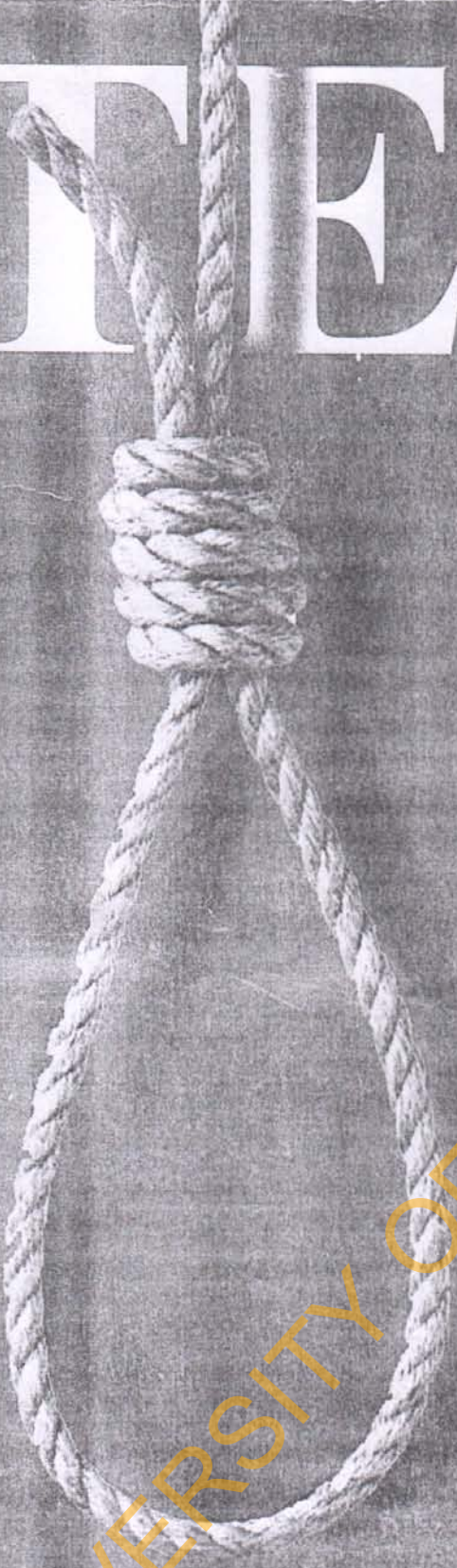


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WAITING FOR THE HANGMAN

With the level of criminality on the increase, and death penalty being extended to crimes like kidnapping, more criminals are being condemned to death by hanging, and are waiting for hangmen who are getting fewer by the day

By AYODEJI ADEYEMI

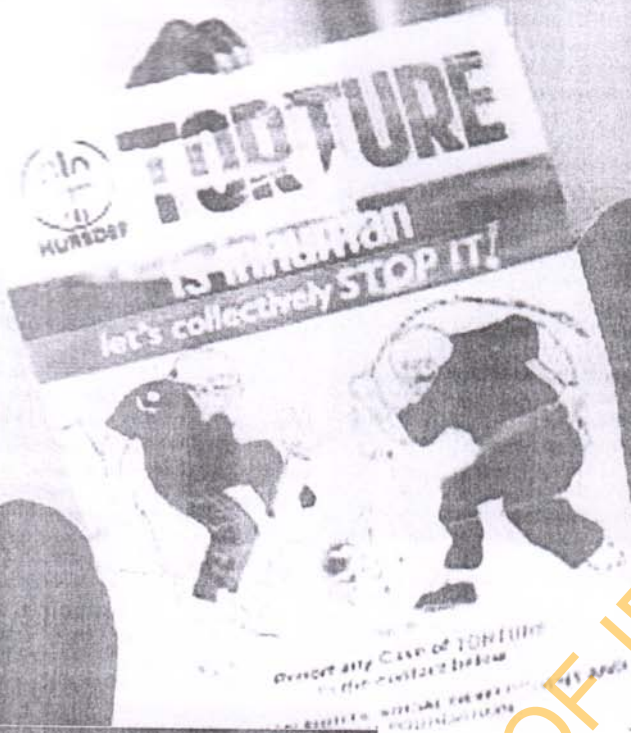
For 17 years, the spectre of a hangman loomed large like the sword of Damocles over Thankgod Ebohs, a death row inmate of Oko Prison, Edo State. The furniture maker who was sentenced to death by a military tribunal for armed robbery in 1996 literally lived each day under the iron cloud of fear. Every dream of escaping the hangman's noose each night was quickly supplanted by the horror the next morning.

But as the years rolled by, the horror became manageable and the Edo indigene at a point grew back his nerve of steel becoming confident. But on June 25, 2013, about two weeks after President Goodluck Jonathan urged state governors to sign death warrants of condemned prisoners, Ebohs and four other inmates were hurled before a hangman at the Oko Prison gallows. Needless to say his nerve of steel deserted him at once. Ebohs' blood literally ran cold as the messenger of death primed the gallows for the executions.

He watched with horror as the hangman took turns on the condemned prisoners, putting the noose on their necks just before jerking the lever of the gallows, sending the bodies down hanging until they became lifeless, with eyes bulging and tongues jutting out. Those executed were Chima Ejiofor, Daniel Nsofor, Osarenmwinda Aigbonkhan and Richard Igagu.

But when it eventually got to the turn of the furniture maker to be hanged, the prison officials somewhat inexplicably discovered that the court order was that

Ijeomah: Describes as unacceptable prolonged stay on death row



NGMAN

he should die by firing squad and not by hanging. That proved to be the saving grace for the father of three. Luckily for Ebohs, the Legal Defence and Assistance Project, LEDAP, a human rights non-governmental organisation took up his case before an appeal court praying for a stay of execution.

