



Jan Kohout  
Deputy Prime Minister and Minister of Foreign Affairs of the Czech Republic  
Presidency of the Council of the European Union

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Dear Mr Kohout,

### **EU-Nigeria Ministerial Troika**

In view of the forthcoming EU–Nigeria troika that you will be co-chairing on 9 June 2009, Amnesty International would like to bring to your attention a number of human rights concerns in Nigeria which we hope you will take the opportunity to raise with your counterparts. The guidelines on human rights dialogues highlight the EU's commitment to make use of every opportunity to raise human rights concerns with third countries at all levels. In particular, we would urge you to highlight EU concerns about the death penalty and access to justice and prison conditions in Nigeria.

#### **Death penalty**

At the end of 2008, at least 735 prisoners were on death row in Nigeria, including 11 women. Hundreds did not have a fair trial. Approximately 140 had been on death row for longer than 10 years; some over 20 years. Around 80 never had an appeal because they were sentenced to death before 1999 by a Robbery and Firearms Tribunal which denied defendants the right to appeal. Approximately 40 were under the age of 18 at the time of the offence and should not have been sentenced to death.

On 9 February 2009, at the 4th Session of the United Nations Universal Periodic Review (UPR) Nigeria's Minister of Foreign Affairs stated that "Nigeria continues to exercise a self-imposed moratorium [on the death penalty]." The Presidency should urge the Nigerian government to formalize this moratorium on the death penalty and to urgently review all cases of death row inmates who were under the age of 18 at the time of the alleged crime, as well as the cases of those sentenced to death by military tribunals, seriously ill inmates, including mentally ill and elderly inmates, with a view to commuting their death sentences.

In the past months, several state governments, including Abia, Akwa Ibom and Enugu States have expanded the scope of the death penalty to include kidnapping. Several State Houses of Assembly including Anambra and Imo States have passed similar bills. Increasing the number of capital offences in Nigeria would go against global and national trends away from the death penalty, which the EU has worked hard at the UN and elsewhere to encourage. Retention of the death penalty has not reduced armed robbery or murder rates in Nigeria. Between 1970 and 1999, more than 2,600 death row prisoners were executed, but the crime rate did not decrease.

In line with the EU guidelines on the death penalty, the Presidency should urge the Nigerian authorities to press the State Governors not to sign these bills into law.

#### **The Criminal Justice System**

Three out of five inmates in Nigeria's prisons have not been convicted of any offence; they await trial for years. Few can afford a lawyer and the government-funded Legal Aid Council is unable to provide assistance for everyone who needs it. The Council has only 91 lawyers to cover the whole country. The Nigerian government has stated in the UPR Working Group that it is addressing the issue of delays in the

criminal justice system. In the past years, several government-established commissions have recommended reforms to improve access to justice. The prioritisation of criminal justice sector reform bills, which are currently pending before the National Assembly, must be welcomed. In addition to this, the Presidency should use the occasion of the EU-Nigeria troika to urge the Nigerian Government to improve access to legal aid and provide adequate resources to the Legal Aid Council to hire more lawyers.

Many prisoners do not receive a fair trial in Nigeria. Patrick Obinna Okoroafor, for example, continues to be incarcerated in Aba prison, Abia state, despite a High Court judgement on 18 October 2001 which pronounced his death sentence to be illegal, null and void. He was only sixteen when he was sentenced to death by a Robbery and Firearms Tribunal on 30 May 1997. He did not have the right to appeal and said he was tortured while in police detention. According to the Attorney General of Imo State, on Friday 29 May 2009, the governor of Imo state commuted Patrick Okoroafor's sentence from life imprisonment to 10 years. However, the ten years sentence is to commence on 29 May 2009 and does not take into account the 14 years Patrick Okoroafor has already spent in prison.

The Presidency should urge the Nigerian government to immediately and unconditionally release Patrick Okoroafor.

Living conditions in prison are appalling. Overcrowding, poor sanitation, lack of food and medicines and denial of contact with families and friends are damaging to the physical and mental well-being of inmates. Many inmates sleep two to a bed or on the bare floor. In some prisons, no beds are provided, toilets are blocked or non-existent, and there is no running water. Disease is widespread. Children as young as 12 are held together with adults.

The Presidency should raise concerns about prison conditions in Nigeria at the EU-Nigeria troika. In particular they should call on the Nigerian government to:

- Take immediate steps to ensure that prisoners are held in sanitary and human conditions. The Government should establish an independent inspectorate to carry out inspection visits to jails, police stations and other detention facilities; and
- Systematically review the files of all inmates awaiting trial in Nigerian prisons and detention centres, and ensure that their right to a fair trial within reasonable time is guaranteed.

We would be happy to provide any further information that would be useful to facilitate discussions on these issues, and would welcome any feedback on the talks with the Nigerian government.

Yours sincerely



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