



NIGERIA: NOT A QUICK FIX TO INSECURITY:

THE DEATH PENALTY AS AN INEFFECTIVE
DETERRENT TO CRIME

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Amnesty International

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First published in 2023

by Amnesty International Nigeria

34 Colorado Close

Off Thames Street, off Alvan Ikoku Way,

Maitama, Abuja-FCT, Nigeria

Index: AFR 44/6354/2023

Original language: English

amnesty.org



Cover photo: Graphics composition showing
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CONTENTS

1. BACKGROUND	3
2. THE DEATH PENALTY IS A VIOLATION OF HUMAN RIGHTS	5
3. ABOLITIONIST COUNTRIES IN AFRICARITY FORCES FAILED VILLAGERS	6
4. CRIMES FOR WHICH THE DEATH PENALTY IS IMPOSED IN NIGERIA	7
<u>4.1</u> Treason and Conspiracy for Treason	7
<u>4.2</u> Treachery	8
<u>4.3</u> Murder	8
<u>4.4</u> Armed Robbery	8
5. SHARI'A CAPITAL OFFENCES	9
<u>5.1</u> Adultery or Zina	9
<u>5.2</u> Rape	9
<u>5.3</u> Sodomy (Liwat)	10
<u>5.4</u> Lesbianism (Sihag)	10
6. NIGERIAN STATES' ANTI-KIDNAPPING LAWS	11
7. THE DEATH PENALTY IS NOT A DETERRENT	16
8. EXECUTIONS RECORDED IN NIGERIA	17
9. CONCLUSIONS AND RECOMMENDATIONS	20

1. BACKGROUND

“Any person found guilty of banditry, kidnapping, cattle rustling cultism or being an informant to bandits is liable to the death penalty”.

Governor of Zamfara State, Bello Matawalle, announced the passage of the 2022 Prohibition and Punishment for Banditry, Cattle Rustling, Cultism, Kidnapping, and Other Incidental Offences Law on 29 June 2022.¹

Authorities in Nigeria are introducing the death penalty as a quick fix to insecurity and violent crime as rising criminality reaches a frightening level. Almost every part of the country is facing a wave of multifaceted security crises from the Boko Haram / Islamic State's West Africa Province (ISWAP) armed conflict, banditry attacks, kidnapping, Indigenous People of Biafra (IPOB) separatists, communal violence, and herders and farmers clashes. The Global Peace Index ranked Nigeria among the 73 less peaceful countries in 2021.²

Nigeria is experiencing a high rate of insecurity with thousands of people killed, displaced, kidnapped for ransom, sexually abused while in captivity, and prevented from accessing their source of livelihood, with little or no hope of justice or reparation. The security situation is further compounded by the incessant jailbreaks that have resulted in the escape of at least 4,062 inmates including 68 Boko Haram members from 2021 to date.

Kidnapping and banditry violence resulted in at least 1717 civilian deaths and 1543 abductions between January and December 2020, the number increased to 3829 deaths and 5634 abductions in 2021. Between January and September 2022, at least 4550 deaths and 3806 abductions occurred in the country. The high rate of kidnap for ransom and unprovoked attacks has prompted nationwide outrage. A part of the political response to the high incidence of insecurity has been the introduction of new laws or amendments to existing laws making offences of kidnapping, banditry, cattle rustling, and cultism punishable by death. Despite the passage of such laws, kidnap for ransom and general insecurity continue to rise, with eight daring mass school abductions recorded between December 2020 and October 2021.

Twenty-six states currently have laws prescribing the death penalty for kidnapping and other crimes. According to the Nigerian Correctional Service, **3,322** people are known to be on death row as of 8 May 2023³. This is one of the highest figures recorded worldwide. Although no judicial executions are known to have been carried out since 23 December 2016, several government officials and members of the public have indicated their support for the execution of convicted kidnapers.

Notable among these is the First Lady of Nigeria, Aisha Buhari who supported the call of a popular Islamic cleric for the public execution of Abdulmalik Muhammad Tanko, a school proprietor arrested and later convicted of kidnapping and killing 5-year-old Hanifa Abubakar,

¹ See TVC News Nigeria, 29 June 2022: <https://www.youtube.com/watch?v=ly8dVVRJqZs>

²Institute for Economics & Peace. Global Peace Index 2021: Measuring Peace in a Complex World, Sydney, June 2021. Available from: <http://visionofhumanity.org/reports> (accessed 26 August 2022).

