



# Procedure file

| Basic information                                      |                                |                     |
|--|--------------------------------|---------------------|
| RSP - Resolutions on topical subjects                  | <a href="#">2008/2676(RSP)</a> | Procedure completed |
| Resolution on the death penalty in Nigeria             |                                |                     |
| Subject<br>6.10.09 Human rights situation in the world |                                |                     |
| Geographical area<br>Nigeria                           |                                |                     |

| Key players         |  |
|---------------------|--|
| European Parliament |  |

| Key events |                                |   |         |
|------------|--------------------------------|---|---------|
| 20/11/2008 | Results of vote in Parliament  |  |         |
| 20/11/2008 | Debate in Parliament           |  | Summary |
| 20/11/2008 | Decision by Parliament         | <a href="#">T6-0570/2008</a>  | Summary |
| 20/11/2008 | End of procedure in Parliament |   |         |

| Technical information      |                                       |
|----------------------------|---------------------------------------|
| Procedure reference        | 2008/2676(RSP)                        |
| Procedure type             | RSP - Resolutions on topical subjects |
| Procedure subtype          | Urgent debate or resolution           |
| Legal basis                | Rules of Procedure EP 144             |
| Stage reached in procedure | Procedure completed                   |

| Documentation gateway       |  |                                 |            |    |  |
|-----------------------------|--|---------------------------------|------------|----|--|
| Motion for a resolution     |  | <a href="#">B6-0602/2008</a>    | 18/11/2008 | EP |  |
| Motion for a resolution     |  | <a href="#">B6-0603/2008</a>    | 18/11/2008 | EP |  |
| Motion for a resolution     |  | <a href="#">B6-0604/2008</a>    | 18/11/2008 | EP |  |
| Motion for a resolution     |  | <a href="#">B6-0605/2008</a>    | 18/11/2008 | EP |  |
| Motion for a resolution     |  | <a href="#">B6-0606/2008</a>    | 18/11/2008 | EP |  |
| Motion for a resolution     |  | <a href="#">B6-0607/2008</a>    | 18/11/2008 | EP |  |
| Joint motion for resolution |  | <a href="#">RC-B6-0602/2008</a> | 18/11/2008 |    |  |

## Resolution on the death penalty in Nigeria

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The House held a debate, pursuant to Rule 115 of the Rules of Procedure (debates on cases of breaches of human rights, democracy and the rule of law), on the death penalty in Nigeria.

The debate was followed by a vote on a motion for a resolution.

## Resolution on the death penalty in Nigeria

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Following the debate which took place during the sitting of 20 November 2008, the European Parliament adopted by 52 votes to 0, with 0 abstentions, a resolution tabled by the following political groups: EPP-ED, PES, ALDE, UEN, Greens/ALE, GUE/NGL on the death penalty in Nigeria. It pointed out that more than 720 men and 11 women are under sentence of death in Nigeria's prisons, and called on the Federal Government of Nigeria and the state governments to abolish the death penalty. It called on the Nigerian government 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.

Parliament also recalled that, 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. Islamic Sharia courts have jurisdiction over criminal cases in 12 of Nigeria's 36 states. These courts continue to hand down death sentences as well as sentences of flogging and amputation. Nigeria's criminal justice system is riddled with corruption and negligence and suffers from a significant lack of resources. 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.

Parliament called on the Federal Government of Nigeria and, where appropriate, the state governments, to do the following:

- develop a comprehensive approach to crime and explain how the crime situation will be addressed;
- 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;
- 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;
- 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;
- remove all provisions for mandatory death sentences;
- 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.

Members call on the Council, the Commission and 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. Many prisoners awaiting trial and on death row are being subjected to extortion by police officers, who ask them for money to release them.

Lastly, they call 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.