

EXTERNAL (for general distribution)

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## **NIGERIA: Resumption of Public Executions**

In Nigeria Amnesty International is particularly concerned that the military government under General Sani Abacha which seized power in November 1993 has restored mass public executions by firing squad, often after trials before special courts which allow the accused less rights than in ordinary courts.

### **BACKGROUND INFORMATION ON THE DEATH PENALTY IN NIGERIA**

Nigeria has been subject to alternating periods of military and civilian rule for some years. Executions have tended to increase in periods of military rule and to decline or cease under civilian rule.

In 1970 during a period of military rule the Robbery and Firearms (Special Provisions) Decree made the death sentence mandatory for armed robbery and Special Robbery and Firearms Tribunals were set up to adjudicate in such cases. From 1979 to 1983 when Nigeria was governed by a civilian administration the trial of armed robbery cases was restored to the High Court and appeals to the Court of Appeal and to the Supreme Court were allowed. In 1984, after a coup, the military authorities resumed power and the Robbery and Firearms Tribunals were restored with the right of appeal was suppressed. Over 650 prisoners were executed in 1984 and 1985 including 55 prisoners executed in one day in Enugu prison.

In 1989, in response to letters written by Amnesty International members as part of the 1989 campaign against the death penalty, the office of the Chief Justice said that no executions were being carried out in public and, in a later reply, said that the legal profession had been advocating the reinstatement of a right of appeal against judgements by Robbery and Firearm Tribunals. However these statements were not borne out by events as was shown for example in 1990 when five men were executed in Anambra State and in 1991 when at least 15 people were convicted by Robbery and Firearms Tribunals, sentenced to death with no facility for appeal and were subsequently executed in public.

Transition from military to civilian rule, begun in 1987, was due to be completed in August 1993. As part of the process state governors and legislative bodies were elected in Nigeria's thirty states and in 1992 and 1993 under the civilian state governors no executions were reported.

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As a further stage in the transition to civilian rule presidential elections took place in June 1993, but the results were annulled by the government which was still controlled by the military authorities. In November that same year another military coup brought General Sani Abacha to power. General Abacha disbanded all the elected legislative bodies, replaced the civilian state governors with military administrators and banned all political activity.

Since then protest strikes have affected fuel, electricity and water supplies, and some trade union leaders have been imprisoned. Hundreds have been arrested in pro-democracy demonstrations and clashes with police, with an estimated 100 protestors reportedly being killed by police during riots in Lagos. Members of the disbanded Senate and other former political leaders have been arrested. Moshood K O Abiola, the undeclared winner of the annulled presidential election, proclaimed himself President of Nigeria on 11 June 1994 and was promptly arrested and charged with "treasonable felony". He has been detained ever since in harsh conditions and incommunicado.

There have been a series of mass inter-ethnic killings in Ogoniland, Rivers State, in which members of the government security forces have been implicated. Journalists and human rights and environmental observers have been detained or denied access to the areas in question.

In 1987, following religious and ethnic riots in northern Nigeria, Civil Disturbances Tribunals were temporarily established to try cases arising from the unrest. A similar Civil Disturbances Tribunal was set in April 1994 by the Rivers State authorities, with the power to impose the death penalty.

Several mass executions in public have taken place since the coup, the latest being in August this year in Enugu, southeast Nigeria, when 38 prisoners were executed by firing squad in front of a crowd of around 20,000. One man apparently survived the experience and an hour later got to his feet asking for water. He was put in the same lorry as the corpses which drove away and his eventual fate is unknown.

Amnesty International is opposed to the death penalty in all cases but, pending total abolition, is concerned that trials in courts which can impose this ultimate penalty should comply with international standards for fair trial, particularly with regard to the right appeal to a higher court. 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 to appeal to a higher court (ECOSOC Safeguards guaranteeing protection of the rights of those facing the death penalty). These safeguards continue to be disregarded in Nigeria.

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### **NOTE ON ROBBERY AND FIREARMS TRIBUNALS**

Of the hundreds of people executed since 1984 (including all those known by Amnesty International to have been publicly executed since 1993) the majority have been convicted by Robbery and Firearms Tribunals trials before which do not conform to international standards for a fair trial and from which there is no right of appeal. Anyone convicted of armed robbery receives a mandatory death sentence and can be executed by hanging or by firing squad.

### **NOTE ON THE CIVIL DISTURBANCES TRIBUNAL**

These special tribunals are established outside the ordinary legal system with the specific purpose of expediting the trial of certain offences under less rigorous procedures than prevail in the High Court. The Civil Disturbances Tribunal set up in April 1994 by Rivers State Authority reportedly has the power to impose the death penalty not only for capital crimes connected with the unrest but also for formerly non-capital crimes. Although it is chaired by a retired judge, none of the other members need to have any legal training and those members who are from the armed forces need only be of a comparatively low rank - that of Captain. There is however the right of appeal to a higher court.