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Nigeria must halt the execution of appeal-case prisoners

Two inmates in a Nigerian prison could be executed as soon as Tuesday, sources told Amnesty International, prompting the organisation to call for their appeals to be respected and preparations of the gallows to be halted.

The news came three weeks after the governor of Edo State in the Southwest of Nigeria, Adams Oshiomhole, signed their death warrants.

Neither the convicted prisoners nor their families have been informed of the planned date of execution, according to information received by Amnesty International.

"The Nigerian authorities must immediately halt any plans to execute the two prisoners on death row in Benin City prison," said Lucy Freeman, Amnesty International's Deputy Programme Director for Africa.

"The inmates are party to an ongoing appeal and the judicial process must be respected.

"To go ahead with any execution of prisoners when their death sentence is still being challenged in the courts is a flagrant violation of human rights.

"Refusing to provide convicted persons and family members advance notice of the date and time of execution is a clear violation of human rights and is cruel, inhuman and degrading."

Prison wardens at Benin City prison were seen preparing gallows for the executions between Sunday night and Monday morning.

In a cruel twist, other inmates not on death row were made to wash the gallows early on Tuesday.

An appeal was submitted by a Nigerian NGO, the Legal Defence and Assistance Project, in March 2010 on behalf of 840 death row inmates, including the pair in Benin prison.

An injunction was granted by the court upholding the appeal, but it was lifted in April 2012.

A judgment remains pending on a second appeal, which was filed by the organisation in the same month.

The Governor of Edo State signed the execution warrants after prison authorities informed him that the death row inmates in Benin City prison were 'becoming unmanageable.'

Some death row inmates had been involved in a recent jailbreak incident in Oko prison, according to the Edo state Attorney General.

"Amnesty International repeats that to execute detainees purely as a method of controlling 'unmanageable' inmates is arbitrary and a totally unacceptable violation of their right to life," Freeman added.

The Edo State Attorney General and Commissioner of Justice Osagie Obayuwana have previously refused to confirm when the executions would take place, but indicated a decision would be taken by the state prison authorities.

The comptroller of Oko prison in Benin City later refused to confirm or deny to Amnesty International when and if the executions would take place.

States which maintain the death penalty in law are obliged under international human rights law and standards to ensure transparency in its use.

Refusing to provide convicted persons and family members with advance notice of the date and time of execution is contrary to requirements under international human rights standards.

The standards require inmates on death row and their families to be given reasonable advance notice of the scheduled date and time of the execution, with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for the event, as well as to allow their lawyers to file final appeals as appropriate.

Information with regard to any scheduled execution must be made publicly available.

Children and other family members of people to be executed must be provided with the date, time and location of a pending execution, and must be allowed a last visit or communication with their convicted relative.