³ Ministry of Interior, 2-Day High Level Conference on Decongestion and Corrections Administration, 10 -11 May 2023, Ladi Kwali Hall, Abuja Continental Hotel.

and the governor of Kano state, Abdullahi Ganduje,⁴ who vowed to sign the death warrant, authorizing his execution, to serve as a deterrent to others.⁵

Most state governments are simply duplicating the efforts of their counterparts, by using the death penalty as a quick fix to the rising insecurity, despite the lack of evidence of its deterrent effect. The authorities in Nigeria have failed to invest in effective preventive and responsive security measures that address the issue of public safety and crime prevention, such as effective policing, a fair and functional criminal justice system, and reducing the proliferation of firearms. The Government's ineffective response to crime and the failure to provide justice in criminal cases continue to fuel a web of violence.

Amnesty International does not condone acts of violence and recognizes the duty of governments to bring to justice those responsible for criminal acts. However, the duty should not involve the taking of life of human beings by the government. The death penalty is not the solution to criminality and there is no credible evidence that the death penalty has a greater deterrent effect on crime than prison terms.

⁴ Channels Television, "Hanifa Abubakar: Ganduje Vows To Sign Death Sentence Without Delay" 25 February 2022, <https://www.channelstv.com/2022/01/25/hanifa-abubakar-ganduje-vows-to-sign-court-judgement-without-delay/>

⁵ Vanguard, "Aisha Buhari wants public execution for Hanifa's killer" 24 January 2022, <https://www.vanguardngr.com/2022/01/aisha-buhari-wants-public-execution-for-hanifas-killer/>

2. THE DEATH PENALTY IS A VIOLATION OF HUMAN RIGHTS

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence, or other characteristics of the individual, or the method used by the state to carry out the execution. The death penalty is the ultimate cruel, inhuman and degrading punishment and it violates the right to life as proclaimed in the Universal Declaration of Human Rights (UDHR). The punishment is a premeditated and cold-blooded killing of a human being by the state in the name of justice.

The death penalty is a violent irreversible punishment that reinforces the culture of violence which the state is supposed to prevent. The inherent risk of executing an innocent person cannot be eliminated given the fallibility of Nigeria's criminal justice system.

The UDHR adopted by the UN General Assembly (UNGA) in December 1948; recognizes each person's right to life (Article 3) and categorically states further that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment" (Article 5). In Amnesty International's view, the death penalty violates these rights.

The death penalty is often used as a political tool to punish political opponents or dissenting voices as seen in the execution of the Ogoni 9 on 10 November 1995. It is discriminatory and mostly used on poor and marginalized groups with little access to resources for legal representation. The death penalty does not deter crimes. It is often adopted in countries with unfair justice systems, with convictions based on confessional statements mostly obtained through torture.

As of 31 December 2022:

- More than two-thirds of the countries in the world have now abolished the death penalty in law or practice.
- 112 countries have abolished the death penalty for all crimes,
- 9 countries have abolished the death penalty for all but exceptional crimes such as crimes under military law or crimes committed in exceptional circumstances,
- 23 countries can be considered abolitionist in practice: they retain the death penalty in law but have not carried out any executions for the past 10 years or more and are believed to have a policy or established practice of not carrying out executions,
- a total of 144 countries have abolished the death penalty in law or practice,
- 56 other countries and territories retain and use the death penalty.

Since 1977, Amnesty International has been campaigning for the global abolition of the death penalty and has recorded huge success around the world. The organisation calls on the Nigerian government to abolish the death penalty for all crimes and join the positive trend, both in Africa and worldwide, towards abolition.

