

URGENT ACTION

MAN AT RISK OF EXECUTION AFTER OTHERS HANGED

A man on death row in southern Nigeria's Edo State is at imminent risk of execution by firing squad, after four others were hanged.

Death row prisoner **Thankgod Ebhos** was dragged to the gallows with four other prisoners: he alone was not hanged, but he may be executed within days. He was sentenced to death by firing squad by a military tribunal in Kaduna, in 1996. According to the Edo State Attorney General, he was not hanged because the military tribunal had ruled he should be executed by firing squad. It is believed the prison authorities are making arrangements with the military to carry out the execution very soon. Military tribunals in Nigeria went against fair trial standards as they denied defendants the right to appeal. He was never able to appeal the decision of the tribunal.

Four other death row inmates at Benin Prison were executed by hanging on 24 June, hours after the Federal High Court in Benin City, capital of Edo State, ruled against an appeal by two Nigerian NGOs to halt the execution. The NGOs, Human Rights, Social Development and Environmental Foundation (HURSDEF) and Legal Defence and Assistance Project (LEDAP), had filed the case in October 2012. Another appeal against the court's 24 June decision was immediately filed by the lawyers representing the prisoners but was ignored by the prison authorities in the state. This was the first execution of death row inmates in Nigeria since 2006.

In March 2010, LEDAP had filed a lawsuit on behalf of the then 840 death row inmates in Nigeria, including three of those who were executed on 24 June. An injunction in that case was granted by the Court of Appeal but lifted in April 2012. LEDAP immediately filed another appeal to reinstate the injunction against the executions; the Court of Appeal had not yet ruled when the executions took place. Under Nigerian and international law, executions may not be carried out while any appeals are still pending.

Please write immediately in English or your own language:

- Urging the authorities to halt plans to execute Thankgod Ebhos;
- Calling on them to ensure that no executions take place while the Court of Appeal is considering appeals, in line with Nigerian and international law;
- Calling on them to restore the moratorium on executions immediately, with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 8 AUGUST 2013 TO:

The Comptroller General
Zakari Ohinoyi Ibrahim
Nigeria Prisons Service
Bill Clinton Drive
Airport Road, Abuja, Nigeria
E-mail: shq.edo@prisons.gov.ng;
info@prisons.gov.ng

Governor of Edo State
Adams Oshiomhole
Office of the Governor
Government House Complex
Denis Osadebe Avenue
Benin City PMB 1081, Nigeria
Email: info@edostate.gov.ng
governor@edostate.gov.ng

And copies to:
Minister of Interior
Comrade Patrick Abba Moro
Ministry of Interior
Area 1, Block F, Old Secretariat
Complex, PMB 16
Garki, Abuja, Nigeria
info@interior.gov.ng

Also send copies to diplomatic representatives accredited to your country

Please check with your section office if sending appeals after the above date. This is the first update of UA 137/13. Further information: <http://www.amnesty.org/en/library/asset/AFR44/045/2012/en>

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ADDITIONAL INFORMATION

An August 2012 jailbreak at Oko prison in Benin City, Edo State, prompted the Governor to sign at least two execution warrants in October that year, for two of the men executed on 24 June. Before this, the last known executions in Nigeria were carried out in 2006, when at least seven men, all sentenced to death in Kano State, were hanged in Kaduna, Jos and Enugu prisons. The Office of the Federal Attorney General and Minister of Justice confirmed in October 2011 that there was a moratorium on executions in Nigeria; however, they described the moratorium as "voluntary". Following the 24 June execution, the Edo State Attorney General also confirmed the moratorium was in place but said it was not binding.

International human rights standards require that condemned prisoners, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, to allow them to prepare themselves and to allow a last visit or communication. The four men who were executed and their families were given no information ahead of the execution. The fifth man, Thankgod Ebhos, who is at imminent risk of execution by firing squad as decided by the Military Tribunal 17 years ago, was not aware of this imminent execution. In its 2012 report to the UN General Assembly, the UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions that military or other special jurisdictions are ill suited to ensuring full compliance with fair trial standards as required in capital cases and concluded that they should not have the authority to impose sentences of death on anyone.

In total, over 1,000 people were under sentence of death in Nigeria at the end of 2012. Many had been sentenced to death following blatantly unfair trials, some after spending more than a decade in prison awaiting trial, and for non-lethal crimes. Suspects in capital cases and death row prisoners are regularly denied their right to a fair trial and appeal process. Police routinely use torture to extract "confessions" as a substitute for thorough and impartial investigation of crimes. Most death row prisoners have waited between five and 10 years for their trial to be concluded; some were denied their right to legal representation. Such is the chaos within the Nigerian criminal justice system that other death row prisoners were unable to appeal because their case file had been lost, or because they had no lawyer to represent them as they fought for their lives.

The executions which took place on 24 June marks a brutal and unexpected return to the use of the death penalty in Nigeria, while both in West Africa and regionally, we can see a trend towards ending the use of the death penalty. Since 2000, Cote d'Ivoire, Senegal and Togo in West Africa, as well as Burundi, Gabon and Rwanda, have abolished the death penalty for all crimes. Benin became the 75th state worldwide in 2012 to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), aiming at the abolition of the death penalty, and was followed that year by Madagascar, which signed the treaty. In Nigeria, the 2004 National Study Group on Death Penalty and the 2007 Presidential Commission on the Administration of Justice both stressed that the Nigerian criminal justice system cannot guarantee a fair trial and called for a moratorium on the death penalty.

In 2008 the African Commission on Human and Peoples' Rights (African Commission) adopted its second resolution on the death penalty, calling on States Parties to the African Charter on Human and Peoples' Rights – such as Nigeria – to "observe a moratorium on the execution of death sentences with a view to abolishing the death penalty" and to ratify the ICCPR-OP2. In a study published on 19 April 2012, the Working Group on the Death Penalty of the African Commission reaffirmed the necessity of the abolition of capital punishment and suggested ways to achieve this.

At the 53rd Ordinary Session of the African Commission, Commissioner Zainabo Sylvie Kayitesi, as the Chairperson of the Working Group on the Death Penalty and Extra-Judicial, Summary or Arbitrary Executions in Africa, reported that a Letter of Appeal had been sent to the President of Nigeria on 26 October 2012 urging the government to ensure that persons under sentence of death are not executed and that the Government continue to observe a moratorium on executions and to undertake consultations on the complete abolition of the death penalty in Nigeria. An earlier Urgent Appeal was also sent by the Chairperson of the Commission on the same issue.

Name: Thankgod Ebhos

Gender m/f: m

Further information on UA: 137/13 Index: AFR 44/010/2013 Issue Date: 27 June 2013

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