

EXTERNAL (for general distribution)

AI Index: AFR 44/10/92

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Further information on UA 320/90 (AFR 44/13/90, 3 August 1990) and follow-up AFR 44/01/91, 9 January 1991 - Death penalty

NIGERIA:Augustine Eke

Kiki Francis

Isa Garuba

Mohammed Garuba

Saidu Garuba

Oluwole Jitrey

Mohammed Ibrahim (died 1990)

Kabiru Mohammed

Shaibu Mohasu (please note corrected spelling)

Awuji Roshe

Mohammed Sani

Jubril Sumaila

On 30 June 1992 the Commissioner (minister) for Justice in Lagos State announced that the death sentences imposed on the above 12 young men in June 1988 had been commuted to 10 years' imprisonment. They will be due for release in September 1994.

One of them, **Augustine Eke**, was aged 14 at the time of his arrest in 1984. In December 1990 one of the 12, **Mohammed Ibrahim**, died of pulmonary tuberculosis in prison. Amnesty International welcomes the commutations, particularly in view of the officially-expressed doubts previously made within the Department of Justice about the fairness of the convictions.

The defendants were convicted by a special court, a Robbery and Firearms Tribunal in Ikeja, Lagos State. These special tribunals were reinstated following a military coup in Nigeria in 1983 and do not allow the right of appeal to the Court of Appeal and the Supreme Court which had been restored during the period of civilian rule from 1979 to 1983.

In the process of another return to civilian rule, due to be completed in January 1993, elected civilian State Governors took office in January 1992. Until that time, the Military Governor of Lagos State had refused to commute the death sentences in this case or to initiate any judicial review of the convictions despite the advice previously given by Lagos State's own Justice Department. The view of the Director of Legal Services in 1988 was that "the whole trial was full of procedural irregularities and overt bias against the convicts", and that "the evidence of the identification of the defendants should have been summarily rejected by the tribunal as it was a complete sham." "I have no doubt in my mind", he concluded, "that if this case were to come before an appellate court, it would succeed, the conviction would be overturned and a verdict of acquittal substituted."

Initially 15 defendants had been brought to trial. The two main suspects claimed they had been beaten and threatened with death by the police, and that they had been forced to identify the other defendants under duress; they were deported to

neighbouring Benin in an exchange of prisoners before the end of the trial and were therefore not among those convicted. Another suspect, **Alkasu Mamunan**, died in prison during the trial. The remaining 12 were convicted primarily on the basis of identification evidence which appeared to have been improperly obtained. In evidence before the tribunal, **Augustine Eke** said he was identified - along with nine other youths, cobblers and shoeshine boys - by a suspect already in police custody at a garage where he had gone to buy shoelaces. He said that they were beaten by police and forced to make statements under duress. However, apart from this identification, there was apparently no other evidence against Augustine Eke and he maintained his innocence throughout.

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[Previous actions were issued on this case - UA 197/88 (AFR 44/21/88) of 29 July 1988 and follow-ups AFR 44/30/88 of 10 November 1988 and AFR 44/05/89 of 10 March 1989]

FURTHER RECOMMENDED ACTION: Please send airmail letters

- welcoming the State Governor's commutation of the death sentences imposed on **Augustine Eke** and 11 others in June 1988 by the Robbery and Firearms Tribunal in Ikeja, Lagos State;
- noting that these commutations are particularly welcome in view of the officially-expressed doubts previously made within the Department of Justice about the fairness of the convictions;
- asking if and when the allegations of ill-treatment by the police made by the accused in this case will be thoroughly investigated, in view of the possibility that the defendants might have been convicted on the basis of statements made under duress;
- seeking assurances, in view of the deaths of **Alkasu Mamunan** and **Mohammed Ibrahim**, that the remaining prisoners in this case are receiving adequate food and medical care in accordance with international standards for the treatment of prisoners.

APPEALS TO:

1) Sir Michael Otedola
State Governor
State House, Broad Street
POB 12637
10100 Lagos, Nigeria

Salutation: Dear Governor

2) Mrs Latifat M. Okunnu
Deputy Governor
State House, Broad Street
POB 12637
10100 Lagos, Nigeria

Salutation: Dear Deputy Governor

3) Mr Yomi Osikoya
Attorney General and Commissioner
for Justice
Secretariat Alausa
Ikeja, 10100 Lagos
Nigeria

Salutation: Dear Attorney General

COPIES OF YOUR APPEALS TO:

Mr Clement Akpamgbo
Attorney-General of the Federation
and Minister of Justice
Ministry of Justice
Abuja
Federal Capital Territory, Nigeria

and any of the following newspapers:

Daily Times, PMB 21340, Ikeja, Lagos, Nigeria
National Concord, POB 4483, Ikeja, Lagos, Nigeria
The Guardian, PMB 1217, Oshodi, Lagos, Nigeria
Newswatch, PMB 21499, 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 24 August 1992.