3. ABOLITIONIST STATES IN AFRICA

S/N	COUNTRY	YEAR OF ABOLITION
1	Angola	1992
2	Benin	2016
3	Burundi	2009
4	Cape Verde	1981
5	Central African Republic	2022
6	Chad	2020
7	CONGO (Republic Of)	2015
8	Cote D'ivoire	2000
9	Djibouti	1995
10	Gabon	2010
11	Guinea	2017
12	Guinea-Bissau	1993
13	Madagascar	2015
14	Mauritius	1995
15	Mozambique	1990
16	Namibia	1990
17	Rwanda	2007
18	Sao Tome And Principe	1990
19	Senegal	2004
20	Seychelles	1993
21	South Africa	1997
22	Togo	2009
23	Sierra Leone	2022
24	Equatorial Guinea	2022*
25	Zambia	2022*

Notes:

On 19 September 2022, Equatorial Guinea's President Teodoro Nguema Obiang Mangue announced that the country had abolished the death penalty. The President had signed a new penal code, dated 17 August 2022 which does not provide for the death penalty. However, Amnesty International's research found that the Military Code of Justice of Equatorial Guinea still provides for the death penalty.

On 23 December 2022, the Office of the President of Zambia announced that President Hakainde Hichilema had assented to the Penal Code (Amendment) Bill number 25 of 2022 abolishing the death penalty. However, Amnesty International's research found that while the Penal Code was amended to replace the death penalty with life imprisonment, and the Penal Code no longer provides for the death penalty, the Defence Act of Zambia still provides for the death penalty.

4. CRIMES FOR WHICH THE DEATH PENALTY IS IMPOSED IN NIGERIA

The death penalty remains a legal sanction in Nigeria and continues to be imposed throughout the country, by judges in the high courts and sharia courts. Convicted persons are sentenced to death by hanging. Murder, culpable homicide, armed robbery, treason, and conspiracy for treason are capital offences under the Penal Code Act⁶ and the Criminal Code Act⁷. In addition, under the various state Shari'a Penal code laws, blasphemy, adultery, sodomy, same-sex relationships, and rape are capital offences. However, this violates Nigeria's obligations under the International Covenant on Civil and Political Rights (ICCPR), which restricts the use of the death penalty to the "most serious crimes", which according to international law, are crimes involving intentional killing.

4.1 Treason and Conspiracy for Treason

Section 37 of the Criminal Code provides that:

- (1) Any person who levies war against the State, in order to intimidate or overawe the President or the Governor of a State, is guilty of treason and is liable to the punishment of death.
- (2) Any person conspiring with any person, either within or without Nigeria, to levy war against the State with intent to cause such levying of war as would be treason if committed by a citizen of Nigeria, is guilty of treason and is liable to the punishment of death.

Section 38, **Instigating invasion of Nigeria:** Any person who instigates any foreigner to invade Nigeria with an armed force is guilty of treason and is liable to the punishment of death.

4.2 Treachery

Section 49 of the Criminal Code provides that:

- (1) If, with intent to help the enemy in any war in which Nigeria may be engaged, any person does or attempts to do, any act which is designed or likely to give assistance to the naval, military, or air operations of the enemy, to impede such operations of the armed forces of Nigeria, or to endanger life, he is guilty of felony and liable on conviction to suffer death.

4.3 Murder

Section 319 of the Criminal Code:

- (1) Subject to the provisions of this section, any person who commits the offence of murder shall be sentenced to death.
- (2) Where an offender who in the opinion of the court had not attained the age of seventeen years at the time the offence was committed, has been found guilty of murder, such

⁶The Penal Code Act, Laws of the Federation of Nigeria 1990; applicable to the northern states of Nigeria.

⁷The Criminal Code Act, Laws of the Federation of Nigeria 1990; applicable to the southern states of Nigeria.

offender shall not be sentenced to death but shall be ordered to be detained during the pleasure of the President and upon such an order being made, the provisions of Part 44 of the Criminal Procedure Act shall apply.

- (3) Where a woman who has been convicted of murder alleges that she is pregnant or where the judge before whom she is convicted considers it advisable to have inquiries made as to whether or not she be pregnant, the procedure laid down in section 376 of the Criminal Procedure Act shall first be complied with.

Murder is defined in section 316 of the Criminal Code as follows:

Except as hereinafter set forth, a person who unlawfully kills another under any of the following circumstances, that is to say –

- (1) if the offender intends to cause the death of the person killed or that of some other person;
- (2) if the offender intends to do to the person killed or to some other person some grievous harm;
- (3) if death is caused by means of an act done in the prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life;
- (4) if the offender intends to do grievous harm to some person for the purpose of facilitating the commission of an offense that is such that the offender may be arrested without a warrant, or for the purpose of facilitating the flight of an offender who has committed or attempted to commit any such offence;
- (5) if death is caused by administering any stupefying or overpowering things for either of the purposes last aforesaid;
- (6) if death is caused by willfully stopping the breath of any person for either of such purposes; is guilty of murder.