But even though the furniture maker escaped the noose by the skin of his teeth, the trauma of seeing four colleagues hanged appeared to have affected him profoundly. "My father is still in a state of shock, when I saw him last September; he was still weeping," says Solomon Ebohdaghe, son of the condemned man, who spoke to the magazine.

Statistics released by Amnesty International early this year reveal that Nigeria has about 1,000 inmates on death row who are largely awaiting the hangman's

noose. While Amnesty's figure is silent on gender, statistics from local sources quoted by national newspapers reveal that of the inmates on death row, 951, are males while 19 are females spread across several prisons in the country. While states such as Rivers have the lion's share of the condemned criminals put at 157, Taraba has four. (See box).

And the list is getting longer. Last year alone, no fewer than ten persons whose cases had been pending in the courts were ordered to be hanged. Among them are three former policemen and an ex-soldier. Four of them have had their sentences confirmed by the Supreme Court, and another by a court of appeal.

One of those still on death row is Moses, a 66-year-old driver, in Katsina prison. Moses who was sentenced to death by hanging in 1997 for murder, a crime, which he denied, has been on death row for 16 years. During his appeal in 2006 his claim that his confession was extracted under duress did not cut any ice

with the judge as his death sentence was upheld.

But if Moses was arrested and sentenced at an old age, the same cannot be said of Victor, a death row inmate, who was arrested as a juvenile in 1995. Victor was allegedly arrested at the age of 16 after a fight broke out amongst hoodlums in one of the busy streets of Lagos. The young man however claimed that he was tortured to confess to murder by the police when he could not grease their palms. After almost eight years of awaiting trial in prison, he was sentenced to death in 2003. His appeal is still pending.

But if Victor awaited trial for eight years before he was eventually sentenced to death, Kingsley cooled his heels in Enugu prison for 13 years before he bagged the capital punishment in 1996. Thirty-one-year-old Kingsley who has no lawyer nor filed an appeal has so far spent 17 years on death row.

Apart from waiting for state governors' approval, which is seldom given, the condemned men and women have to wait for the hangman. The magazine's

Bamgbose: Sheds light on reason for moratorium on executions



that the government had appointed inexperienced lawyers who are doing their National Youth Service to handle capital punishment," lamented LEDAP.

But that's not even the worst part. According to Amnesty International, more than half of all the death row inmates in Nigeria were sentenced to death on the basis of confessional statements. "This portends grave danger as confessional statements in Nigeria are almost always extracted by torturing the suspects. This system of investigation, which is not based on forensic analysis, has been known to make innocent persons confess to crimes they did not commit. Sadly, the Nigeria police, which is underfunded, largely rely on confessions extracted through torture rather than conducting forensic investigation on criminal cases," Amnesty International noted.

Another study published by the National Human Rights Commission and the Centre for Law Enforcement, CLEEN, disclosed that almost 80 per cent of inmates in Nigerian prisons said they had been beaten by police, threatened with weapons and tortured in police cells. The torture methods reportedly employed by the police include physical assault, burning with hot objects, electric shocks and the use of needles or sharp objects.

Apart from the fact that the use of torture on suspects is against international convention, the Nigerian law also prohibits it. Section 34(1) (a) of the 1999 Constitution states that "no person shall be subjected to torture or to inhuman or degrading treatment." That is why Francis Njoku, a legal practitioner said, "Torture of suspects by the police is a crude and primitive form of investigating crime which is also a brazen infraction on the constitution." Still, Amnesty International further remarked that many of the trials that led to the conviction of the death row prisoners fell short of international standards. The international body highlighted instances where lawyers representing the suspects were not allowed to see the case diary before trials. In other instances, Amnesty noted that lawyers of the accused were not granted access to all documents, evidence and information regarding the case. Still, the human rights watchdog chronicled other aberrations in which the accused were tried and

sentenced to death twice for the same offence.

But as questionable as these practices are, it still pales into insignificance when compared to the reality that Nigeria is perhaps one of the few countries that allow juvenile offenders to be served the death sentence. According to figures from LEDAP and Amnesty International, the country has about 40 juvenile offenders on death row. "There are at least 40 juvenile offenders on death row. Their ages at the time of crime ranged from 13 to 17," says Amnesty International. This however flies in the face of international convention, which forbids the prescription of death penalty for juvenile offenders. As a matter of fact, international convention dictates that children under age 18 at the time of the crime cannot be sentenced to death, regardless of their age at the time of trial or sentencing.

But if sentencing juvenile offenders to death is against international standards, denying death convicts the right to appeal is no less so. Amnesty International noted in its report that about 80 prisoners on death row, who were sentenced to death by the robbery and firearms tribunal, had no rights to appeal. Amnesty International

claims that the robbery and firearms tribunal, which was established under the robbery and firearms (special provisions) decree No. 5 of 1984, indeed denies defendants the right to appeal. It further noted that in cases where appeal could be filed, it took several years, sometimes as much as 15, before the appeal was heard. "Almost half of all death row prisoners have filed an appeal which is still pending, of which ten per cent have been waiting for more than 10 years, 15 per cent for between five and ten years and three quarters for less than five years," Amnesty International noted in its report.

The United Nations Human Rights Committee however states that the imposition of death sentences without the possibility of appeal is incompatible with the International Covenant on Civil and Political Rights, ICCPR, and constitutes a violation of the right

to life. The body also submits that a delay of 31 months between the trial and the dismissal of the appeal in capital cases is way too long.

Perhaps it was the problems plaguing the criminal justice system that swayed the federal government under the



Adeniyi Adeniyi receipt of court papers for stay of execution