

AMNESTY INTERNATIONAL

OPEN LETTER

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Open Letter to His Excellency President Alhaji Umura Musa Yar'adua, President of the Federal Republic of Nigeria

Your Excellency,

Today Nigeria's Ambassador to the United Nations (UN) in Geneva, His Excellency Martin Ihoeghian Uhomoibhi, will assume the Presidency of the UN Human Rights Council for the coming year. While Ambassador Uhomoibhi will serve as Council President in his personal capacity, Nigeria's readiness to lend Ambassador Uhomoibhi to fulfil this important role indicates a strong commitment to the UN's role in promoting and protecting human rights.

As a member of the Human Rights Council, Nigeria is required to uphold the highest standards in the promotion and protection of human rights. Amnesty International has welcomed the commitments already expressed in the voluntary pledges prior to Nigeria's election in 2006 to serve a three year term on the Council. They include a commitment to promote and protect human rights at home. Our organisation hopes that Ambassador Uhomoibhi's term as the President of the Human Rights Council will also provide the opportunity and impetus for Nigeria to lead by example by taking concrete steps to promote human rights both internationally and within Nigeria. In the past nine years efforts have been made by the Nigerian government to improve the human rights situation in the country. The Constitution that came into force in 1999 recognizes the right to life, prohibits torture and other ill treatment, and guarantees a fair trial.

In recent years, Nigeria ratified important international and regional human rights instruments, such as the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 2001. In addition, the Nigerian government established a number of study groups and committees such as the National Study Group on the Death Penalty, 2003, and the Presidential Commission on Reform of the Administration of Justice, 2006, with a view to strengthening the justice system, human rights and the rule of law.

While welcoming these important initiatives, Amnesty International is concerned that unfair trials, capital punishment and extrajudicial executions and torture by the police continue. Amnesty International notes that many recommendations made by national committees and international bodies, including the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the UN Special Rapporteur on extrajudicial, summary or arbitrary executions have not yet been implemented.

According to Amnesty International's research, the Nigeria Police Force continues to torture and extrajudicially execute detainees, suspected criminals and armed robbers. On 4 September 2007, Inspector General of Police Okiro made public that between June and August 2007, some 785

suspected armed robbers were killed in shoot-outs with police. The police routinely use torture to extract confessions and, despite this being widely acknowledged by the police themselves, little is done to stop it. These acts have been committed by the police with complete impunity and Amnesty International calls on the Nigerian government to investigate and bring the perpetrators to justice.

The Nigerian government should also adopt an immediate moratorium on executions. In 1999, at the 26th Ordinary session in Kigali (Rwanda), the African Commission on Human and Peoples' Rights adopted a resolution calling upon all States that still maintain the death penalty to "consider establishing a moratorium on executions". In December 2007, the UN General Assembly adopted resolution 62/149 calling for a global moratorium on executions. Amnesty International concluded in February 2008, in its report 'Prisoner's rights systematically flouted' (AFR 44/001/2008), that the Nigerian criminal justice system routinely denies access to justice. Amnesty International and Nigerian non governmental organizations have documented the execution by hanging of at least seven prisoners in 2006, following unfair trials. Amnesty International fears more executions have taken place.

The National Study Group on the Death Penalty acknowledged in 2004 that "a system that would take a life must first give justice" and thus recommended a moratorium on executions "until the Nigerian Criminal Justice System can ensure fundamental fairness and due process in capital cases and minimize the risk that innocent people will be executed." The Presidential Commission on Reform of the Administration of Justice also reiterated that conclusion in May 2007 saying "We accept the recommendation of the study group for an official moratorium on executions until the Nigerian criminal justice system can ensure fundamental fairness and due process in capital cases." However, the Nigerian government has not indicated whether it will implement these recommendations.

Amnesty International calls on the Nigerian government to demonstrate its commitment to respect human rights at the national level and adopt a moratorium on executions, incorporate the provisions of the UN Convention against Torture in domestic legislation and ratify the Optional Protocol to the UN Convention against Torture.

I hope the Nigerian Government will implement the recommendations highlighted in this letter.

Yours sincerely

Irene Khan
Secretary General