

**AMNESTY INTERNATIONAL
PRESS RELEASE**

AI Index: PRE 01/498/2012
19 October 2012

Nigeria: Two prisoners at imminent risk of execution in Edo State

Two prisoners on death row in Benin Prison are in imminent danger of being hanged after the governor of Nigeria's Edo State signed their death warrants prompting Amnesty International to call for an immediate halt to the proceedings after reports the gallows are being made ready.

The Edo State Attorney General and Commissioner of Justice Osagie Obayuwana could not confirm when the executions will take place as he indicated the decision would be taken by the state prison authorities. The Governor of Oko prison in Benin city refused to confirm or deny when the executions would take place.

Lucy Freeman, Amnesty International's Deputy Programme Director for Africa says: "The decision to sign a death warrant on these two prisoners shows a deep disrespect for the judicial process as the inmates are part of an ongoing appeal. The execution of a prisoner when their death sentence is still under challenge in the courts is a flagrant violation of human rights."

In March 2010, Nigerian NGO, Legal Defence and Advocacy Project filed an appeal on behalf of the then 840 inmates – including the two whose execution warrants were recently signed. An injunction was granted by the court upholding the appeal but it was lifted in April 2012. The organisation filed another appeal in April 2012 following the court's decision and the judgment on that appeal is pending.

The Governor of Edo State signed the execution warrants two weeks ago, after prison authorities informed him that the death row inmates in Benin prison were 'becoming unmanageable.' According to the Edo state Attorney General some death row inmates were involved in a recent jailbreak incident in Oko prison.

"Executing detainees as a method of controlling 'unmanageable' inmates is totally unacceptable – it is arbitrary and a violation of their right to life," said Freeman. "Instead of executing prisoners, it is about time the Nigerian authorities address underlying problems in the criminal justice system."

The governor also reviewed the cases of four other prisoners. Tejanie Mustapha and one other man have had their sentences commuted to life imprisonment and two others, Calistus Ike and Monday Udo are to be released today.

According to the Edo state Attorney General, the two prisoners who are to be executed were convicted of murder. Under Nigeria's penal laws the death penalty is mandatory for murder.

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. According to the Office of the Federal Attorney General and Minister of Justice, there is now a moratorium on executions in Nigeria, however, he described the moratorium as 'voluntary'.

This latest attempt to resume executions follows an announcement by state governors in June 2011 that

they would review all cases of death row inmates and sign off executions as a means of decongesting the country's prisons.

Amnesty International is calling on the Edo State government immediately to halt plans to carry out the two executions and respect the ongoing judicial process.

Background information:

There are approximately 920 people on death row in Nigeria, including women and juvenile offenders. Many death row inmates were sentenced to death following blatantly unfair trials or after spending more than a decade in prison awaiting trial.

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 to "observe a moratorium on the execution of death sentences with a view to abolishing the death penalty" and to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. 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.