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March 16, 1998

General Sani Abacha
Chairman, Provisional Ruling Council
State House Abbja, Federal Capital Territory, Nigeria

Dear General Abacha:

The American Bar Association (ABA), with over 391,000 members of the legal community, strongly supports fundamental human rights and the rule of law throughout the world.

We are deeply concerned about the alleged arrest and physical assault of Mr. Olisa Agbakoba, a prominent Nigerian human rights lawyer. According to sources, Mr. Agbakoba was arrested on March 3, 1998 at gunpoint in Lagos, when he intervened in an attempt to prevent police from violently dispersing demonstrators who had gathered to oppose an official rally in the federal capital.

According to organizations concerned with human rights violations, Mr. Agbakoba was physically assaulted while in police custody. Also, according to reports, Mr. Agbakoba was detained overnight without charges at the CID at Panti Police Station. He was then brought before a magistrate's court the following day and charged with unlawful assembly under Nigeria's criminal code. Thirty-seven demonstrators were arrested at the rally and similarly charged. Further, reports state that Mr. Agbakoba was severely assaulted while in police custody.

As a representative of the legal profession, the ABA is compelled to call attention to such injustices wherever they occur. Mr. Agbakoba is a well renowned human rights advocate in Nigeria, and his leadership in human rights is internationally recognized. We are concerned that his alleged recent arrest is a part of a continuing pattern of persecution and harassment of human rights advocates by the Nigerian government, which reports suggest has intensified since the execution of nine activists in November of 1995.

Reportedly, Mr. Agbakoba has been detained by the Nigerian State Security Service (SSS) on several occasions as a result of his work on behalf of his human rights work in Nigeria and his outspoken criticism of the Nigerian government's policies. Reports also have us concerned that these criminal charges against Mr. Agbakoba, as well as his detention and physical assault while in police custody, may be related to his attempt to serve as legal counsel to 26 individuals who have been charged with treason and face trial before a military tribunal. Moreover, the Nigerian Ministry of Defense recently rejected Mr. Agbakoba's application to act as counsel for these defendants, asserting that their lawyers could only be selected from a list chosen by the Directorate of the Army Legal Services. Mr. Agbakoba has publicly challenged this ruling.

These allegations, if true, would reflect serious violations of the rule of law in Nigeria. The unlawful restriction of Mr. Olisa Agbakoba violates his right to freedom of expression and freedom of assembly, which are guaranteed in the International Covenant on Civil and Political Rights (articles 19 and 21 respectively) and the African Charter on Human and Peoples's Rights (articles 9 and 11, respectively). Nigeria is a party to both of these covenants. The 1979 Constitution of Nigeria guarantees these rights.

In addition, Mr. Agbakoba's alleged arrest would violate Article 23 of the United Nations Basic Principles on the Role of Lawyers, which in part, states that "[L]awyers like other citizens are entitled to freedom of expression, belief, association, and assembly. In particular, they shall have the right to take part in the public discussion of matters concerning the law, the administration of justice and the promotion and protection of human rights..."

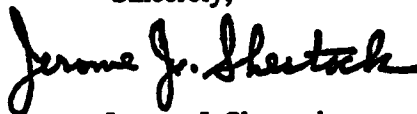
The sole concern of the American Bar Association is for the maintenance of the rule of law in the international community and the elements necessary to sustain it. We agree that the preservation of public order are responsibilities of any government. Nevertheless, these concerns cannot justify the suppression of freedom, expression and opinion or punishing lawyers for vigorously representing unpopular clients.

We respectfully urge the government of Nigeria to carry out a full investigation into these allegations, identify those responsible, bring them before an impartial tribunal and apply the appropriate sanctions against them and take the measures needed to protect Mr. Agbakoba's human rights.

The 50th Anniversary of the Universal Declaration of Human Rights will be celebrated this year. The government of Nigeria, therefore, has an obligation to implement these fundamental human rights to which it has subscribed as a member of the United Nations.

We intend to keep the nearly 400,000 members of the American Bar Association, advised of this matter, particularly our members who are involved in commercial or other transactions within your respected nation. With utmost respect, we further urge your government to comply with the Basic Principles on the Role of Lawyers as stated above, and to take the necessary steps to remedy a condition within your power to correct.

Sincerely,



Jerome J. Shestack

cc: The Honorable Madeleine Albright, Secretary of State, United States Department of State
The Honorable John Shattuck, Assistant Secretary for Democracy, Human Rights and Labor,
United States Department of State