

EXTERNAL (for general distribution)

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Further information on UA 320/90 (AFR 44/13/90, 3 August 1990) - Death Penalty

NIGERIA: 12 young men sentenced to death:

Augustine Eke	Mohammed Ibrahim
Kiki Francis	Kabiru Mohammed
Isa Garuba	Shahabu Mohasu
Mohammed Garuba	Awuji Roshe
Saidu Garuba	Mohammed Sani
Oluwole Jitrey	Jubril Sumaila

Mohammed Ibrahim, one of 12 young men sentenced to death in June 1988, has died in prison, apparently as a result of medical neglect. Aged in his early 30s, Mohammed Ibrahim reportedly died from pulmonary tuberculosis on 24 December 1990 after being transferred to hospital from Kirikiri maximum security prison near Lagos.

Amnesty International is concerned that executions could still take place in these cases and that the lives of these and other prisoners are at grave risk from harsh prison conditions and lack of appropriate care. Malnutrition and lack of medical attention lead to a high rate of deaths in Nigerian prisons.

The 12 were sentenced to death in June 1988 by the Robbery and Firearms Tribunal in Ikeja, Lagos State, after being convicted of armed robbery. They had no right of appeal to a higher court. Their trial was marked by a series of procedural irregularities, and their case provoked protests both within and outside Nigeria. This was partly because of the young age of the defendants; it was revealed after the trial that Augustine Eke was only 14 when he was arrested in 1984. However, the conduct of the trial was also criticized from within Lagos State's own Ministry of Justice, which concluded that the convictions would have been overturned by an appeal court. A thirteenth accused, Alkasu Mamunan, one of the younger defendants, died during the trial, apparently from lack of medical care. In July 1990 the Military Governor of Lagos State, Colonel Raji Rasaki, announced that he would not commute the death sentences in this case.

Several attempts have been made in the High Court to stop the execution of the 12, so far without success because armed robbery cases fall outside its jurisdiction. Only the relevant State Military Governor has the authority to confirm or disallow convictions and death sentences by Robbery and Firearms Tribunals.

Amnesty International opposes the death penalty in all cases on the grounds that it constitutes a particularly cruel, inhuman and degrading punishment. In 1984 the United Nations urged that no person aged below 18 at the time of an offence should be sentenced to death and that defendants charged with a capital offence should be granted all possible guarantees for a fair trial and the right of appeal to a higher court. However, in Nigeria, the law allows a prisoner aged 17 or over to be executed. Three men executed in Abuja, the Federal Capital Territory, in January 1989, included Matthew Anu, reportedly aged 17 years or younger at the time of the offence. In 1984 Bayo Adelumola was sentenced to death for a murder committed when he was 17 and is currently awaiting the outcome of a petition for clemency. Five men aged between 17 and 21 years at the time of their arrest in 1983 were sentenced to death in December 1990 for murder and armed robbery.

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

- expressing concern at the death in prison of Mohammed Ibrahim, one of the 12 young men sentenced to death in June 1988, and asking whether any inquest has been held into his death;
- urging that the remaining 11 prisoners receive appropriate nutrition and medical treatment, in conformity with the United Nations' Standard Minimum Rules for the Treatment of Prisoners;
- expressing concern that, despite evidence that the trial of the 12 was unfair and that Augustine Eke was only 14 at the time of the offence, no action has been taken by the authorities to review these unsafe convictions or to commute the death sentences. In view of the lack of any right of judicial review by a higher court, urge that an independent judicial examination be made of this case or that the executive authorities accept the opinion of their own legal advisors that the convictions in this case were unsafe and should be overturned;
- appealing for all the death sentences in this case to be commuted.

APPEALS TO:

General Ibrahim BABANGIDA
 President, Commander-in-Chief of the Armed Forces
 State House
 Ribadu Road
 Ikoyi Island
 LAGOS, Nigeria

Telegrams: President Babangida, Lagos, Nigeria

Telexes: 21444/21236 EXTNAL NG (via Ministry of Foreign Affairs)

Prince Bola AJIBOLA
 Attorney-General of the Federation and Minister of Justice
 Minister of Justice
 The Old Secretariat
 PMB 12517, Marina
 LAGOS, Nigeria

Telegrams: Justice Minister Ajibola, Lagos, Nigeria

Major-General (Retd) Abdullahi B. MAMMAN
 Minister of Internal Affairs
 Ministry of Internal Affairs
 ABUJA, Federal Capital Territory, Nigeria

Telegrams: Internal Affairs Minister, Lagos, Nigeria

Colonel Raji RASAKI
 Military Governor, Lagos State
 State House, Broad Street
 POB 12637
 10100 LAGOS, Nigeria

Telegrams: Military Governor, Lagos, Nigeria

Mrs L.M. OKUNNU
 Deputy Governor, Lagos State
 State House, Broad Street
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Telegrams: Deputy Governor, Lagos, Nigeria

COPIES TO:

Newswatch, PMB 21499, Ikeja, Lagos, Nigeria

Vanguard, PMB 1007, Apapa, Lagos, Nigeria

Guardian, Rutam House, PMB 1217, Isolo, 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 20 February 1991.