4.4 Armed Robbery

Section 1 of the Robbery and Firearms (Special Provisions) Act:

- (1) Any person who commits the offence of robbery shall upon trial and conviction under this Act, be sentenced to imprisonment for not less than twenty-one years.
- (2) If – (a) Any offender mentioned in subsection (1) of this section is armed with any firearms or any offensive weapon or is in company with any person so armed; or
(b) At or immediately after the time of the robbery the said offender wounds or uses any personal violence to any person, the offender shall be liable upon conviction under this Act to be sentenced to death.

Definition of robbery: Any person who steals anything and, at or immediately before or immediately after the time of stealing it, uses or threatens to use actual violence to any person or property in order to obtain or retain the thing stolen or to prevent or overcome resistance to its being stolen or retained, is said to be guilty of robbery.

5. SHARI'A CAPITAL OFFENCES

Under the various Shari'a Penal Laws applicable to 12 states in Northern Nigeria⁸, the offences of adultery (zina), rape, and sodomy carry the death penalty.

The sections below refer to the Kano State Shari'a Penal Code Law 2000, similar to other Shari'a penal laws in other states.

5.1 Adultery or Zina

Section 124 of the Shari'a Penal Code:

Whoever, being a man or a woman fully responsible, has sexual intercourse through the genital of a person over whom he has no sexual rights and in circumstances in which no doubt exists as to the illegality of the act, is guilty of the offence of zina.

Section 125:

Whoever commits the offense of zina shall be punished: -

- (a) with caning of one hundred lashes if unmarried, and shall also be liable to imprisonment for a term of one year; or
- (b) if married, with stoning to death (rajm).

5.2 Rape

Section 126 of the Shari'a Penal Code:

(1) A man is said to commit rape who, save in the case referred in subsection (b), has sexual intercourse with a woman in any of the following circumstances:

- (a) against her will;
- (b) without her consent;
- (c) with her consent, when her consent has been obtained by putting her in fear of death or of hurt;
- (d) with her consent, when the man knows that he is not her husband and that her consent is given because she believes that he is another man to whom she is or believes herself to be lawfully married;
- (e) with or without her consent, when she is under fifteen years of age or of unsound mind.

(2) Sexual intercourse by a man with his own wife is not rape.

Section 127: Punishment for Rape:

Whoever commits rape, shall be punished:

- (a) with caning of one hundred lashes if unmarried, and shall also be liable to imprisonment for a term of one year; or
- (b) if married with stoning to death (rajm).

5.3: Sodomy (Liwat)

Section 128:

Whoever has intercourse against man or woman through her rectum is said to commit the offence of sodomy:

⁸ Zamfara, Kano, Sokoto, Katsina, Bauchi, Borno, Jigawa, Kebbi, Yobe, Kaduna, Niger, and Gombe states.

Except that whoever is compelled by the use of force or threats or without his consent to commit the act of sodomy with another shall not be subject to the act of sodomy nor shall he be deemed to have committed the offence.

Section 129

Whoever commits the offence of sodomy shall be punished:

- (a) stoning to death (rajm) if married or has previously been married;
- (b) caning which may extend to one hundred lashes and one year in imprisonment if yet to be married.

5.4 Lesbianism (Sihaq)

Section 183

Whoever, being a woman, engages another woman in carnal intercourse through her sexual organ or by means of stimulation or sexual excitement of one another commits the offence of lesbianism.

Section 184

Whoever commits the offence of lesbianism shall be punished under section 129.

6. NIGERIAN STATES' ANTI-KIDNAPPING LAWS

In response to the heightening insecurity in Nigeria, several state governments have introduced laws or amended existing laws that prescribe the death penalty for offences of kidnapping, cattle rustling, cultism, banditry, or serving as an informant to bandits, in the hope that the law will serve as a deterrent or discourage others from committing such crimes, while failing to adequately address the underlying factors that have sustained the widespread violence. At least 26 states currently have such laws.

