

Amnesty International UK

MEDIA BRIEFING

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COMMONWEALTH GAMES: NIGERIA WHERE TORTURE IS ROUTINE

Amnesty call for justice for torture victim Moses Akatugba during Glasgow 2014 as part of global Stop Torture campaign

Amnesty spokesperson available throughout the Games with daily briefings

“Moses Akatugba was just 16 years old when he was arrested, shot in the hand, beaten, bound and hung up in an interrogation room for hours, before pliers were used to pull out his fingernails and toenails. The ‘confession’ obtained during this horrific ordeal was used in court to sentence him to death. His alleged crime – stealing three mobile phones.

“As barbaric and unimaginable as Moses’s story is, what is even more shocking is that in Nigeria this isn’t unusual. In fact this is commonplace. Even though the country’s constitution – and international law - prohibits it, Amnesty International receives regular reports of police using torture to extract confessions.

“As Glasgow welcomes athletes from around the world – including Nigeria – we want Scotland to demand justice for Moses and stop his execution. His torturers must also be held to account.

“Torture is abhorrent, never acceptable, and should not be used by any government for any reason.”

Siobhan Reardon – Programme Director, Amnesty International Scotland

Nigeria

Population: 168,833,776

President: Goodluck Jonathan

Games debut: Auckland, 1950

National sport: Football

Delhi 2010 medal tally: 33 medals, 11 goals.

Human rights concerns:

Amnesty has serious concerns about the increasing use of torture and other cruel, inhuman or degrading treatment or punishment in Nigeria. Recent Amnesty research indicates that police and military personnel routinely use torture and other ill-treatment to extract information and “confessions”, and to punish and exhaust detainees. In contravention of national and international law, information obtained by torture and ill-treatment is routinely accepted as evidence in court. The Nigerian authorities display an apparent lack of political will to adhere to their international human rights obligations.

Amnesty’s research and individual case studies, reveals that:

- Reports of torture are increasing as Nigerian security forces target people accused of having links to the armed Islamist group Boko Haram;
- Two years after being submitted to the National Assembly, a bill to criminalise torture in Nigeria has not even been debated;
- A wide range of torture methods are reportedly being used, including beatings; shootings; nail and teeth extractions; and rape and other sexual violence;
- Detainees are frequently denied access to their families and to legal counsel, as well as being denied medical care;
- The Nigerian justice system fails to prevent abuse, with detainees tortured and ill-treated to extract “confessions” and forced to spend long periods in detention without being brought before a court;
- The vast majority of complaints about torture do not lead to an investigation of any kind.
- Nigeria’s constitution prohibits torture, but no provisions are made for the investigation or prosecution of acts of torture. Detainees are forced to spend long periods prior to court appearances, where ‘confessions’ extracted through torture are regularly used as evidence, contrary to both national and international law.

At its Universal Periodic Review, concluded in March 2014, the Nigerian government accepted important recommendations on improving human rights in Nigeria. Several of these commitments related to Amnesty International’s concerns, and we will be urging the government to act on its commitments.

At Nigeria’s UPR, the government made important commitments to end torture, investigate allegations of torture and allow adequate independent monitoring of detention facilities. It must act on these commitments, and Nigeria is one of five countries highlighted as part of Amnesty’s Stop Torture Campaign.

The Nigerian government also accepted recommendations at the UPR to introduce legal measures to prevent forced evictions and to provide adequate compensation and relocation packages. The government must take action to implement these commitments to end forced evictions in Nigeria.

LGBTI

In January 2014 Nigeria passed the Same-Sex Marriage (Prohibition) Act, criminalising same sex relationships. The new law also provides for a 10 year sentence for anyone who supports, meets with, or forms a group advocating for human rights for LGBTI people. At the UPR, the Nigerian government rejected all 10 recommendations on LGBTI issues.

Human Rights Protections in North East Nigeria

Since the start of 2014 over 1500 people, more than half of whom were civilians, have died in the ongoing violence between Boko Haram and government forces. Both sides of this conflict in North East Nigeria have violated international humanitarian law and acts have been committed which may constitute war crimes and crimes against humanity. Amnesty International is calling on the Nigerian Government, African Commission on Human and People's Rights and the UN Human Rights Council to ensure that a thorough, impartial and transparent investigation is conducted into these allegations.

On April 14, over 200 girls, most of them aged between 16 and 18, were abducted from the Government Girls Secondary School in Chibok, north-eastern Nigeria, as they slept. Islamist armed group Boko Haram has since claimed responsibility for the abduction. In a separate incident, eight schoolgirls were kidnapped on the night of 5 May in the village of Waraba in Borno, north Nigeria. All of these girls are missing, their whereabouts and safety unknown.

