

# URGENT ACTION

## TWO PRISONERS IN NIGERIA AT RISK OF EXECUTION

**At least two prisoners on death row in Benin prison, Benin City, Edo State, Nigeria, are at risk of imminent execution by hanging, as the Federal High Court in Benin City is expected to give its ruling on a lawsuit seeking to stop the execution.**

On 7 June 2013, the Federal High Court in Benin City is expected to deliver its judgment in relation to a law suit filed in October 2012 by Nigerian NGOs Human Rights, Social Development and Environmental Foundation (HURSDEF) and Legal Defence and Assistance Project (LEDAP) seeking to halt the execution of seven death row inmates.

Since the case was filed, two of the men have been pardoned and two others had their sentence commuted to life imprisonment, however, three men remain at risk of execution. According to information obtained by HURSDEF and LEDAP, arrangements have been made by the prison authorities for the executions - by hanging - to take place as soon as the judgment is delivered should the suit be unsuccessful.

In October 2012, the Governor of Edo State Adams Oshiomhole signed the execution warrants of two of the seven men after prison authorities were said to have informed him that death row inmates in the prison in Edo state's capital Benin City were 'becoming unmanageable', in reference to the alleged involvement of some prisoners in a jailbreak incident. The two men were convicted of murder and sentenced to death by hanging in January and June 1996 respectively. Under Nigeria's penal laws the death penalty is mandatory for murder. The two men have been on death row since their conviction.

It is unclear if the execution warrant of a third inmate, one of the seven death row inmates in the case, has been signed. It is feared he could also be at risk of execution after the Federal High Court gives its judgment.

In March 2010, LEDAP had already filed a lawsuit on behalf of the then 840 death row inmates in Nigeria – including the three currently at risk of execution. An injunction in that case was initially granted by the Court of Appeal but lifted in April 2012. The organisation immediately filed another appeal the same month to re-instate the injunction against the executions; the judgment on that appeal is still pending at the Court of Appeal.

### **Please write immediately in English or your own language:**

- Calling on the Edo state Governor and Nigeria's prison service to respect the ongoing proceedings at the Court of Appeal, and to ensure the executions are not carried out while appeals are pending.
- Urging the Edo state Governor to respect the federal moratorium on the death penalty established by the Nigerian government and to immediately impose an official moratorium on executions in his state, with a view to abolishing the death penalty, and to commute all death sentences to terms of imprisonment.

### **PLEASE SEND APPEALS BEFORE 10 JULY 2013 TO:**

Governor of Edo State  
Adams Oshiomhole  
Office of the Governor  
Government House Complex  
Denis Osadebe Avenue  
Benin City PMB 1081  
Nigeria  
E-mail: [info@edostate.gov.ng](mailto:info@edostate.gov.ng);  
[governor@edostate.gov.ng](mailto:governor@edostate.gov.ng)

**Salutation: Your Excellency**

**And copies to:**  
The Comptroller General  
Zakari Ohinoyi Ibrahim  
Nigeria Prisons Service  
Bill Clinton Drive  
Airport Road, Abuja, Nigeria  
E-mail: [shq.edo@prisons.gov.ng](mailto:shq.edo@prisons.gov.ng);  
[info@prisons.gov.ng](mailto:info@prisons.gov.ng)

Attorney General and Commissioner of Police  
Henry Idahagbon  
Ministry of Justice  
Edo State Government House  
Benin City  
Edo State  
Nigeria

**Also send copies to diplomatic representatives accredited to your country.**

Please check with your section office if sending appeals after the above date.

**AMNESTY  
INTERNATIONAL**



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### ADDITIONAL INFORMATION

In August 2012, a jailbreak at Oko prison in Benin City, Edo State, prompted the Governor to sign at least two execution warrants in October of the same year. In parallel to signing the executions warrants, the Governor also reviewed the case of four other prisoners. Tejanie Mustapha and Zubairu Abdurrahman had their sentences commuted to life imprisonment while two others, Calistus Ike and Monday Udo, were pardoned.

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 is a moratorium on executions in place in Nigeria; however, they described the moratorium as 'voluntary'.

International human rights standards require that inmates, their families and their legal representatives are provided, in advance, with adequate information about a pending execution, its date, time and location, with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for this event and to allow a last visit or communication with the convicted person. The inmates currently at risk of execution and their families have not been provided with any information.

In total, over 1,000 people were under sentence of death in Nigeria at the end of 2012. Many death row inmates were 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 offences and death row prisoners are regularly denied their right to a fair trial and appeal process. The violation of an individual's legal rights often starts at the point of arrest. Police routinely use torture to extract 'confessions' as a substitute for thorough and impartial investigation of the crime. 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 would be in stark contrast to the trend, both in West Africa and regionally, 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. In 2012, the government of Ghana accepted the recommendation of a Constitution Review Commission to abolish the death penalty in the new Constitution, and Benin became the 75th state worldwide 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. In September, Madagascar signed the ICCPR-OP2. At the end of the year, there were no prisoners on death row in Sierra Leone. Benin and Burkina Faso did not impose any death sentences in 2012.

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 for its achievement.

At the 53<sup>rd</sup> 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 continues 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.