circulated

several subversive documents in which they detailed out the roles played by "everybody" in the army in the gross human rights abuses that characterised the Abacha years. General Bamaiyi was singled out as the person responsible for planning the two phantom coups as a result of which several people were tortured and sent to jail. This explains why they were rounded up, detained by the Abubakar regime in October 1998 and detained at Gado Nasko Barracks.

Mustapha and his boys were charged with gun running, illegal possession of ammunition, subversion, inciting officers and possession of explosive documents capable of rubbishing certain senior members of the Abubakar regime. They were later arraigned before a Special Investigation Panel [SIP] headed by Army's Provost Marshal, Brigadier Yusuff Abubakar. Those brought before the SIP include several members of the dreaded Strike Force and some personal guards of General Abacha - both under the control of Major Mustapha. When the trial started, the accused persons denied the [soft] charges against them. This made the military junta who knew a lot about their activities to face them with the charges they could not easily deny: state terrorism and murder [Tijani 1998:16]. The charges were pressed so hard on all of them that they started to tell stories - which Nigerians would like to hear but which were already known to their interrogators: that they killed some prominent Nigerians on the order of Abacha. While defending himself Mustapha was quoted as having said "Abacha gave us licence to kill" [Ibid.].

The most prominent among those that the Abacha boys confessed to have murdered included Pa Alfred Rewane [79 years old], who was accused of having been financing the National Democratic Coalition [NADECO] which was formed in May 1994 to fight for the revalidation of the June 12, 1993 presidential election won by M.K.O. Abiola. The others that were killed by the Abacha boys included Alhaji Kudirat Abiola, the wife of Chief M.K.O. Abiola. The Police had earlier claimed that these people and several others were killed by armed robbers. The "Abacha boys" confessed to be the ones used by Abacha to masterminded the frame-up charges that led to the imprisonment of Generals Obasanjo, Yar' Adua, Dr. Beko Kuti. Col. Lawan Gwadabe in 1995. They also confessed to have framed up Diya in 1997. They claimed responsibility for the bomb attacks on some Nigerian cities. The Police had earlier explained this as the handiwork of NADECO and some members of the international community. One of those interrogated, Alhaji Gwazo - the security adviser to General Abacha - confessed to have used the excuse of "national security" to loot Nigeria of several millions of US Dollars. Some of the loots were recovered from him. The confessions were reported in various editions of Tell and The News Magazines between December 1998 and January 1999 [see the bibliography]. Nigerians have been commenting freely about the confessions since then. That the Directorate of Military Information had not refuted the claims of these magazines as they used to do when any news media reported anything that was untrue shows that what these papers reported is true. The other point is that many Nigerians are themselves well familiar with most of what these papers were just reported. Nigerians knew how most of those that were killed by the Abacha regime died and who were responsible for their death. The only thing is that they lacked the courage to publicly state this until the new media started coming up with the stories.

"Truth"-Without-Justice-and-Reconciliation

Cohen [1998:491] in an essay on "Human rights and crimes of the state" asked a question that is germane to the focus of this paper: "what happens to state criminals such as torturers after democratization or a change in regime? The ways the "radicals" and the "conservatives" would answer the question cannot be the same. While the radicals would call for punishment and retributive justice, the conservatives would be busy asking that "bygones should be bygones". This paints the picture of the present situation of things in Nigeria. While the human rights groups and pro-democracy movements in Nigeria are calling for the likes of Mustapha to be punished through a properly constituted court of law for their crimes against humanity, those who benefitted from the atrocities of the past years are

saying "let bygone be bygone". This should be less surprising for us. As Herman [1997:] told us in one of his works:

> All the perpetrator asks is that the bystander do nothing. He appeals to the universal desire to see, hear, and speak no evil. The victim, on the contrary, asks the bystander to share the burden of pain. The victim demands action, engagement, and remembering...In order to escape accountability for his crimes, the perpetrator does everything in his power to promote forgetting. Secrecy and silence are the perpetrator's first line of defence. If secrecy fails, the perpetrator attacks the credibility of his victim. If he cannot silence her absolutely, he tries to make sure that no one listens. To this end, he marshals an impressive array of arguments, from the most blatant denial to the most sophisticated and elegant rationalization. After every atrocity one can expect to hear the same predictable apologies: it never happened; the victim lies; the victim exaggerates; the victim brought it upon herself; and in any case it is time to forget the past and move on. The more powerful the perpetrator, the greater is his prerogative to name and define reality, and the more completely his arguments prevail [Herman 1997:7-8].