Death Penalty

Executions were resumed in Nigeria on 24 June 2013, when four men were executed in Benin City Prison in the southern state of Edo, in the first known judicial executions since 2006. The executions were carried out without informing the relatives in advance, and while, according to the men's lawyers, appeals were still pending.

The bodies were not returned to the families for burial, nor was the location of the graves made known. One week earlier, on Father's Day, President Goodluck Jonathan had urged state governors to sign death warrants for death row prisoners.

In 2011 the federal government confirmed that there was a moratorium on executions in place in Nigeria; however, in 2012 this was described as "voluntary". At least 141 death sentences were imposed, mostly for murder, but also for other crimes such as armed robbery. In September, several soldiers were convicted of treason and sentenced to death by a General Court Martial for alleged links to Boko Haram. According to government information, at least 1,233 prisoners were under sentence of death as of September 2013.

The death penalty is mandatory for murder, armed robbery, and certain cases of treason. Bills making kidnapping a capital crime became law in Bayelsa State, Edo State and Delta State.

In June, the Attorneys General of Delta State and Edo State questioned the deterrent effect of the death penalty, noting that the existence of the death penalty in Nigeria had not deterred people from committing murders or other crimes¹.

The last known executions in Nigeria were carried out in 2006, when at least seven men, all sentenced to death in Kano State, were hanged in Kaduna, Jos and Enugu prisons. According to the Office of the Federal Attorney General and Minister of Justice, a moratorium on executions in Nigeria in the intervening period as described as 'voluntary'.

Amnesty International considers the death penalty to be a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, and opposes its use in all cases and without exception, regardless of the nature of the crime.

Amnesty International's global Stop Torture campaign

Torture is abhorrent, barbaric and inhumane. It can never be justified. The world's governments recognized this when they adopted the Universal Declaration of Human Rights in 1948. This right was later enshrined in the 1966

¹ Day of the Edo hangman: One raped house wife, inserted a bottle in her private part", Vanguard, 28 June 2013, <http://www.vanguardngr.com/2013/06/day-of-the-edo-hangman-one-raped-house-wife-inserted-a-bottle-in-her-private-part/>; "Death Penalty Won't Stop Kidnapping -Ajuyah, Delta Attorney-General", Vanguard, 18 June 2013, <http://allafrica.com/stories/201306181328.html>(both accessed 4 March 2014).

International Covenant on Civil and Political Rights through an explicit and absolute prohibition against torture and other ill-treatment.

30 years ago this year, this progress was further built upon by the UN Convention Against Torture. The Convention was ground breaking and established a set of measures, enshrined in law and specifically designed to prevent torture, punish perpetrators and ensure justice and redress to victims. 155 countries are now state parties to the UN Convention and this is real and meaningful progress.

However, over the past five years, Amnesty International has reported on torture and other ill-treatment in 141 countries – including many of whom are in The Commonwealth. Amnesty International recently published its report ['Torture in 2014: 30 years of broken promises'](#) evidencing the extent of torture worldwide.

For more than 50 years, Amnesty International has been fighting to stamp out torture. 30 years ago, our movement led the campaign to secure the UN Convention Against Torture. Now Amnesty International has again launched a worldwide [Stop Torture campaign](#) to get that promise fulfilled.

Amnesty International is seeking the establishment and implementation of effective safeguards against torture as the route to change. When effective safeguards are in place, people are protected. When safeguards are not in place or not put into practice, torture thrives. In many countries impunity for torturers is endemic and allows torturers to operate without fear of arrest, prosecution or punishment. Impunity undermines criminal justice systems and the rule of law. It means denial of justice for victims. Effective, independent mechanisms for investigating and prosecuting torturers are essential. These must be backed up by the political will to bring in necessary reforms to laws and institutions, maintain permanent vigilance, combat discrimination and act on every torture case.

Over the next two years we will be focusing on five torture offenders; Mexico, Morocco, **Nigeria**, Philippines and Uzbekistan, and within these countries five individuals who have survived torture. In each of these countries torture is a major concern, but we believe global pressure can bring about change.

Moses Akatugba

On 27 November 2005, aged 16, Moses was arrested by the Nigerian army. He says they shot him in the hand, beat him on the head and back, then charged him with stealing mobile phones.

Later he was transferred to Epkan police station in Delta State where the torture continued. 'The pain I went through at the hands of the officers was unimaginable,' he said of his ordeal. To get him to confess, the police beat Moses with machetes and batons, bound and hung him up for hours in the interrogation room. They then they used pliers to pull out his finger and toe nails.

Moses's subsequent 'confession', along with the victim's statement, formed the basis of his conviction. After eight years in prison, he was sentenced to death. His claims of torture have never been investigated.

Amnesty International is calling on the Nigerian authorities to:

- Commute Moses Akatugba's death sentence
- Institute an independent investigation into his allegations of torture.

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