

EXTERNAL

AI Index: AFR 44/16/97

UA 260/97 Fear of Imminent Execution / Legal Concern

6 August 1997

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

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Four people have been sentenced to death by a special court in Obubra, Cross Rivers State, Nigeria. The court, a Robbery and Firearms Tribunal, has ordered that this be carried out by firing squad. Amnesty International fears that the executions could be carried out imminently.

Eugene Odey, a secondary school student and his friend Odey Liku, were convicted of armed robbery and murder apparently committed in 1996. The exact date of their conviction is not known.

Amnesty International is investigating whether Eugene Odey was below the age of 18 and therefore a minor at the time of the crime.

Two others were also sentenced to death by the special court in Obubra for an armed robbery that reportedly took place in 1996.

The State Military Administrator of Cross Rivers State has the authority to confirm or disallow these sentences subsequent to considering appeals for clemency.

#### **BACKGROUND INFORMATION**

From January to July 1997 at least 18 executions took place in Nigeria, often in public. Amnesty International is concerned that Nigeria continues to use the death penalty, particularly after trials by special tribunals which do not meet international standards for fair trial.

Since 1966 successive military governments in Nigeria have used the death penalty for a range of crimes, including treason, murder and armed robbery. Those accused of such crimes are tried by special courts, both at State and Federal level. Court officials do not always have legal training, procedures used are summary and defendants do not have any right of appeal to a higher court.

In 1983 Robbery and Firearms Tribunals were re-established by the Nigerian authorities having previously been suspended during the period of civilian rule between 1979 and 1983. Convicted prisoners may only petition for clemency to the State Military Administrator who may be advised by an Advisory Committee on the Prerogative of Mercy. Conviction for armed robbery carries a mandatory death sentence.

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

- acknowledging that the government has a duty to prosecute and convict criminals but opposing the death penalty in all cases on the grounds that it is the ultimate form of cruel, inhuman and degrading punishment which violates the right to life and which is shown to have no deterrent effect against crime;
- urging that the execution order against Eugene Odey, Odey Liku and two others not be carried out and appealing to the State Military Administrator to commute their death sentences;

- expressing concern that they were convicted and sentenced by a Robbery and Firearms tribunal, a court which falls short of international standards for fair trials because it allows no right of judicial appeal;
- seeking further details regarding those convicted.

**if possible also:**

- urging the Nigerian government to consider suspending executions, with a view to completely abolishing the death penalty in future, as recommended by the UN Commission for Human Rights in a recent resolution;
- urging the Nigerian Government to reform the Robbery and Firearms Tribunals and to bring them into line with international standards on fair trials.

**APPEALS TO:**

General Sani Abacha  
Chairman, Provisional Ruling Council  
State House, Abuja, Federal Capital Territory, Nigeria  
**Telegrams: General Abacha, Abuja, Nigeria**  
**Fax: + 234 9 523 2138**  
**Salutation: Dear General**

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**

Lieutenant-Colonel V.F. Ahmed  
State Military Administrator  
Government House  
POB 1056  
93000 Calabar  
Cross Rivers State, Nigeria  
**Telegrams: Lt-Col Ahmed, Government House, Cross Rivers State, Nigeria**  
**Salutation: Dear Lieutenant-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 Punch*, PMB 21204, Ikeja, Lagos, Nigeria  
The Editor, *PM News*, PMB 21531, Ikeja, Lagos, Nigeria  
The Editor, *The Week*, PO Box 11333, Ikeja, Lagos, Nigeria  
The Editor, *Sunday Tribune*, PO Box 78, Ibadan, Oyo State, Nigeria  
The Editor, *Daily Sunray*, 220 Aba Road, Port Harcourt, Rivers State, 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 17 September 1997.