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NIGERIA: AMNESTY INTERNATIONAL AND CIVIL SOCIETY GROUPS CALL ON STATE GOVERNMENTS TO REFRAIN FROM EXTENDING THE SCOPE OF THE DEATH PENALTY.

Amnesty International, the Nigerian Bar Association Human Rights Institute (NBAHRI) and Nigerian non-governmental organizations (NGOs) have called on Nigeria's state governments to refrain from extending the scope of the death penalty to include crimes such as kidnapping.

The organisations are deeply concerned by the expressed intention of Anambra, Enugu and Rivers state governments to extend the scope of the death penalty to make kidnapping a capital offence; and by the legislative amendments in Abia state which provide for kidnapping as a capital offence. We call on these, and all other state governments that may be considering similar actions, to observe international and national standards and trends towards limiting the number of offences for which the death penalty may be imposed, and abolishing the death penalty for all crimes.

The organisations note that 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]." We welcome the federal government's statement and we ask state governments to reflect Nigeria's self-imposed moratorium and to refrain from extending the scope of the death penalty.

As organisations working for the protection of human rights, we also believe the authorities have a duty to protect the population from the threat of kidnapping. However, experience has shown that the threat of the death penalty is not an effective answer to this or other violent crime. Rather, it is a measure taken to allow politicians to appear to be taking strong action against crime. Other factors are more important in deterring crime. These include the perceived risk of detection, a deterrent effect best served by strengthening police detection and investigation capacity and judicial independence.

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 fact, in countries where the death penalty has been abolished, crime rates have often fallen.

Extending the scope of the death penalty

Extension of the scope of the death penalty is contrary to Nigeria's international human rights commitments as a member of the United Nations. As a member of the UN Human Rights Council, Nigeria is required to uphold the highest standards in the promotion and protection of human rights.

In resolution 32/61, adopted on 8 December 1977, the UN General Assembly stated: "...the main objective to be pursued in the field of capital punishment is that of progressively restricting the number of offences for which the death penalty may be imposed with a view to the desirability of abolishing this punishment..."

The UN Human Rights Committee, which oversees the implementation of the International Covenant on Civil and Political Rights by states parties has called on states to reduce the number of crimes punishable by death, restricting them to the "most serious crimes" in accordance with Article 6(2) of the International Covenant on Civil and Political Rights, with a view to abolishing the death penalty.

The UN Human Rights Committee has stated that "Extension of the scope of application of the death penalty raises questions as to the compatibility with article 6 of the International Covenant on Civil and Political Rights." Nigeria ratified the International Covenant on Civil and Political Rights (ICCPR) in 1993.

In resolution 2005/59, adopted on 20 April 2005, the UN Commission on Human Rights called upon all states that still maintain the death penalty "not to extend its application to crimes to which it does not at present apply".

The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated that: "The scope of application of the death penalty should never be extended..." The Special Rapporteur has deplored reinstatements and expansions of the scope of the death penalty and has stated that these developments "are in clear violation of the international trend towards abolishing the death penalty."

Background:

As of today, 138 countries have abolished the death penalty in law or in practice. The continent of Africa is largely free of executions, with only seven of the 53 African Union member states known to have carried out executions in 2007: Botswana, Egypt, Equatorial Guinea, Ethiopia, Libya, Somalia and Sudan.

In November 2008, the African Commission on Human and People's Rights at its 44th Ordinary Session in Abuja, Nigeria, adopted a resolution calling on state parties to the African Charter on Human and Peoples' Rights to observe a moratorium on the death penalty.

In Nigeria, two expert groups set up by former president Obasanjo – the National Study Group on Death Penalty (2004) and the Presidential Commission on Reform of the Administration of Justice (2007) – recommended a moratorium on executions.

In October 2008, an Amnesty International and Legal Defence Assistance Project (LEDAP) joint report '*Nigeria: Waiting for the hangman*' (AFR 44/020/2008) called on the Nigerian authorities to declare a moratorium on executions, in line with the recommendations of its own experts.

Signed

Access to Justice

Amnesty International

Centre for Development, Constitutionalism and Peace Advocacy (CD-COPA)

Centre for Environment Human Rights and Development (CEHRD)

Centre for Law Enforcement Education (CLEEN Foundation)

Centre for Rule of Law (CENTROLAW)

Civil Liberties Organisation (CLO)

Civil Society Legislative Advocacy Centre (CISLAC)

Committee for Defence of Human Rights (CDHR)

Constitutional Rights Project (CRP)

Global Rights and Development Initiative (GRDI)

Human Rights Law Service (HURILAWS)

Human Rights Monitor

Legal Defence and Assistance Project (LEDAP)

National Association of Democratic Lawyers (NADL)

Nigerian Bar Association Human Rights Movement (NBAHRI)

Nigerian Humanist Movement

Partnership for Justice (PJ)

Prisoners Rehabilitation and Welfare Action (PRAWA)

Socio-Economic Rights & Accountability Project (SERAP)

West African Bar Association (WABA)