The Niger State Kidnapping and Cattle Rustling (Special Provisions) Law, 2021, was signed into law on 16 July 2021.

“The law now provides that whoever instigates any person to kidnap any person or rustle cattle, or intentionally aids, abets or facilitate by any acts of omission or commission of the offence of kidnapping and or cattle rustling is guilty of an offence and is liable on conviction to death by hanging in public”.

While most states prescribe the death penalty for all convicted kidnappers, Oyo, Bauchi, Kano, Ogun, and Lagos states will only punish offenders with death if their victims die as a result of the kidnapping.

“The law provides for death sentence for kidnappers who abduct and kill their victim, while kidnappers who abduct but did not kill their victim, if apprehended and found culpable, would be jailed for life”.

The Niger state government amended the 2016 Kidnapping and Cattle Rustling Special Provisions Law to include the punishment of informants who support and encourage acts of kidnapping and cattle rustling in the state. “The Kidnapping and Cattle Rustling (Special Provisions) Law, 2021,” was signed into law on 16 July 2021.

Additionally, under the Benue state ‘Adoption, Hostage Taking, Kidnapping, Secret Cult and Other Related Offense Law, 2017’, anyone whose house is used for unlawful detention and kidnapping, if found guilty, is liable to the death sentence.

S/N	STATE	OFFENCES	DATE LAW WAS PASSED	TITLE OF LAW OF LAW	CLAUSE / COMMENT
1	Abia	Kidnapping	2009	Abia State Prohibition, Terrorism, Kidnapping, Hostile Taking, and Other Threatening Behavior Law	The law in Abia State law makes kidnapping a criminal offence.
2	Adamawa	Kidnapping	10 December 2018	Adamawa State Penal Code Law 2018	Under the new law, anybody found guilty of abduction or kidnapping in the state will pay the supreme price for it.
3	Akwa Ibom	Kidnapping	15 May 2009	Anti-Kidnapping Law	The Anti-Kidnapping law prescribes capital punishment for the offence.
4	Anambra	Kidnapping	17 March 2009	Criminal Code (Amendment) Law	The State House of Assembly made kidnapping a capital offence when it passed the Criminal Code (Amendment).
5	Bauchi	Kidnapping	2022	Penal Code Law	Whoever is guilty of the offense of kidnapping shall be punished with life imprisonment. "If the victim dies as a result of the kidnapping, the offender shall be punished with death."
6	Bayelsa	Kidnapping	13 February 2013	Bayelsa State Kidnapping and Allied Offences law	The law empowers the governor to accent to the death warrant of any person or group of persons convicted for the offence of kidnapping and other related offences in the state.
7	Benue	Kidnapping	22 May 2017	Adoption, Hostage Taking, Kidnapping, A Secret Cult, and Other Related Offences, Law 2017.	The law stipulates that anyone whose house is used for unlawful detention and kidnapping, if found guilty, is liable to the death sentence.
8	Cross River	Kidnapping	2015	The Anti-Kidnapping Law 2015	The law prescribes the death penalty for convicted kidnapers in the state.
9	Ebonyi	Hostage-taking and kidnapping	14 October 2009	Ebonyi State Internal Security Enforcement and Related Matters Law (CAP 55)	Anyone found guilty of kidnapping in the state shall on conviction be liable to be sentenced to death.
10	Edo	Kidnapping	19 October 2013	Kidnapping Prohibition (Amendment) law	The law prescribes the death penalty for anyone who is involved in any form of kidnapping in the state.
11	Enugu	Kidnapping	2009		
12	Imo	Kidnapping	2009	Imo State Prohibition of Hostage Taking and Kidnapping Prohibition Law 2009	The state governor vowed that defaulters would pay with their lives.
13	Jigawa	Kidnapping	24 February 2021	Violence Against Persons Prohibition Law	Kidnappers shall receive the death sentence.
14	Kano	Kidnapping	23 November 2016	Kidnapping, Abduction, and Forced Labour Law	The law provides for death sentence for kidnapers who abduct and kill their victim, while kidnapers who abduct

