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Nigeria: 'Release' of up to 25,000 detainees and prisoners

Amnesty International welcomes the initiative of the Federal Government of Nigeria, announced on 4 January, to speed up the trial and/or unconditionally release up to 25,000 inmates out of a government estimate of a total prison population of 45,000 inmates. The releases are reported to be affecting men and women detained both under the *Sharia* penal system and the criminal justice system.

The government explained to Amnesty International that this measure is an effort to address the overcrowding of prisons throughout Nigeria and to respect the right to fair trial of detainees.

Those who will be unconditionally released include: detainees arrested for minor criminal offences, detainees who have served longer terms awaiting trial than they would have done had they been convicted of the crimes they were suspected of, and detainees suffering from ill-health. Other detainees will be assigned legal representatives, paid for by the government, to speed up their trials.

Amnesty International has reported for several years on how the right to fair trial in Nigeria is grossly violated, including by keeping men and women in pre-trial detention for long periods of time -- in some cases up to 10 years -- and welcomes this positive initiative. However, the organization urges the Nigerian federal government to review the criminal procedure code in order to ensure its compliance with international and regional standards of fair trial, contained, *inter alia*, in the International Covenant on Civil and Political Rights and the African Charter on Human and Peoples' Rights, to which Nigeria is a party. In particular, Amnesty International urges the Nigerian authorities to abolish the frequently used practice of "holding charges", whereby a magistrate can hold a detainee in custody without a time limit pending legal advice from the Director of Public Prosecution.

Amnesty International also urges the Nigerian government to ensure that all detainees have the right to promptly challenge the lawfulness of their detention before a court, and ensure that they are immediately released if their detention is found to be unlawful. Furthermore, procedures for detention and investigation must be kept under regular review.