

Dimitrij Rupel  
Foreign Ministry of Slovenia

19 May 2008  
Our ref : B779

Dear Mr Rupel,

### **EU–Nigeria Troika meeting**

In view of the forthcoming EU-Nigeria Troika meeting in Brdo that you will be co-chairing, Amnesty International would like to bring to your attention some human rights concerns related to Nigeria which we hope you will be able to raise with your counterparts. In particular, Amnesty International is increasingly concerned about the pressing need for reform of the criminal justice system and secrecy surrounding use of the death penalty.

#### **Reform of the criminal justice system**

Along with many national and international organisations, Amnesty International has documented human rights violations occurring in the criminal justice system in Nigeria. Suspects are often ill-treated in police custody; many are denied their right to contact their families or a lawyer, and in some police stations, suspects do not receive any food. The police routinely use torture to extract confessions and, despite this being widely acknowledged by the police themselves, little is done to stop it. The judiciary also fails to ensure that all inmates are tried within reasonable time. Approximately 65 per cent of the inmates are awaiting trial, most of whom have been waiting for their trial for years. Severe overcrowding and a lack of funds have created a deplorable situation in Nigeria's prisons. Conditions such as overcrowding, poor sanitation, lack of food and medicines, ill-treatment and denial of contact with families and friends, fall well short of UN standards for the treatment of prisoners.

One example of an inmate who has been denied his right to a fair trial is Mr Patrick Obinna Okoroafor. Okoroafor was sentenced to death after an unfair trial when he was sixteen years old. He should never have been sentenced to death because he was a child under the age of eighteen at the time of the crime for which he was convicted. He is currently detained as long as "the pleasure of the governor of Imo State" dictates, despite a court judgement on 18 October 2001 which pronounced the sentence of death on him to be illegal, null and void. The Nigerian Bar Association, Nigerian NGOs and Amnesty International have called for his immediate release.

The Nigerian government has, on numerous occasions, stated its willingness to reform the criminal justice system, acknowledging its role in creating a situation of prolonged detention and overcrowding. The government established many Presidential Commissions and Committees and all recommended reform of the criminal justice system. Nevertheless, none of these recommendations have been fully implemented. Instead, the government has simply set up new committees and commissions to study, review and harmonise the previous recommendations. Amnesty International is very concerned that few of the Nigerian government's promises have been translated into action. A copy of Amnesty International's recent report "Nigeria: Prisoners' rights systematically flouted"<sup>1</sup> with more detail on these issues is attached with this letter.

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<sup>1</sup> The report, published in February 2008, can be consulted on: <http://www.amnesty.org/en/library/info/AFR44/001/2008/en>

## Death Penalty: Secret executions

As you know, Amnesty International shares the European Union's opposition to the death penalty in all circumstances and considers it cruel and inhuman. In December 2007, at the UN General Assembly in New York the representative of Nigeria said that no executions had taken place "in recent years". In spite of this, Amnesty International has documented that at least seven executions have been carried out by hanging since 2006 and we have not received an official government reaction confirming or denying the executions, despite requesting information and clarifications from the government (see press release and public statement attached to this letter). Nigeria voted against the UNGA resolution for a global moratorium.

Nigeria's criminal justice system can not guarantee a fair trial. In 2004, the National Study Group on the Death Penalty acknowledged this saying "a system that would take a life must first give justice" and recommended a moratorium on the death penalty "until the Nigerian Criminal Justice System can ensure fundamental fairness and due process in capital cases and minimise the risk that innocent people will be executed." This conclusion was reiterated by the Presidential Commission on Reform of the Administration of Justice (PCRAJ) in May 2007. It is therefore urgent that a moratorium is adopted in Nigeria to prevent further executions in a country which is currently holding approximately 800 prisoners on death row. A moratorium would also conform to recent resolutions from both the African Union and the United Nations.

Amnesty International would strongly encourage you to use the opportunity of the forthcoming EU-Nigeria Troika meeting to raise these concerns with your Nigerian counterparts. We would welcome any feedback on these discussions, and are happy to provide further information if required.

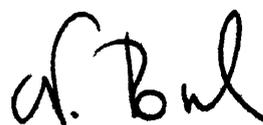
Thank you for your consideration.

Yours sincerely,



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Cc : Javier Solana, High Representative for the Common Foreign and Security Policy  
Louis Michel, Commissioner for Development  
Benita Ferrero-Waldner, Commissioner for External Relations  
Riina Kionka, Personal Representative of Javier Solana for Human Rights  
Robert Van Der Meulen, Head of the European Commission's Delegation to Nigeria