					but did not kill their victim, if apprehended and found culpable, would be jailed for life,
15	Katsina	Cattle rustling and kidnappings	December 2020	Katsina State Child Protection Law and Penal Code Law (amended)	Cattle rustling and kidnappings are now capital offenses in the state and attract mandatory death sentences.
16	Kebbi	Kidnapping	30 January 2021	Administration of Criminal Justice Law 2021	Anybody found guilty of kidnapping will face the death penalty while rapists will bag life imprisonment.
17	Lagos State	Kidnapping	5 January 2017	Kidnapping (Prohibition) Law	The law also stipulates that where a victim dies in the course of kidnap, the suspect is liable on conviction to death.
18	Nasarawa	Kidnapping	26 February 2020	Nasarawa State kidnapping Act Prohibition Law 2020	Convicted kidnappers to die by hanging and buildings used to commit heinous crimes will be forfeited to the government.
19	Niger	Kidnapping banditry and their informants	29 June 2021	Kidnapping and Cattle Rustling Special Provisions Law of 2016	The law provides that whoever instigates any person to kidnap someone or rustle cattle, or intentionally aids, abets, or facilitate by any acts of omission or commission of the offense of kidnapping and or cattle rustling is guilty of an offense and is liable on conviction to death by hanging in public,
20	Ogun	Kidnapping	14 November 2016	Kidnapping (Prohibition) law 2016	The law stipulates maximum punishment of death sentence for kidnappers whose victim dies in captivity.
21	Ondo	kidnapping	2010	Anti-Kidnapping and Anti abduction Law 2010	The law stipulates death sentence by hanging, where the victim of kidnapping and abduction dies in captivity.
22	Oyo	Kidnapping	13 April 2016	Kidnapping (Prohibition) Law 2016	Capital punishment awaits any kidnapper whose victim or victims die while in captivity.
23	Plateau	Kidnapping	25 December 2020	The Anti-Kidnapping, Anti-Land-Grabbing, Cultism, and other Anti-Violence Related Matters Law	The law provides the death sentence for convicted kidnappers.
24	Rivers	Cultism and Kidnapping	16 March 2018	Neighbourhood Safety Corps Law No. 8 of 2018; Secret Cult and Similar Activities (Prohibition) (Amendment) Law No. 6 of 2018; and Kidnap (Prohibition) (Amendment) No.2 Law No. 7 of 2018.	The Rivers state anti-kidnapping law prescribes death sentence for criminals involved in cultism, robbery and kidnapping.
25	Taraba	Abduction and Kidnapping	4 July 2019	Kidnapping and Abduction Prohibition Amendment Act 2019	The Act provides that any person who kidnaps or abducts a person or by any other means of instilling or tricking another person with the intent to demand ransom or

					compel another person to do anything against his wish shall be sentenced to death.
26	Zamfara	Banditry, kidnapping, cattle rustling, cultism, or serving as an informant to bandits.	28 June 2022	2022 Prohibition and Punishment for Banditry, Cattle Rustling, Cultism, Kidnapping, and Other Incidental Offences Law	The law stipulates that any person convicted for banditry, kidnapping, cattle rustling, cultism, or serving as an informant to bandits is liable to the death penalty.

7. THE DEATH PENALTY IS NOT A DETERRENT

No convincing evidence has proven the death penalty to be an effective deterrent to crime more effectively than other punishments. There are examples of studies drawn from countries maintaining the death penalty in their legislation still recording an increase in crime rate,⁹ as seen in the United States. In contrast, countries like Canada that have abolished the death penalty have recorded a significant decrease in crime rate.

A survey of research findings conducted for the United Nations in 1998 and updated in 2002, concludes that “it is not prudent to accept the hypothesis that capital punishment deters murder to a marginally greater extent than does the threat and application of the supposedly lesser punishment of life imprisonment.”¹⁰ A UN report published in 2015, indicated that “whether the offense is murder, a drug-related crime or terrorism, the scientific evidence for deterrence is unreliable, inconclusive and, in many instances, simply wrong.”¹¹

Several states in Nigeria introduced or amended existing laws prescribing the death penalty for kidnapping, banditry, cattle rustling, and cultism. Despite the introduction of the death penalty, the country continues to record an increase in abduction and general criminality.

Amnesty International research on the violence and killings in Nigeria shows an increase in general insecurity, unlawful killings, and kidnap for ransom despite the introduction of the death penalty to crimes of banditry, kidnapping, cattle rustling, and cultism.

