

To Stay or to Go: The Death Penalty Phenomenon and the Dilemma of the Nigerian Government

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Abstract : The death penalty, to be or not to be, is a topical and hugely divisive issue in several countries. The United Nations recommends its universal abolition. Europe has abolished it, while some countries limit the practice to heinous crimes. Nigeria is one of the countries that have retained the death penalty. In 2004, the federal government placed a moratorium on execution, which was breached in 2006, 2013 and 2016. Nigeria currently has about three thousand inmates on death row because governors are reluctant to sign execution warrants. Human rights groups have consistently called for its abolition in Nigeria, but this has been rebuffed by the government. Nigeria currently finds itself in a dilemma between the global campaign to end the practice and the local support for its retention. This paper, employing a doctrinal approach, examines the concept of capital punishment in Nigeria from the first execution in 1971 to date. It has also examined the debate to abolish or retain it against the backdrop of Nigeria's present social, economic and multicultural circumstances. It finds that the death penalty is a human right issue and Nigeria should join the majority of states that have dispensed with the practice. While the government contemplates which way to go, amid the impasse, the paper recommends, in the interim, an official, legally backed a moratorium on execution; commuting of death sentences to life imprisonment, and eventually expunging it from the constitution in the ongoing constitutional review.

Keywords : death penalty, capital punishment, human rights, deterrence, right to life

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