

EXTERNAL

AI Index: AFR 44/18/97

29 August 1997

Further information on UA 260/97 (AFR 44/16/97, 6 August 1997) - Fear of imminent execution / Legal concern and new concerns: Executions / Execution of minor

NIGERIA Eugene Odey, school student (age unknown)  
Odey Liku, 21  
and two others (names unknown), aged 25 and 26

new names: Chidiebere Onuoha, aged 17, Vincent Obidiozor Duru, Macdonald  
Chukwudi Ebere, Collins Ndulaka, Amanze Onuoha and Nnaemeka  
Sydney Onyechege

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Amnesty International has recently received information on the hasty and public execution of a minor, which has heightened the organization's concern that Eugene Odey, Odey Liku and others are at imminent risk of execution.

**Chidiebere Onuoha** was aged 17 when he was shot dead in front of a crowd of thousands on 31 July 1997. Five others executed with him were **Vincent Obidiozor Duru, Macdonald Chukwudi Ebere, Collins Ndulaka, Amanze Onuoha** and **Nnaemeka Sydney Onyechege**. They and another minor, 16-year-old **Patrick Obinna Okoroafor**, had been sentenced to death on 30 May 1997 by a Robbery and Firearms Tribunal in Owerri, Imo State, in southeast Nigeria. On 18 July the Military Administrator of Imo State confirmed the sentences on six of the defendants and commuted Patrick Obinna Okoroafor's sentence to life imprisonment.

These executions contravened the International Covenant on Civil and Political Rights, a legally-binding treaty which Nigeria has ratified and which states: "Sentence of death shall not be imposed for crimes committed by persons below 18 years of age..." The Covenant also sets standards for fair trial, including the right to a fair hearing by a competent, independent and impartial tribunal, and the right of appeal to a higher tribunal.

Robbery and Firearms Tribunals are special courts directly appointed by the military authorities, which cannot guarantee independence from government control and which allow no right of appeal to a higher or independent court.

The seven defendants were convicted in connection with an armed robbery committed in May 1995. Denied any right of judicial appeal to a higher or independent court, Patrick Obinna Okoroafor and Chidiebere Onuoha, aged 14 and 15 years respectively at the time of the offence, petitioned the State Military Administrator for clemency on the grounds of age. They sought an urgent injunction from the Federal High Court in Port Harcourt to prevent the executions on the same grounds and also on the grounds that the Tribunal had been improperly constituted. Tribunal chairmen are usually serving or retired High Court judges, but on this occasion the tribunal chairman appointed to try the case was a judge from a Customary Court of Appeal, a lower court which does not have jurisdiction to try capital cases. The defendants accused him of inciting public passions in his judgement. The Federal High Court refused an interim injunction and adjourned the case to 6 October 1997 on the grounds that it was a matter of interpreting the constitution and "nothing to do with death". The present military government has frequently ignored court orders which have attempted to stop human rights violations.

The case evoked particular pressure locally for executions because one of the defendants was the son of a man publicly accused of involvement in ritual murders -- murder committed in the context of traditional religious beliefs. The discovery of the body of a child in September 1996 led to riots in Owerri and attacks on suspects' property. One of the suspects, Innocent Ekeanyanwu, died in police custody on 22 September 1996 in unexplained circumstances.

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

- expressing deep regret at the hasty public execution, before a crowd of thousands, of 17-year-old Chidiebere Onuoha and five others in Owerri on 31 July 1997, while a legal application to the Federal High Court was still pending;
- expressing concern that Chidiebere Onuoha's death sentence and execution and the death sentences on 16-year-old Patrick Obinna Okoroafor were in contravention of the International Covenant on Civil and Political Rights to which Nigeria is committed by law, and that the execution was carried out before the Federal High Court could rule on the legality or constitutionality of the sentences;
- seeking further information about the age of Eugene Odey and the identity of the two others convicted with him and Odey Liku in Cross Rivers State, and appealing for the death sentences against all four to be commuted.

**APPEALS TO:**

**1. For all appeals:**

Dr Auwalu Hamisu Yadudu  
 Special adviser to the Head of State on judicial matters  
 State House, Abuja, Federal Capital Territory, Nigeria  
**Telegrams: Dr Yadudu, State House, Abuja, Nigeria**  
**Salutation: Dear Dr Yadudu**

**2. For appeals on Eugene Odey and three others under sentence of death:**

Lieutenant-Colonel V.F. Ahmed  
 State Military Administrator  
 Government House  
 POB 1056  
 93000 Calabar  
 Cross Rivers State, Nigeria  
**Telegrams: State Military Administrator, Government House, Calabar, Cross Rivers State, Nigeria**  
**Salutation: Dear Lieutenant-Colonel**

**3. For appeals on Chidiebere Onuoha and five others executed:**

Colonel Tanko K. Zubairu  
 State Military Administrator  
 Government House  
 85000 Owerri  
 Imo State, Nigeria  
**Telegrams: State Military Administrator, Government House, Owerri, Imo State, Nigeria**  
**Salutation: Dear Colonel**

**COPIES TO:**

Chief Tom Ikimi  
Minister of Foreign Affairs  
Ministry of Foreign Affairs, Maputo Street  
PMB 130, Abuja, Federal Capital Territory, Nigeria

The Editor, *The News*, PMB 21531, Ikeja, Lagos, Nigeria  
The Editor, *Sunday Concord*, POB 4483, Ikeja, Lagos, Nigeria  
The Editor, *Newswatch*, PMB 21499, Ikeja, Lagos, Nigeria  
The Editor, *This Day*, PO Box 54749, Ikoyi, Lagos, 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 12 October 1997.