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Death penalty in Nigeria

European Parliament resolution of 20 November 2008 on the death penalty in Nigeria

The European Parliament,

- having regard to its previous resolutions on human rights violations in Nigeria,
 - having regard to the existing moratorium on the use of the death penalty by the Federal Government of Nigeria,
 - having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights of 1966, ratified by Nigeria on 29 October 1993,
 - having regard to the African Charter on Human and People's Rights of 1981, ratified by Nigeria on 22 June 1983,
 - having regard to the African Charter on the Rights and Welfare of the Child of 1990, ratified by Nigeria on 23 July 2001,
 - having regard to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment of 1984 ratified by Nigeria on 28 July 2001,
 - having regard to the Convention on the Elimination of All Forms of Discrimination against Women of 1979, ratified by Nigeria on 13 June 1985, and its Optional Protocol of 1999, ratified by Nigeria on 22 November 2004,
 - having regard to the Convention on the Rights of the Child of 1989, ratified by Nigeria on 19 April 1991,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas more than 720 men and 11 women are under sentence of death in Nigeria's prisons,
- B. whereas the Nigerian National Study Group on the Death Penalty and the Presidential Commission on the Reform of the Administration of Justice have found that inmates on death row are almost exclusively poor and without legal representation,
- C. whereas although international law prohibits the sentencing of child offenders to the death penalty, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence,
- D. whereas Islamic Sharia courts have jurisdiction over criminal cases in 12 of Nigeria's 36 states; whereas these courts continue to hand down death sentences as well as sentences of flogging and amputation,

- E. whereas 47% of death row inmates are waiting for their appeal to be decided, a quarter of prisoners' appeals have taken five years, 6% of prisoners with appeals outstanding have waited more than 20 years, and one prisoner has spent 24 years on death row,
- F. whereas Nigeria's criminal justice system is riddled with corruption and negligence and suffers from a significant lack of resources,
- G. whereas torture, although prohibited in Nigeria, occurs on a daily basis, and almost 80% of inmates in Nigerian prisons say they have been beaten, threatened with weapons or tortured in police cells,
- H. whereas many prisoners awaiting trial and on death row are being subjected to extortion by police officers, who ask them for money to release them,
- I. whereas more than half the country's 40 000 prison inmates have not been tried or sentenced,
- J. whereas chronic but preventable diseases such as HIV, malaria, tuberculosis, influenza and pneumonia are also present in the prisons,
- K. whereas the Nigerian authorities have made some attempts to address the failures of their judicial system; whereas the National Study Group on the Death Penalty (2004) and the Presidential Commission on the Reform of the Administration of Justice (2007) have expressed doubts as to whether the death penalty helps lower the rate and extent of crime in Nigeria; whereas, however, neither federal nor state governments have taken action to address the urgent problems highlighted by these two study groups,
- L. whereas Nigeria has not officially reported any executions since 2002,
- M. whereas only seven of the African Union's 53 member states are known to have carried out executions in 2007, while 13 African countries are abolitionist in law and a further 22 are abolitionist in practice,
- N. whereas in 1977 just 16 countries had abolished the death penalty for all crimes; whereas today, 137 out of 192 UN member states have abolished the death penalty in law or in practice,
 1. Calls on the Federal Government of Nigeria and the state governments to abolish the death penalty;
 2. Calls on the Federal Government of Nigeria and the state governments, pending abolition, to declare an immediate moratorium on all executions as provided for by UN General Assembly resolution 62/149 of 26 February 2008, and to commute without delay all death sentences to terms of imprisonment;
 3. Calls on the Federal Government of Nigeria and the state governments to develop a comprehensive approach to crime and explain how the crime situation will be addressed;
 4. Urges the Federal Government of Nigeria and the state governments to remove all provisions in both federal and state legislation which provide for the death penalty for people who were under the age of 18 at the time of the alleged crime;

5. Calls on the Federal Government of Nigeria and the state governments to ensure that in capital cases the most rigorous internationally recognised and constitutional standards for fair trial are respected, especially in the areas of inadequate legal representation of poorer prisoners, of confessions or evidence obtained through violence, coercion or torture, of inordinately long trial and appeal periods, and of sentencing of minors;
6. Calls on the Federal Government of Nigeria to ratify the 1989 Second Optional Protocol to the International Covenant on Civil and Political Rights and the 2002 Optional Protocol to the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
7. Urges the Nigerian state governments to remove all provisions for mandatory death sentences;
8. Calls on the Federal Government of Nigeria and the state governments to implement the recommendations of the National Study Group on the Death Penalty (2004) and the Presidential Commission on the Reform of the Administration of Justice (2007), and in particular to establish a moratorium on executions and commute all death sentences;
9. Calls on the Council, the Commission and the Member States to provide technical support to the Nigerian authorities with a view to reviewing the legislation which provides for the death penalty, abolishing the death penalty, and improving the investigation procedures of the Nigerian police;
10. Calls for support for the activities of the Working Group on the Death Penalty of the African Commission on Human and Peoples' Rights in drafting a protocol to the African Charter banning the death penalty and making its reinstatement impossible;
11. Instructs its President to forward this resolution to the Council, the Commission, the parliaments and the governments of the Member States, The Economic Community Of West African States, the Federal Government and Parliament of Nigeria, the African Union and the Pan-African Parliament.