To facilitate reconciliation in Nigeria, the truth must be told and justice must be done. Why the truth? What is the relationship between truth, justice and reconciliation? A number of people have tried to answer the first question. Bronkhorst [1995:9] noted for example that there is the need for truth in a society coming out of violent conflict : "because a state must bring to light and account for past actions either of the present government or, more often, of a past regime". In answering the question why reconciliation he noted "because any society emerging from repression has to recover from its past, and come to terms with a substantial legacy of conflict and confusion". Human Rights Watch also observed that:

> If any country is to come to terms with its past and successfully turn its attention to the future, it is essential that the truth of the past be officially established. It is impossible to expect "reconciliation" if part of the population refuses to accept that anything was ever wrong, and the other part has never received any acknowledgement of the suffering it has undergone or of the ultimate responsibility for that suffering [Africa Watch 1992:2].

Speaking against the background of the experiences in Northern Ireland, Smyth [1998:3] also tried to offer an explanation as to why the truth must be told by a nation pursuing the objectives of true reconciliation:

> For some people who have lost family members, there are strong feelings of injustice in cases where there are unresolved issues, missing bodies, unanswered questions, resolution or healing is often impossible in the absence of knowing more about the circumstances of what happened to their loved ones.

Justice is generally believed to be a servant of truth and this probably explains why the parliamentary bill setting up the Truth and Reconciliation Commission in South Africa, adopted in July 1995, states that in principle amnesty will be granted to anyone who is completely open his or her past actions. As Bronkhorst [1995:10] noted:

> In other countries justice, or the surrender of the right to justice, is seen as an essential aspect of reconciliation. These countries avoid prosecuting perpetrators, particularly members of the armed forces, on the grounds that this would endanger the process of peace and reconciliation. There is yet another group of states - a minority, it should be said - in which some perpetrators have been brought to trial; however, this has nearly always followed by some form of amnesty, and the release of those imprisoned for their crimes - again with the reconciliation process given as justification".

Before an oppressed group can agree to surrender their "right to justice", they must have been told the

truth which suggests that the perpetrators have regretted their action and are most likely to go back to their criminal actions - at least against other innocent people. The Christian Bible ties forgiveness by God to true repentance. The Bible therefore says "If thou can confess and forsake your sins you will find forgiveness". There seems to be no true repentance in Nigeria. It all seems to be business as usual. This explains why the drum of war are beaten in all parts of the country.

But what is the international standard for dealing with the Nigerian kind of situation? We cite once more from Articles 7 - 11 of *The Declaration on the Protection of All Persons Being Subjected to Torture and other Cruel, Inhuman or Degrading Treatment or Punishment* adopted by the General Assembly of the United Nations on 9 December 1975 [resolution 3452 [XXX]:

Article 7

Each state shall ensure that all acts of torture as defined in article 1 *[in which torture was defined]* are offences under its criminal law. The same shall apply in regard to acts which constitute participation in, complicity in, incitement to or an attempt to commit torture [italics mine].

Article 8

Any person who alleges that he has been subjected to torture or other cruel, inhuman or degrading treatment or punishment by or at the instigation of a public official shall have the right to complain to, and to have his case impartially examined by, the competent authorities of the State concerned.

Article 9

Wherever there is reasonable ground to believe that an act of torture as defined in article 1 has been committed, the competent authorities of the State concerned shall promptly proceed to an impartial investigation even if there has been no formal complaint.

Article 10

If an investigation under article 8 or article 9 establishes that an act of torture as defined in article 1 apears to have been committed, criminal proceedings shall be instituted against the alleged offender or offenders in accordance with national law. If an allegation of other forms of cruel, inhuman or degrading treatment or punishment is considered to be well founded, the alleged offender or offenders shall be subject to criminal disciplinary or other appropriate proceedings.

Article 11

Where it is proved that an act of torture or other cruel, inhuman or degrading treatment or punishment has been committed by or at the instigation of a public official, the victim shall be afforded redress and compensation in accordance with national law.

Under the Constitution of Nigeria 1979, the following rights are protected [a] right to life [section 39; [2] right to dignity to the human person [s.31]; right to personal liberty [s.32] etc. Torture is therefore a criminal offence punishable under the Nigerian Constitution. Both the perpetrators and victims of state crimes in Nigeria have come out to say what they know about the evils of the Abacha years. The truth have simply be established. But it could still be further established by bringing the perpetrators and victims together to face each other.

