

## -AMNESTY INTERNATIONAL- WHY THE DEATH PENALTY IS NO DETERRENT TO VIOLENT CRIME

### Amnesty International and the death penalty

Amnesty International opposes the death penalty, in all cases and in all countries, as a violation of fundamental human rights - the right to life and the right not to be subjected to cruel, inhuman or degrading treatment and punishment. The right to life is fundamental and absolute, and may never be suspended even during states of emergency according to Article 4(2) of the International Covenant on Civil and Political Rights (ICCPR), as ratified by Nigeria on 29 October 1993. As of October 2004, according to Amnesty International, over half the countries in the world, that is **118 countries**, have now abolished the death penalty in law or practice:

**-81** countries have abolished the death penalty for **all crimes**

**-14** countries have abolished the death penalty for **all but exceptional crimes** such as wartime crimes

**-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.

By 2002, 10 countries in Africa had *de jure* abolished the death penalty (South Africa, Angola, Cape Verde, Côte d'Ivoire, Djibouti, Guinea-Bissau, Mauritius, Mozambique, Namibia and São Tome and Príncipe). Ten others had *de facto* abolished the death penalty (Benin, Burkina Faso, the Republic of Congo, Gambia, Madagascar, Mali, Niger, the Central African Republic, Senegal and Togo). **About half of Africa's fifty countries, therefore, no longer execute condemned prisoners.**

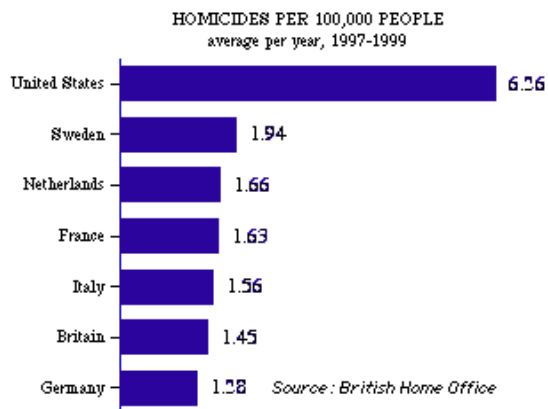
### The deterrent argument

The most recent survey of research findings on the relation between the death penalty and homicide rates, conducted for the United Nations in 1988 and updated in 2002, concluded 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**", Roger Hood, *The Death Penalty: A Worldwide Perspective*, Oxford University Press, 2002, p. 230.

Supporters of the death penalty frequently argue that it acts as a deterrent to crime, an endemic problem in many of the sub-region's countries. However, this argument does not tally with the facts and figures. In the United States, one of the four countries, along with China, Iran and Saudi Arabia, where most executions have taken place since 2000, criminology studies have not shown that the death penalty has a greater deterrent effect than other penalties. In September 2000, the United States daily newspaper, *The New York Times*, published a study that compared the crime rate in different states of the American federation and concluded that, during the last 20 years, the number of crimes committed in states that maintained the death penalty was greater than in the states that have abolished the death penalty.

This conclusion is even more striking when the overall crime rate in the United States is compared with that in European countries that abolished the death penalty years ago and where no executions have taken place for more than 35 years (see graph).

### Murders in Europe and the U.S.



In Africa, it has also been observed that the facts do not demonstrate the supposedly deterrent effect of the death penalty. Moreover, some studies have indicated that the death penalty has not prevented an increase in the number of murders. For example, in Nigeria, a law and criminology professor conducted a comparative study of the statistics on murders and executions between 1967 and 1985, and observed that "*the number of murders had regularly increased during most of this period*", even though murder was punishable by the death penalty. The professor concluded that the studies conducted in Nigeria "*had*

*clearly demonstrated that the use of the death penalty was not effective*" for murder and armed robbery. In fact, the use of the death penalty demeans all those who have a role in it and only serves to make society more cruel rather than protecting it.

Some African political and legal authorities also hold this opinion. For example, in South Africa, a country that experiences a very high number of violent crimes, in February 1995, the Constitutional Court rejected the argument that the death penalty has a deterrent effect and described it as a cruel, inhuman and degrading punishment. Likewise, in June 2001, the State Governor of Oyo in Nigeria proposed that "*Nigeria abolish the death penalty from its legislation (...) as death sentences have not reduced the number of innocent people murdered*". Finally, we should remember that, at a meeting held in November 1999, in Kigali, Rwanda, the African Commission on Human and Peoples' Rights, which is responsible for the implementation by member states of the African Charter on Human and Peoples' Rights, adopted a resolution requesting member states to consider abolishing the death penalty. This resolution reflects the view of the international community, most of which campaigns for the abolition of the death penalty.

### AI IS CALLING FOR THE NIGERIAN GOVERNMENT TO:

- Abolish the death penalty, and pending abolition, immediately impose a moratorium on executions and commute all death sentences under Nigerian criminal law and new *Sharia* penal laws.
- Ratify international human rights instruments, including the two Optional Protocols to the ICCPR, and the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women.
- Respect and promote international standards of fair trial and due process.