

Nigeria

Relevant International Instruments

<i>International Instruments</i>	<i>Signed</i>	<i>Ratified</i>
Article 4 of the African Charter of Human and People's Rights	Yes	Yes
Article 6 of the International Covenant on Civil and Political Rights (ICCPR)	Yes	Yes
First Optional Protocol to the ICCPR	No	No
Second Optional Protocol to the ICCPR	No	No
Convention Against Torture	Yes	Yes
Convention on the Rights of the Child	Yes	Yes

Legal Framework

STATUS

Retentionist

SCOPE

The death penalty is provided for under the following statutes:

- The Criminal Code Act LFN (Laws of the Federation of Nigeria) 1990 (this is almost *impari materia* with the various Criminal Code laws in the Southern part of Nigeria).
- The Penal Code Act LFN 1990 (*impari materia* with the Penal Code operational in the various States in the Northern Part of the country).
- The Robbery and Firearms Decree 1984 (still applicable).
- Sharia Penal Code (applicable in 12 Northern States).

The following offences attract capital punishment under the provisions of the Criminal and Penal Code of Nigeria: armed robbery; murder; treason; conspiracy to treason; treachery; fabricating false evidence leading to the conviction to death of an innocent person; aiding suicide of a child or lunatic; robbery and firearms Decree No 5 of 1984.

Under the various Sharia Penal Laws applicable to 12 States in Northern Nigeria, these offences carry the death penalty: zina (adultery); rape; sodomy; incest; witchcraft and juju offences.

MORATORIUM

HURILAWS is committed to the worldwide struggle for the abolition of the death penalty and has forwarded a Bill on Death Penalty Moratorium to the National Assembly.

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The Bill, submitted to the National Assembly by HURILAWS, calls for a Moratorium (a period of obligatory delay) on the execution of death penalty judgments in Nigeria, both at the Federal and State level until a National Commission on death penalty, carries out a study on its efficiency and effectiveness and reports back to relevant agencies for consideration.

The Human Right Law Service submitted to the Moratorium Bill to the National Assembly in 2002. The Bill is yet to be debated in the House. The civil society in Nigeria is pushing for the passage of the Moratorium Bill.

METHOD OF EXECUTION

Firing squad, hanging, by stoning under statutory, customary or Shariah law in Nigeria.

Statistics

NUMBER OF DEATH SENTENCES PASSED

Data not available.

NUMBER OF EXECUTIONS

Data not available.

International Standards

JUVENILE OFFENDERS

According to new penal codes (following Islamic Sharia Law) introduced in January 2000, age of adulthood is flexible i.e. age at which a person becomes responsible for his or her acts, often taken at the age of puberty. Children under 18 are therefore possible to be subject to death penalty.

PREGNANT WOMEN

No specific provisions or procedures.

CLEMENCY/PARDON

The Chief Executive (President or Governor) has the power to grant pardon.