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Nigeria: “Waiting for the hangman”

(Abuja) Amnesty International today said that hundreds of those awaiting execution on Nigeria’s death rows did not have a fair trial and may therefore be innocent. The organization exposed a catalogue of failings in the country’s criminal justice system, saying that it is “riddled with corruption, negligence and a nearly criminal lack of resources”.

At a press conference in Abuja to release a comprehensive report on the death penalty in Nigeria, the organization called on the government to establish an immediate moratorium on executions in light of its findings.

Joining in the call was the Legal Defence and Assistance Project (LEDAP), a Nigerian legal organization working to promote good governance and the rule of law in Nigeria. LEDAP co-authored the report released today.

“It is truly horrifying to think of how many innocent people may have been executed and may still be executed,” said Aster van Kregten, Amnesty International’s Nigeria researcher, speaking from Abuja. “The judicial system is riddled with flaws that can have devastating consequences. For those accused of capital crimes, the effects are obviously deadly and irreversible.”

Some of the most serious findings revealed in Amnesty International and LEDAP’s report, “Nigeria: Waiting for the Hangman”:

- Confessions: most death penalty convictions are based on confessions alone. Confessions are often extracted under torture.
- Torture: although prohibited in Nigeria, in practice torture by police occurs on a daily basis. Almost 80 percent of inmates in Nigerian prisons say they have been beaten, threatened with weapons or tortured in police cells.
- Delays: death penalty trials can take more than 10 years to conclude; some appeals have been pending for 14, 17 and even 24 years.
- Negligence: many death row prisoners cannot even have their appeals heard because their case files have been lost.
- Conditions: life on death row is extremely harsh. Prisoners whose appeals are over are held in cells where they can see executions. After a prisoner has been hanged, other death row prisoners are forced to clean the gallows.
- Children: although international law prohibits the use of the death penalty against child offenders, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence.

The majority of those on death row were sentenced to death based on a confession – in many cases, extracted under torture, according to Amnesty International and LEDAP research.

“The police are over-stretched and under-resourced,” said Aster van Kregten. “Because of this, they rely heavily on confessions to ‘solve’ crimes – rather than on expensive investigations. Convictions based on

such confessions are obviously very unsafe.”

“Under Nigerian law, if a suspect confesses under pressure, threat or torture, it cannot be used as evidence in court,” said Chino Obiagwu, LEDAP’s National Coordinator. “Judges know that there is widespread torture by the police – and yet they continue to sentence suspects to death based on these confessions, leading to many possibly innocent people being sentenced to death.”

Due to high crime rates, there is pressure on police to make quick arrests when a crime has been committed. Sometimes, if the police are unable to find a suspect, they arrest the wife, mother or brother of the suspect instead – or even a witness – in violation of Nigerian criminal procedure.

Jafar is 57 years old and has been on death row since 1984. He told Amnesty International:

“I am not an armed robber. I am a shoemaker. I bought a [motorcycle] from someone who stole it. The police asked me to be a witness. They got the man who sold [me] the [motorcycle] but shot him to death. After that, I became the suspect.”

Jafar filed an appeal 24 years ago, but is still waiting for it to be heard. His case file has gone missing.

“The hundreds of people who have already been executed or are still awaiting execution in Nigeria all have one thing in common – they are poor,” said Chino Obiagwu. “Speaking to those languishing on death row, it becomes clear that questions of guilt and innocence are almost irrelevant in Nigeria’s criminal justice system. It is all about if you can afford to pay to keep yourself out of the system – whether that means paying the police to adequately investigate your case, paying for a lawyer to defend you or paying to have your name put on a list of those eligible for pardon.”

“Those with the fewest resources are at the greatest risk in Nigeria’s criminal justice system.”

Many prisoners awaiting trial and on death row told Amnesty International and LEDAP that the police picked them up and asked for money to release them. Those who couldn’t pay were treated as suspected armed robbers.

Other death row prisoners told Amnesty International that they were arrested when they went to a police station to report a crime they had witnessed. Police demanded money for their release. Sometime police asked for money for fuel, without which they could not visit witnesses or check alibis.

Nigeria’s death row - key facts:

- Numbers on death row: As of February 2008, 725 men and 11 women.
Age at time of crime: At least 40 prisoners were under 18.
- Criminal conviction: about 53% were convicted of murder, 38% armed robbery and 8% robbery.
Years on death row: One prisoner has spent 24 years on death row, 7 have spent more than 20 years, and 28 more than 15 years.
- Appeal: 47% are waiting for their appeal to be concluded, 41% have never filed an appeal.
Duration of appeals: 25% of prisoners’ appeals have lasted more than 5 years. 6% of prisoners with appeals outstanding have waited more than 20 years.
- Location: most prisoners were convicted in Imo (56), Ogun (52) and Oyo (49) states.

Key death penalty facts:

- World trends: In 1977, just 16 countries had abolished the death penalty for all crimes. Today, 137 out of 192 UN member states have abolished the death penalty in law or in practice.
- Africa: Africa is largely free of executions, with only 7 of the African Union’s 53 member states known to have carried out executions in 2007. 13 African countries are abolitionist in law and a further 22 are abolitionist in practice.
- Nigeria: Executions are shrouded in secrecy. The Nigerian government has not officially reported

any executions since 2002, although it is known that at least 7 condemned prisoners – including 6 who never had an appeal – were secretly executed in 2006.

To see a full copy of the report *Nigeria: "Waiting for the Hangman"*, please click [here](#).

For more information regarding the launch of this report or to request an individual interview, please contact Amnesty International's Press Officer, Eliane Drakopoulos, on mobile: +44 7778 472 109 or Nigerian tel: +234 803 497 7240 (from 19 October only).