The truth on the state crimes committed during the Abacha regime is well known to Nigerians though not in its entirety. There is a lot that is being hidden. It will take many years for the open wounds inflicted on some Nigerians to be healed. Bygones cannot be bygone as the perpetrators of these state crimes and their collaborators thought and still think. As a way of promoting reconciliation in the country, it is necessary to probe the ugly past in the history of the country. The truth must be followed up with justice and then reconciliation can logically follow.

When General Abdulsalam Abubakar succeeded General Abacha in June 1998, he could see very clearly that it was impossible for the country to move forward without some justice being done as a way

of reconciling the conflicting sectional interests in Nigeria. He started his administration by holding consultations with the various human rights and pro-democracy movements in the country. He was advised by the human rights and pro-democracy groups in the country to call a sovereign national conference to determine the future direction of Nigeria. He rejected this option. He however released the political detainees in different parts of the country. This actually doused the tensed political atmosphere in the south-western part of Nigeria which had been worst hit by the authoritarian apparatuses of the Abacha regime. A major mistake made by General Abubakar was his refusal to release Chief M.K.O. Abiola, the acclaimed winner of the June 12 1993 election who had been in detention since 1994. Chief Abiola later died in detention. The political tension in the country once again became charged and now seem to be simmering following the recent presidential election which will hopefully usher in democratic governance in the country come May 29, 1999. The two political parties in the country - i.e. AD/APPP alliance and the PDP - decided to field Yoruba candidates as their presidential candidate as a way of healing the wounds of the annulled June 12, 1993 election. Gene. Olusegun Obasanjo who won the presidential election is an Egba like Chief M.K.O. Abiola who died defending his June 12 mandate. The wounds are gradually healing but what we have in the country now is a grave yard peace. Anything could still happen. Many Nigerian groups are still calling for "truth" and "justice" on issues related to the past human rights abuses in the country between 1993 and 1998. There is more to the problem than mere election of a Yoruba person as Nigerian president. People from different parts of Nigeria were victims of the Abacha human rights violations.

Following from the confession of the Abacha boys and the refusal of General Abubakar to try them in a court of law for their past atrocities, a number of are necessary. One would like to ask: What need for confession and what next after it? Do we just allow the confessionists who "have told the truth" to just go home or face the laws of the land? This is a question that Nigerians have been asking since Gwazo [who confessed to all kinds of terrorist acts and from whom several millions of Dollars have been recovered] was released by the Abubakar administration. Why did the government refused to try such a person publicly? Why did the government also refused to try Major Al-Mustapha and all other "Abacha boys" publicly to enable Nigerians say what they know about the evils perpetrated by these people. Why did the administration failed to make public the confessions of these "Abacha boys" as was done to General Diya during the December 1997 coup saga. Why did the administration fail to declare the amount recovered from the Abacha family until March 1999 when they discovered that it was no longer possible to keep sealed lips on the matter. Why has Mrs. Abacha and his sons not been prosecuted for the various offences they committed against the Nigerian state during their administration of General Abacha? All these questions show Nigerian leaders are still lacking the courage of letting the truth, in its entirety, to be told. Yet they daily call for reconciliation. Can there be reconciliation without truth and justice?

The Way Forward

In an interesting paper published in **Social Identities**, Liebenberg and Zegeye [1998] identified five alternative approaches for getting at the truth and promoting justice and reconciliation in different parts of the world. The first is to "forgive and forget" [or letting "bygones be bygones"] after the terrorised society has succeeded in establishing a democracy. This option was adopted by Spain, Namibia and Zambia. The second option is to allow or request the international community [most especially a UN tribunal] to investigate the problems in the country as we witnessed in Rwanda between 1997 and 1998. The third option is that of setting up a Truth and Reconciliation Commission by a democratic government [as manifested in South Africa] or some sectors of the civil society. A society could also deal with the ugly aspects of its past history by establishing specific commissions of inquiry into some cases of human rights abuses. This option is widely used in Africa. The last and not the least option is to use

mixed approaches of "court cases, interment of human rights violators, re-integration into the society of such human rights violators/'line through the past'],.publication of past abuses, media debates.." etc

Which of these options is best for Nigeria? The option of "forgiving and forgetting" has been used several times in Nigeria. It partly explains why the Nigerian military feels it can do anything and get away with it. Since 1966 when the first military coup was organised, the Nigerian military have committed different kinds of atrocities against the Nigerian people. They looted the nation's treasury, killed innocent citizens and worst of all annulled the June 12 1993 election and thus creating the foundation of the present political crisis in Nigeria. The option of "forgiving and forgetting" as practised in Spain involves socio-political and economic reconstruction rather than an acknowledgement of past wrongs and engagement in restitution. The paradox however is that it is naturally difficult for one to forgive a person who refused to acknowledge the wrong he has done. In the peculiar Nigerian situation, the posture of the oppressors of the society is that of "you can do your worst". How also can one forget a past injustice that left a deep scar in its wake? As long as the scar is seen and as long as the perpetrator keeps presenting himself as being beyond the law of his society, the victim of his injustice will continue to feel aggrieved.

