

DECISION No. 20/1993 (NIGERIA)

Communication addressed to the Government of Nigeria on 31 January 1992.

Concerning: Mrs. Gloria Anwuri, on the one hand, and the Federal Republic of Nigeria, on the other.

1. The Working Group on Arbitrary Detention, in accordance with the methods of work adopted by it and in order to carry out its task with discretion, objectivity and independence, forwarded to the Government concerned the above-mentioned communication received by it and found to be admissible, in respect of allegations of arbitrary detention reported to have occurred.
2. The Working Group notes with concern that, to date, no information has been forwarded by the Government concerned in respect of the case in question. With the expiration of more than 90 days from the transmittal of the letter by the Working Group, it is left with no option but to proceed to render its decision in respect of the case of alleged arbitrary detention brought to its knowledge.
3. (Same text as paragraph 3 of Decision No. 43/1992).
4. In the light of allegations made, the Working Group would have welcomed the cooperation of the Government of Nigeria. In the absence of any information from the Government, the Working Group believes that it is in a position to take a decision on the facts and circumstances of the case, especially since the facts and allegations contained in the communication have not been challenged by the Government.
5. According to the communication from the source, a summary of which has been transmitted to the Government of Nigeria, Gloria Anwuri is the sister of a businessman suspected of having financed the failed coup d'état in April 1990. She was arrested on 8 May 1990 by members of the Nigerian armed forces on orders from Admiral August Aikhomu, who was Chief of General Staff at that time, and Vice-President of the Republic. She was detained until August 1991 by the directorate of the military intelligence service at Apapa, Lagos. She was then transferred to a women's prison at Kirikiri near Lagos. The source informed the Working Group, at its request on 14 January 1993 that Gloria Anwuri had been unconditionally released on 12 March 1992. According to the source, Gloria Anwuri had in any case been detained without being charged, indicted nor tried by a court. She had not even been prosecuted for participation in the failed coup nor for failing to report the crime of high treason to the authorities.
6. The source indicates that Gloria Anwuri was held in administrative detention under the Decree (No. 2 of 1984) relating to the Security of the State (Detention of Persons), which gives the Vice-President of the Republic the power to order the administrative detention for a period of six weeks, renewable at any time, of any person who threatens State security or the national economy. A 1990 amendment to the Decree established a committee to review these detentions every six weeks but, according to the source, the case of Gloria Anwuri has not been considered by this committee.

7. The source states that in December 1990, following an action brought before the Lagos Supreme Court, Judge Kessington ruled that the case of Gloria Anwuri was not within his competence but within that of the Council of the Armed Forces, the Council of State and the Federal Executive Council. None the less, on 2 February 1991, the Supreme Court reportedly ordered the Government to issue a warrant for the arrest of Gloria Anwuri, to ensure that the legal obligation to renew the warrant every six weeks was respected, considering that the detention was arbitrary in character as the warrant had not been renewed since 19 November 1990. According to the source, the representative of the Government replied that the Supreme Court had already received the relevant documents authorizing the detention and, in June 1991, Judge Kessington had deferred the case because, in his view, it was not within his competence and had renewed the order to release Gloria Anwuri, inter alia, for humanitarian reasons.

8. It is apparent from the facts as described above that Gloria Anwuri was kept in detention without charge from 8 May 1990 to 12 March 1992, because she was the sister of a person suspected of having financed the failed coup d'état. During her detention, she was deprived of her right to use the legal procedure which would have allowed her to state her objections to her detention, as well as her right to a fair trial, rights guaranteed by articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

9. In the light of the allegations made by the source and, in particular, those concerning the alleged grounds for the detention of Gloria Anwuri, as well as those relating to abnormal judicial procedure, allegations which have not been challenged by the Nigerian Government - in the absence of any information from it, and in accordance with paragraph 14 (a) of its methods of work, the Working Group considers that the non-observance of Nigerian legal norms makes it manifestly impossible to link the detention of Gloria Anwuri to any legal basis and justifies the following decision.

10. In the light of the above, the Working Group decides:

The detention of Gloria Anwuri from 8 May 1990 to 12 March 1992 is declared to be arbitrary, being in contravention of articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights, and falling within category I of the principles applicable in the consideration of the cases submitted to the Working Group.

11. Having declared the detention of Gloria Anwuri to be arbitrary, the Working Group requests the Government of Nigeria to take note of its decision and, in the light thereof, to take such steps as are necessary to bring its actions into conformity with the norms and principles incorporated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

Adopted on 30 April 1993