The Kebbi state government promulgated the Administration of Criminal Justice Law 2021 on 30 January 2021. The law prescribed the death penalty for anyone convicted of kidnapping. Five months after the passage of the law, 102 students were abducted from the Federal Government College, Birnin-Yauri in Kebbi state, with at least 11 female students still in captivity.

Despite signing into law of the mandatory death sentence for convicted criminals involved in cattle rustling and kidnapping by the governor of Katsina state in May 2019, the state has witnessed two school abductions and several unhindered attacks on communities in the rural areas. On 11 December 2020, 333 schoolboys were abducted at Government Boys Science Secondary School, Kankara, Katsina state. 11 Islamiyya school pupils were again abducted on 11 August 2021 while conducting an evening lesson at Sakkai village of Faskari local government area of Katsina state.

⁹ Murder Rate of Death Penalty States Compared to the Non-Death Penalty States: <https://deathpenaltyinfo.org/facts-and-research/murder-rates/murder-rate-of-death-penalty-states-compared-to-non-death-penalty-states>

¹⁰ Roger Hood, *The Death Penalty: A World-wide Perspective*, Oxford, Clarendon Press, third edition, 2002, p. 230

¹¹ UN Office of the High Commissioner for Human Rights (OHCHR), *Moving away from the death penalty: Arguments, trends and perspectives*, 2015, p. 86.

In opposing the death penalty, Amnesty International in no way seeks to minimize or condone the crimes for which those sentenced to death were convicted. Amnesty International acknowledges fully the suffering of victims of violent crime and their families and recognizes the duty of governments to protect the rights of victims of crime. Amnesty International believes that people found guilty following a trial that meets international fair trial standards should be held accountable but without recourse to the death penalty.

8. EXECUTIONS RECORDED IN NIGERIA

Article 33(1) of the Nigerian Constitution allows judicial executions as an exception to the right to life. Section 409(1) of the 2015 Administration of the Criminal Justice Act allows a convict on death row to appeal his judgment to the Court of Appeal and Supreme Court or request the prerogative of mercy through his legal practitioner or prison custodian. Section 243 of the 1999 Constitution as amended also allows for the right to appeal. Despite the legal provision to appeal, Amnesty International has documented several executions of convicts whose cases were still on appeal.

The last execution in Nigeria was on 23 December 2016, when the Edo state governor signed the execution warrant of Apostle Igene, Ogbomoro Omoregie, and Mark Omosowhota who had spent 20 years on death row after they were convicted and sentenced to death by the military tribunals under the Robbery and Firearms (Special Provisions) Decree (As Amended). They were executed on 23 December 2013.¹²

Four convicts; Chima Ejiofor, Daniel Nsofor, Osarenmwinda Aigbonkhan, and Richard Igagu were also executed by hanging on 24 June 2013 at the Benin city prison.

In 2007, Amnesty International uncovered the secret executions of at least seven death row inmates despite the authorities' denials and cover-up. All the executed inmates were convicted in Kano state but relocated to different prisons across the country. Their death warrants were signed by the Kano state governor. Two of them were secretly executed in Kaduna Central Prison, one in Jos prison, and four in Enugu prison.¹³

The country witnessed its first execution under Sharia law when 21-year-old Yakubu Rodi was hanged in Kaduna prison on 3 January 2002, after a Sharia court in Katsina state convicted him of murder.¹⁴

The death penalty was used as a political tool during the military regime to instill fear and silence dissenting voices as witnessed in the unfair trials and unjust execution of the Ogoni 9 - Ken Saro-Wiwa, Saturday Dobe, Nordu Eawo, Daniel Gbooko, Paul Levera, Felix Nuata, Baribor Bera, Barinem Kiobel, and John Kpuine - on 10 November 1995. They were executed less than two weeks, after they were convicted following simultaneous unfair trials by a special tribunal in connection with the mob killing of four Ogoni leaders in May 1994.¹⁵ Ken Saro-Wiwa and other activists had been targeted

¹² Apostle Igene, Ogbomoro Omoregie, and Mark Omosowhota were executed during the pendency of an appeal at the Court of Appeal by a human rights organization, Legal Defence and Assistance Project (LEDAP), on behalf of all death row prisoners in Nigeria at the time.