The idea of requesting the international community to help deal with the present Nigerian situation is to attempt to kill an ant with a sledge hammer. The Nigerian situation can be dealt with internally if those responsible for doing something about them are really serious. The problems are of the dimension that could attract international intervention. What the Nigerian situation requires is the political will and the determination to allow rule of law to prevail in the country. Option two is therefore irrelevant to the present situation in the country. The fourth option has also been tried without much success in Nigeria and can therefore not be recommended. There had been several judicial panels of inquiry into cases of corruption, political mismanagement and so on Nigeria. None of these panels at effecting any positive political changes in the country. The reports of the panels are either not published or even when made available to members of the public, their recommendations are not implemented.

We are therefore left with options three and five. That is dealing with the past problems in Nigeria using TRC and/or mixed approaches. Each of the two options will help the Nigerian situation. The mixed approaches [minus the idea of having a TRC] are already been used in Nigeria. Several of the human rights violators in the country are being taken to court by human rights and pro-democracy groups. The problem is that Nigerian courts hardly do anything to these human rights abusers. Most of the cases ended against the plaintiffs. The Nigerian media has also ben doing good job at publishing different kinds of abuses. Some of these media reports discredit the perpetrators and hamper them from committing further abuses.

In addition to the above, I recommend very strongly that Nigerian should start with the establishment of its own TRC. As Liebenberg and Zegeye [1998] have noted, TRCs have become increasingly popular as emerging democracies confront their past. TRCs move a society towards a "never again" principle and could help to consolidate a nation's democracy. Members of the public should be protected under the law to testify before the commission about what they know about the human rights abuses, political and financial corruptions in the country. The proceedings of the Commission should give rooms for mercy, forgiveness and justice. A time limit should be given when both the perpetrators and victims will be expected to tell their stories. After this period, the perpetrators who are known to have committed some offences which he is trying to cover up should be arrested and publicly tried according to the existing Nigerian laws.

The alternative to a TRC is to convene a sovereign national conference of all interest groups in Nigeria. During the conference all the ethnic nationalities, religious and interest groups in Nigeria will meet to formally discuss all governance problems in Nigeria and agree on how to forge a more united

Nigeria. The debates at the conference will provide the basis for reconciling the conflicting interests in the country. The issues to be discussed at such a conference should include the following:

1. How to make Nigeria a truly constitutional state
2. How to de-ethnicise and "reprofessionalise" the Nigerian armed forces to fit the needs of a democratic constitution. how to subject the military to civilian authority;
3. How to share power among the different ethnic nationalities in the country;
4. How to deal with cases of past human rights abuses and identification of concrete steps to be taken towards preventing a repetition of the ugly experiences of the past;
5. How to compensate the victims of past human rights abuses in Nigeria;
6. How to recover the money stolen by all past Nigerian leaders and make accountability and transparency to be a watch word of the Nigerian democratic process.

The new Nigerian president, General Olusegun Obasanjo has actually been talking about the need for reconciliation since his election. As he noted "My first duty and priority is to reconcile the people of this country and heal their wounds. I have no doubt in my mind that every one in our ethnically diverse society has suffered in many ways from the unacceptable and undemocratic manner in which we have been governed for so long [Newswatch, March 15 1999:20]. How he is going to achieve this objective is still difficult to say because most of the perpetrators of state crimes in Nigeria - namely the military generals and their collaborators - are in the PDP. These are the same persons that brought Obasanjo to power as a way of shielding the military from future probes. Even if Obasanjo sets up a TRC, its mandate might hardly go beyond that of dealing with issues pertaining to the 1995 pabutom coup in which he was implicated. If he goes beyond that he would dragging some of his colleagues, like General Ibrahim Babangida, into trouble. Considering his past activities and utterances, Obasanjo might not be interested in how any NADECO member, Alhaja Kudirat Abiola, Chief M.K.O. Abiola and others were killed. He might not be interested in how the human rights activists and pro-democracy activists in the country were subjected to police and military brutality. General Obasanjo could be anything to the international community; he is not known to be a democrat in Nigeria.

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