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Nigeria: 47th Independence Day -- a new opportunity to abolish the death penalty

Joint Statement by Nigerian non-governmental organizations, Amnesty International and Human Rights Watch

On 1 October 2007, Nigeria will celebrate the 47th anniversary of its independence. This commemoration provides an excellent opportunity to reaffirm Nigeria's commitment to the internationally recognized and constitutional right to life that all people in Nigeria should enjoy. On the occasion of the Independence Day celebrations, Nigerian non-governmental organizations (NGOs), Amnesty International and Human Rights Watch urge President Yar'Adua to bring Nigeria into line with the global trend towards abolition of the death penalty. Indeed, a momentum is gathering to end capital punishment in all countries: 131 countries, from all regions of the world, have abolished the death penalty in law or in practice and only 25 countries carried out executions in 2006.

Already in 1999, the African Commission on Human and Peoples' Rights, in its resolution adopted at the 26th Ordinary session in Kigali (Rwanda), called upon all States that still maintain the death penalty to "consider establishing a moratorium on executions".

The Nigerian government has over the years used Independence Day as an opportunity to commute the sentences of prisoners sentenced to death. Nigerian and international NGOs have always welcomed this initiative, as well as the national debate on the death penalty. As a result of this debate, a National Study Group on the Death Penalty was set up in 2003 and in 2004 it advised the government to establish a moratorium on executions until the Nigerian justice system could guarantee fair trials and due process. The then government did not implement this recommendation. In May 2007, the Presidential Commission on Reform of the Administration of Justice reiterated the conclusion of the National Study Group on the Death Penalty and called for "an official moratorium on executions until the Nigerian criminal justice system can ensure fundamental fairness and due process in capital cases."

The United Nations Universal Declaration of Human Rights states in Article 3 that "Everyone has the right to life..."; the death penalty denies that right. The death penalty legitimizes an irreversible act of violence by the state. It is discriminatory and is often used disproportionately against the poor, minorities and members of racial, ethnic and religious communities. It is often imposed after a grossly unfair trial. But even when trials respect international standards of fairness, the risk of executing the innocent can never be fully eliminated: the death penalty will inevitably claim innocent victims, as has been persistently demonstrated.

More and more countries around the world - over 50 since 1990, including Côte d'Ivoire, Liberia and Rwanda - are abandoning this brutalizing practice, aware that the death penalty does not solve any problems and wanting to affirm their respect for human dignity. The continent of Africa is largely free of executions with only six of the region's 53 countries known to have carried out executions in 2006.

Nigerian NGOs and Amnesty International call on the Nigerian government to join this trend by declaring a moratorium - pending abolition of the death penalty for all offences - and by commuting all death sentences under Nigerian criminal law or Shari'a penal laws.

A resolution calling for a global moratorium on executions will be introduced at the United Nations General Assembly (UNGA) 62nd session which begins on 18 September 2007. Supported by countries from all regions of the world, such a resolution would be an important milestone towards the total abolition of the death penalty in all countries. We strongly encourage your government to vote in favour of the resolution.

We further call on the government to:

- o immediately abolish the mandatory death sentence - including under Shari'a penal laws - noting that mandatory death sentences appear to especially target women;
- o review all cases of death row prisoners, and examine the cases of those who are older than 70 and those above 60 who have been on death row for more than ten years to see if they will be suitable for release, as promised by the previous government on 16 May 2007;
- o ensure that all prisoners currently on death row suffering severe illnesses such as HIV/Aids, tuberculosis or mental illnesses are given access to adequate medical treatment and health care;
- o ratify and put in place relevant mechanisms to enforce the Second Optional Protocol to the United Nations International Covenant on Civil and Political Rights (ICCPR) aiming at abolition of the death penalty.

We call on the National Assembly to immediately pass into law the draft Death Penalty Moratorium Bill, submitted by the Human Rights Law Service (HURILAWS) in order to stop executions pending abolition of the death penalty.

Signed,

Access to Justice
Amnesty International
Child to child network
Civil Liberty Organisation (CLO)
Cleen Foundation
Constitutional Rights Project (CRP)
Human Rights Law Service (HURILAWS)
Human Rights Watch
Legal Defence and Assistance Project (LEDAP)
Legal Resources Consortium (LRC)
Prisoners Rehabilitation and Welfare Action (PRAWA)
Project Alert on Violence Against Women
West African Network for Peace Building Nigeria (WANEP)