¹³ Nigeria: Government misleads world about death penalty record, 17 December 2007, <https://www.amnesty.org.uk/press-releases/nigeria-government-misleads-world-about-death-penalty-record>

¹⁴ Nigeria: First Execution under Sharia Condemned, 8 January 2002, <https://www.hrw.org/news/2002/01/08/nigeria-first-execution-under-sharia-condemned>

¹⁵ Amnesty International Condemns Execution Of Ken Saro-Wiwa And Eight Others, 10 November 1995, (AI INDEX: AFR 44/31/95)

by the Nigerian authorities following their campaign against environmental damage by oil companies and for increased autonomy of the Ogoni ethnic group.

The Nigerian government restored public executions after the November 1993 coup. Between February and August 1994, at least **97** people were publicly executed in Akwa Ibom, Enugu, Imo, Kano, and Lagos states. Most had been convicted by the Robbery and Firearms Tribunals, special courts which did not guarantee fair trials and did not allow a right of appeal to a higher, independent court.

In 1990, over **120** people were executed, 69 of them after being convicted of involvement in a coup attempt in April 1990. In 1991 at least **15** people were executed.¹⁶

In 1984, **355** death sentences were carried out and in 1985 a further **301** executions took place. After another military government came to power in August 1985, the number of executions declined, although a further **200** executions were carried out from 1986 to 1988.¹⁷

From 1970 to 1979 there were over **960** executions in Nigeria, some 500 of which were carried out in public by firing squad after trials by Robbery and Firearms Tribunals.¹⁸

Since Nigeria's return to civilian government in 1999, the country has witnessed a reduction in the number of executions with the last known execution recorded on 23 December 2016. All records of figures of executions are based on available information, provided by state authorities, civil society organizations, media reports, individuals sentenced to death, and their families or representatives.

Since 2018, it has been difficult for Amnesty International Nigeria to obtain precise data on the country's use of the death penalty. Amnesty International Nigeria writes the Nigerian Correctional Service annually to provide data on the use of the death penalty in Nigeria. Since 2018, such requests have not been acceded to by the Correctional Service.

¹⁶ Nigeria: Death sentences and executions for armed robbery, August 3, 1992 (Index Number: AFR 44/011/1992)

¹⁷ Amnesty International NIGERIA: Death sentence for murder: <https://www.amnesty.org/fr/wp-content/uploads/2021/06/afr440111992en.pdf>

¹⁸ Amnesty International: ENIGERIA: Death sentences and executions for armed robbery, available at: <https://www.amnesty.org/fr/wp-content/uploads/2021/06/afr440111992en.pdf>

9. CONCLUSION AND RECOMMENDATIONS

Several state governments in Nigeria believe they can solve the security challenges in their states by imposing the death penalty, despite the lack of any convincing evidence to support the argument that the death penalty prevents crime more effectively than other punishments.

The rising insecurity is a combination of several factors that affect society at different levels, from the national to the community level. If authorities are sincere in their fight to end insecurity, the underlying causes of insecurity need to be addressed broadly and a comprehensive crime prevention mechanism deployed rather than the quick fix approach that is not effective.

143 countries have now abolished the death penalty in law or practice.

Amnesty International calls on the Nigerian government to abolish the death penalty for all crimes and, pending abolition, take the following steps as a matter of urgency:

- commute all death sentences to terms of imprisonment;
- establish an official moratorium on executions;
- immediately remove all provisions in national laws that violate international human rights law, in particular by abolishing all provisions that allow the death penalty for crimes other than intentional killing and that provide for mandatory death sentences;
- make available information on the use of the death penalty and relevant related issues, which can contribute to informed and transparent national debates on its abolition. This information should include statistics on the number of executions, death sentences imposed, people on death row, sentences commuted and pardons granted;
- ensure that the criminal justice system is sufficiently resourced and capable of investigating crimes effectively; supporting victims and ensuring that suspects have a fair trial without recourse to the death penalty.

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INDEX: AFR 44/6354/2023
ORIGINAL LANGUAGE: ENGLISH



NIGERIA: NOT A QUICK FIX TO INSECURITY
THE DEATH PENALTY AS AN INEFFECTIVE DETERRENT TO CRIME

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