

EXTERNAL (for general distribution)

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Further information on UA 27/93 (AFR 44/01/93, 4 February 1993) and follow-up AFR 44/02/93, 19 February 1993 - Death Penalty

NIGERIA: Gankon Dawa KURFI, sentenced to death on 4 December 1992
Iliya MAZA, sentenced to death on 1 February 1993

Major-General Zamani LEKWOT)
General James Atomic KUDE)
Yohanna Karau KIBORI) sentenced to death on 2 February
Marcus MAMMAN) 1993 for culpable homicide
Yahaya DUNIYA)
Julius Sarki DABO)

six others, sentenced to death on 15 and 16 February 1993 and
three others, sentenced to death on 8 March 1993.

A further three people have been sentenced to death by one of the Special Tribunals trying cases in Kaduna in connection with religious riots in northern Nigeria in May 1992. This brings to at least 17 the number of death sentences passed by one of these tribunals. Amnesty International is concerned not only that, as they have no right of appeal to a higher court, the prisoners could be executed imminently, but also that trials before this special tribunal have been grossly unfair, with some defendants convicted on the basis of no evidence at all. Convictions and sentences of these special tribunals may be referred only to the military government, the National Defence and Security Council (NDSC), which may confirm or disallow them.

On 8 March 1993 the Civil Disturbances Special Tribunal chaired by Justice Benedict Okadigbo sentenced to death three people, all members of the Hausa ethnic group. On 4 December 1992 the same tribunal sentenced to death Gankon Dawa Kurfi, a former police officer, on 1 February 1993 Iliya Maza, a former soldier, and on 2 February Major-General Zamani Lekwot, a retired army officer and former Governor of Rivers State, and five others. On 15 February 1993 the Tribunal sentenced to death three members of the Hausa ethnic group and on 16 February three members of the Kataf ethnic group. All 17 are believed to have been convicted of culpable homicide.

Major-General Lekwot and other defendants claimed that the seven-person tribunal, predominantly Muslim and comprising no member of the Kataf ethnic group, was biased against them. In October 1992 the High Court in Kaduna accepted their claim that their fundamental human rights were being denied. However, in November 1992 the Court of Appeal ruled that the Civil Disturbances (Special Tribunal) Decree, No. 2 of 1987, which established a special tribunal to try cases involving civil unrest, had removed the High Court's jurisdiction in such cases. The government, which appeared to fear that the Supreme Court might rule that fundamental rights under the Constitution could not be removed by the 1987 Decree, promulgated a new decree in December 1992, Decree No. 55, which confirmed that the proceedings of the Special Tribunal could not be challenged in the ordinary courts. In early January 1993 the defendants' lawyers withdrew from the trial in protest. On 3 March 1993 the High Court in Lagos granted an interim injunction restraining the government from executing Major-General Lekwot and the five others sentenced with him.

In January 1993 Godwin Alaye Graham-Douglas, one of the members of the Special Tribunal and a Senior Advocate of Nigeria, resigned from the tribunal after its other members failed to postpone their deliberations during his brief absence for medical reasons. While he was absent in December 1992 the tribunal convicted Peter Lekwot, the brother of Major-General Zamani Lekwot, and Adamu Shekari of unlawful assembly and rioting despite the lack of evidence to support the prosecution's case. Both defendants were sentenced to 18 years' imprisonment.

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

- expressing concern that a further three death sentences were passed by the Civil Disturbances Special Tribunal chaired by Justice Benedict Okadigbo in Kaduna, on 8 March 1993, bringing to at least 17 the number of death sentences passed by this tribunal;
- expressing concern that the defendants do not have a right of appeal to a higher court, and that trials before this tribunal have been grossly unfair, some defendants being convicted on the basis of no evidence at all;
- urging that these death sentences be commuted by the National Defence and Security Council (NDSC);
- 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 which violates the right to life and has been shown to have no special deterrent effect.

APPEALS TO:

1) General Ibrahim Babangida
President and Chairman of the National
Defence and Security Council
State House
Abuja
Federal Capital Territory
Nigeria

Telegrams: President Babangida, Abuja, Nigeria

Telexes: [0905] 91529 or 91530 EXTNAL NG (via Ministry of Foreign Affairs)

Salutation: Dear President

2) Mr Clement Akpamgbo
Attorney General of the Federation,
Minister of Justice and member of the
National Defence and Security Council
Ministry of Justice
Abuja
Federal Capital Territory
Nigeria

Telegrams: Attorney General Akpamgbo, Abuja, Nigeria

Telex: [0905] 91529 or 91530 EXTNAL NG (via Ministry of Foreign Affairs)

Salutation: Dear Minister

COPIES OF YOUR APPEALS TO:

Chief Matthew Mbu
Minister of Foreign Affairs and member of
the National Defence and Security Council
Ministry of Foreign Affairs
Maputo Street

Abuja
Federal Capital Territory
Nigeria

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

and the following newspapers:

Punch, PMB 21204, Ikeja, Lagos, Nigeria
Vanguard, PMB 1007, Apapa, Lagos, Nigeria
Nigeria Tide, PMB 5072, Port Harcourt, Rivers State, Nigeria
Nigerian Star, PMB 73, Port Harcourt, 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 22 April 1993.