

EXTERNAL (for general distribution)

AI Index: AFR 44/15/90

Distr: UA/SC

20 September 1990

Further information on UA 163/90 (AFR 44/07/90, 26 April) and follow-ups AFR 44/10/90 23 May, AFR 44/11/90, 25 July and AFR 44/12/90 30 July - Death penalty/legal concern

NIGERIA: 27 people executed

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A further 27 people were executed by firing squad on 13 September 1990 after being convicted by a special military court of attempting to overthrow the government of General Ibrahim Babangida in April 1990. They had no right of appeal and were executed the day after the court's verdicts were submitted to the government for approval. Their death sentences were not announced publicly until two days after their execution.

Amnesty International is concerned that their convictions, following secret trials before a government-controlled tribunal, would not stand up to public scrutiny, and that the speed with which the government reviewed the convictions suggests that a thorough examination of the court records did not take place. Amnesty International is concerned that the executions went ahead for political reasons, without adequate attention being given to the fairness or safety of the convictions, and is calling on the government to make public the transcripts of these trials.

The special military court sentenced 29 people to death but the date of conviction and sentencing was not made clear in the official announcement on 15 September 1990. Nine others were sentenced to prison terms, three to life imprisonment. Those sentenced to death had no right to appeal against their convictions and sentences to a higher, independent court. They were able only to petition for clemency from the Joint Chief of Staff, the most senior armed forces officers in the government, who made recommendations to the Armed Forces Ruling Council (AFRC), the military government. The AFRC commuted two of the 29 death sentences to prison terms of five and one years, reduced one life sentence to five years' imprisonment and ordered the release of two others sentenced to life imprisonment.

These 27 executions come less than two months after the executions on 27 July 1990 of 42 others also convicted of involvement in the same coup attempt, bringing to 69 the total number of those executed in connection with the coup attempt. The 42 were either members or former members of the armed forces and included private soldiers as well as officers.

Both trials failed in many important respects to meet international standards of fairness. The special military court was presided over by a member of the government, Major-General (Retired) Ike Nwachukwu, who was reappointed to the post of Minister of Foreign Affairs in August 1990, and sat in camera in the headquarters of the Brigade of Guards in Lagos, with government briefings the only source of information for journalists. No independent observers were allowed into the trials and consequently no detailed assessment of the fairness or defects of the trials is available. Defendants were not allowed to choose their own defence counsel, who were armed forces officers and employees of the government, and it is not clear that they had sufficient time to prepare their defence properly. They were denied any judicial appeal to a higher, independent court and both in July and in September, executions took place immediately after the AFRC rejected petitions for clemency and confirmed the death sentences.

Amnesty International opposes the death penalty in all cases on the grounds that it constitutes a particularly cruel, inhuman and degrading punishment, and works for the fair and open trial of all political prisoners.

In 1984 the United Nations urged that defendants charged with a capital offence should be granted all possible safeguards to ensure a fair trial and allowed an opportunity to contest their convictions and sentences before a higher court.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- expressing dismay at the executions of a further 27 people on 13 September 1990, which brings to 69 the total number of those executed in connection with the coup attempt in April 1990;

- repeating your concern that they were sentenced to death after trials before a military court which cannot be considered either to have been independent of the government or to have guaranteed a fair trial and that they had no right of appeal to a higher, independent jurisdiction;

- saying that Amnesty International is concerned that the executions went ahead for political reasons, without adequate attention being given to the fairness or safety of the convictions, and is calling on the government to make public the transcripts of these trials;

- referring to the set of safeguards to be applied in capital cases, which were adopted by the United Nations Economic and Social Council in 1984 and which stipulate, among other things, that anyone who is sentenced to death should have his or her conviction and sentence reviewed by a higher court;

- explaining that, while Amnesty International does not in any way condone the actions of the insurgents, it opposes the death penalty in all cases and works for the fair and open trial of all political prisoners.

APPEALS TO:

General Ibrahim Babangida
President, Commander-in-Chief
of the Armed Forces

State House
Ribadu Road
Ikoyi Island
Lagos, Nigeria

Telegrams: President Ibrahim
Babangida, Lagos Nigeria

Telexes: 21444 extnal ng
21236 extnal ng
(via Ministry of Foreign Affairs)

Vice-Admiral (Retd) Augustus Aikhomu
Vice-President
State House
Ribadu Road
Ikoyi Island
Lagos, Nigeria

Telegrams: Vice-President Aikhomu,
Lagos, Nigeria

Telexes: 22610 deptry
(via Ministry of Defence)

Lieutenant-General Sani Abacha
Chief of Defence Staff and Minister of Defence
Ministry of Defence
Independence Building
Tafawa Balewa Square
Lagos, Nigeria

Telegrams: Minister of Defence,
Lagos, Nigeria
Telexes: 22610 deptry

COPIES TO:

Major-General (Retd) Ike O.S. Nwachukwu
Minister of External Affairs
NTA Building
Awolowo Road
Ikoyi Island
Lagos, Nigeria

NEWS MEDIA:

The Daily Times, New Isheri Road, Agidengbi, PMB 21340, Ikeja, Lagos,
Vanguard, PMB 1007, Apapa, Lagos, Nigeria

Nigeria Standard, PMB 2112, Jos, Plateau State, Nigeria

The Guardian, Rutam House, PMB 1217, Isolo, Lagos, Nigeria

National Concord, Concord House, 42 Concord Way, POB 4483, Ikeja, Lagos, Nigeria

and to diplomatic representatives of Nigeria in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat,
or your section office, if sending appeals after 1 November 1990.