

EXTERNAL (for general distribution)

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Death Penalty

4 February 1993

NIGERIA:

**Major-General Zamani LEKWOT
and six others**

Seven members of the Kataf ethnic group have been sentenced to death for murder in connection with religious riots in northern Nigeria in May 1992. Amnesty International is concerned that they have no right of appeal against conviction and sentence, and that they could therefore be executed imminently. The organization calls urgently for the commutation of the sentences.

On 2 February 1993 the Civil Disturbances Special Tribunal in Kaduna convicted Major-General Zamani Lekwot, a retired army officer, and six others of "culpable homicide punishable by death". The defendants were sentenced to death by hanging.

Their convictions were in connection with riots in Kaduna State in May 1992 in which over 100 people were killed in violent clashes between Christians belonging to the Kataf ethnic group and Muslims belonging to the Hausa community. According to some press reports, as many as 3,000 may have been killed. Major-General Lekwot and other Kataf leaders were detained without charge until 29 July 1992 when six of them were charged with unlawful assembly. The Civil Disturbances Special Tribunal acquitted the six on 18 August 1992, but they were immediately rearrested. Zamani Lekwot and six others were charged on 4 September 1992 with culpable homicide, a charge which carries a possible death sentence, and other offences. Twenty others were also tried in connection with the riots, but were acquitted.

The Civil Disturbances (Special Tribunal) Decree, No. 2 of 1987, gave the head of state the power to constitute a special court, presided over by a High Court judge, to try cases involving civil riots and disturbances. The decree specifically precluded any right of appeal to a higher court, and gave the power to confirm or disallow convictions and sentences to the military government. During the trial, the defendants had appealed to the High Court, complaining that their fundamental human rights were being denied and that the Special Tribunal was biased against them.

In response, the government promulgated a new decree in late 1992, Decree No. 55, confirming that defendants before the Special Tribunal may not challenge any of its proceedings in the High Court. On 4 January 1993 the lawyers defending Major-General Lekwot and the other defendants withdrew from the trial in protest at the provisions of Decree No. 55.

BACKGROUND INFORMATION

In 1987 the Civil Disturbances Special Tribunal tried 160 people involved in riots between Christians and Muslims in Kaduna State, convicted 75 and passed prison sentences only. Over 60 people were convicted by the Tribunal in connection with religious riots in Katsina State in 1991; they were sentenced to prison terms ranging from six months to two years. At that trial, a Muslim leader convicted of criminal conspiracy and rioting was sentenced to two years' imprisonment. The recent death

sentences have been widely criticized by the Christian community in Nigeria.

There has been a marked decline in the number of executions in Nigeria since 1990 when over 120 people were executed. To Amnesty International's knowledge, no executions were carried out in Nigeria in 1992.

In 1984 the United Nations' Economic and Social Council (ECOSOC) adopted a set of safeguards guaranteeing protection of the rights of those facing the death penalty; safeguard 6 guarantees: "Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction ..."

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RECOMMENDED ACTION: Please send telegrams/express and airmail letters either in English or in your own language:

- expressing concern at the death sentences imposed on Major-General Zamani Lekwot and six others;
- expressing concern that the defendants have been denied their internationally-recognized right to appeal to a higher jurisdiction and urging that they be given full rights of defence and appeal;
- stressing that Amnesty International does not condone acts of violence and recognizes the right of governments to bring to justice those responsible for such acts but pointing out that the death penalty has never been shown to deter crime more effectively than other punishments;
- stating that Amnesty International is unconditionally opposed to the use of the death penalty on the grounds that it is a cruel, inhuman and degrading punishment and violates the right to life;
- urging that these death sentences be commuted as an act of executive clemency.

APPEALS TO

1) General Ibrahim Babangida
President, Commander-in-Chief of the Armed Forces
State House
Abuja
Federal Capital Territory
Nigeria

Salutation: Dear President

Telegrams: President Babangida, Abuja, Nigeria

2) Mr Clement Akpamgbo
Attorney General of the Federation and
Minister of Justice
Ministry of Justice
Abuja
Federal Capital Territory
Nigeria

Salutation: Dear Minister

Telegrams: Attorney General Akpamgbo, Abuja, Nigeria

COPIES OF YOUR APPEALS TO:

1) Chief Matthew Mbu

Minister of Foreign Affairs

Ministry of Foreign Affairs
Maputo Street, Abuja,
Federal Capital Territory, Nigeria

2) Alhaji Mohammed Dabo Lere
State Governor
Government House
41000 Kaduna, Nigeria

and the following newspapers:

Daily Times, PMB 21340, Ikeja, Lagos, Nigeria
National Concord, POB 4483, Ikeja, Lagos, Nigeria
The Guardian, PMB 1217, Oshodi, Lagos, Nigeria
Newswatch, PMB 21499, Ikeja, Lagos, Nigeria
New Democrat, POB 4457, Kaduna South, Kaduna State, Nigeria
The Reporter, POB 7874, Kaduna, Kaduna State, Nigeria
New Nigerian, POB 254, Kaduna, Kaduna State, Nigeria

and to diplomatic representatives of Nigeria accredited to your country

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 18 March 1993.