

URGENT ACTION

TWO PRISONERS AT IMMINENT RISK OF EXECUTION

Two prisoners on death row in Benin City, Edo State, south west Nigeria are in imminent danger of being executed, after the governor signed their death warrants in early October. Court cases are pending to stay the executions.

At the beginning of October, the Governor of Edo State signed the execution warrants of the two men (whose identity cannot be yet disclosed because their families have not been informed officially of their imminent execution) apparently after prison authorities informed him that death row inmates in Benin City prison were "becoming unmanageable". According to the Edo State Attorney General and Commissioner of Justice, Osagie Obayuwana, various death row inmates were involved in a recent jailbreak incident in Oko prison, Benin City, which prompted the Governor's decision to sign the two executions warrants.

In March 2010, Legal Defence and Assistance Project (LEDAP) – a Nigerian NGO – in Lagos filed a domestic law suit on behalf of the then 826 inmates on death row, including the two whose execution warrants were recently signed. An injunction was initially granted against their execution by the Federal High Court but it was later lifted. There is a pending appeal at the Court of Appeal against the decision of the Federal High Court. On 19 October LEDAP filed a new suit at the Federal High Court on behalf of the two prisoners, whose execution warrants were recently signed, against their execution; this case is also still pending.

The two men were convicted of murder and sentenced to death by hanging in January and June 1996 respectively, and have since been on death row. Under Nigeria's penal laws, the death penalty is mandatory for murder.

Please write immediately in English or your own language:

- Calling on the Edo state government and Nigeria's prison service to urgently stop the executions, by whatever judicial or other means available;
- Calling on them to respect the ongoing proceedings in the Court of Appeal and the Federal High Court, and not to carry out any executions while these proceedings are pending;
- Urging the Governor to immediately impose a moratorium on executions in his state, with a view to abolishing the death penalty, and to commute all death sentences to terms of imprisonment;
- Urging the Governor to respect the federal moratorium on the death penalty established by the Nigerian government.

PLEASE SEND APPEALS BEFORE 6 DECEMBER 2012 TO:

Governor of Edo State
Adams Aliyu Oshiomhole
Office of the Governor
Government House Complex,
Denis Osadebe Avenue,
Benn City, Edo State
PMB 1081, Nigeria
Email: governor@edostate.gov.ng
Facebook:

<https://www.facebook.com/#!/fansofoshiohole?fref=ts>

Salutation: Your Excellency

Attorney General and Commissioner of Justice
Osagie Obayuwana, SAN
Ministry of Justice
Edo State Government House
Benin City, Edo State
Nigeria
Email: o.obayuwana@edostate.gov.ng
Salutation: Dear Hon. Commissioner

And copies to:

Comptroller General
Nigeria Prisons Service
Zakari Ohinoyi Ibrahim
Bill Clinton Drive
Airport Road, Abuja
Nigeria
Email: info@prisons.gov.ng

Salutation: Dear Comptroller General

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

The last known executions in Nigeria were carried out in 2006, when at least seven men – all sentenced to death in Kano State in northern Nigeria – were hanged in Kaduna, Jos and Enugu prisons. The Office of the Federal Attorney General and Minister of Justice confirmed in October 2011 that there was a moratorium on executions in place in Nigeria; however, they described the moratorium as ‘voluntary’.

The Benin City prison authorities have not officially informed the prisoners and their families of the planned executions. Refusing to provide convicted persons and family members with advance notice of the date and time of execution is contrary to requirements under international human rights standards, which require inmates on death row and their families to be given reasonable advance notice of the scheduled date and time of the execution, with a view to reducing the psychological suffering caused by the lack of opportunity to prepare themselves for this event.

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.

At the end of 2011, there were at least 920 people on death row in Nigeria, including women and juvenile offenders. Many death row inmates were sentenced to death following blatantly unfair trials, some after spending more than a decade in prison waiting for trials to even begin. Suspects in capital offences and death row prisoners are regularly denied their right to a fair trial and appeal process. The violation of an individual’s legal rights often starts at the point of arrest. Police routinely use torture or other ill-treatment to extract ‘confessions’ as a substitute for thorough and impartial investigation of the crime. As a result, the majority of the prisoners currently on death row were sentenced to death based on ‘confessions’, many of which were unlawfully obtained. Most death row prisoners have waited between five and 10 years for their trial to be concluded; some were denied their right to legal representation. Such is the chaos within the Nigerian criminal justice system that other death row prisoners were unable to appeal because their case file had been lost, or because they had no lawyer to represent them as they fought for their lives.

The executions would also be in stark contrast to the trend, both in West Africa and regionally, towards ending the use of the death penalty. Since 2000, Cote d'Ivoire, Senegal and Togo in West Africa, as well as Burundi, Gabon and Rwanda, have abolished the death penalty for all crimes. In 2012 alone, the government of Ghana accepted the recommendation of a Constitution Review Commission to abolish the death penalty in the new Constitution, and Benin became the 75th state worldwide, and the 10th in Africa, to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR-OP2), aiming at the abolition of the death penalty. In September, Madagascar signed the ICCPR-OP2.

In Nigeria, 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 – such as Nigeria – to “observe a moratorium on the execution of death sentences with a view to abolishing the death penalty” and to ratify the ICCPR-OP2.

Name: Two prisoners

Gender m/f: m

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