



**Nigeria's Compliance with the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment:
Death Penalty and Detention Conditions**

Submitted by The Advocates for Human Rights

a non-governmental organization in special consultative status with ECOSOC since 1996

The World Coalition Against the Death Penalty

Human Rights Law Service (HURILAWS) (Nigeria)

The Legal Defence and Assistance Project (LEDAP) (Nigeria)

and

Avocats Sans Frontières France

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The Advocates for Human Rights (The Advocates) is a volunteer-based nongovernmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. Established in 1983, The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publications. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on 13 May 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

Human Rights Law Service (HURILAWS) is an independent, non-profit service in Nigeria, dedicated to providing public interest and human rights law services to advance the legal protection of human rights. HURILAWS assists victims, lawyers, judges, and NGOs in the preparation of cases before the courts; conducts workshops and seminars on reforming the administration of justice; publishes 'The HURILAWS NEWSLETTER' to ensure that developments in human rights law and practice are widely disseminated; utilizes regional and international human rights treaty mechanisms to establish judicial norms.

The Legal Defence and Assistance Project (LEDAP) is a non-governmental organization of lawyers and law professionals, engaged in the promotion and protection of human rights, the rule

of law and good governance in Nigeria. It has observer status with the African Commission on Human and Peoples' Rights and working partnership with many national and international non-governmental organizations concerned with human rights and rule of law. LEDAP has a pool of over 250 private lawyers across the country that provides free legal representation to indigent victims of human rights violations including death row inmates and those facing trials for capital offences. LEDAP is at the fore-front of campaigning for the abolition of death penalty in Nigeria and continually in legal battles with the Federal and State Government in its quest to ensure that the death penalty is abolished in Nigeria. LEDAP is the convener of the Nigeria Anti-Death Penalty group, a coalition of civil society organizations, lawyers and Journalists working towards the abolition of the use of death penalty in Nigeria.

Avocats Sans Frontieres France (ASF France) is an international solidarity organization founded in 1998 which contributes to the respect of fundamental rights throughout the world, anywhere it is useful and necessary. ASF France mission is to:

- promote access to Justice for vulnerable persons, those arbitrarily detained or tortured.
- defend anyone deprived of a free and independent defense and human rights defenders threatened or abused in the exercise of their functions and,
- Strengthen the capacity of local (Judicial and CSO) actors in the defense and promotion of human rights.

ASF France has been implementing anti-torture projects in Nigeria since 2009 on its ProCAT project aimed at promoting principles of the UNCAT and enhancing access to justice for torture victims through its network of pro bono lawyers. In 2019, ASF France launched its SAFE project where it provides trainings for security agencies on international human rights standards relating to torture, extra judicial killings and arbitrary detention and also provides pro bono legal assistance to victims of torture.

EXECUTIVE SUMMARY

1. Since ratifying the Convention Against Torture, Nigeria has increased the use of the death penalty and allows it for crimes that do not involve an intentional killing. Nigerian law does not limit the death penalty to the most serious crimes, and in some cases, the death penalty is mandatory. Nigerian law allows for the execution of juvenile offenders as young as 13 years of age. The death penalty in Nigeria disproportionately affects Nigerians of a lower socio-economic background and unfairly applies to victims of domestic violence who have killed their abusers.
2. The Nigerian Government has disregarded concerns expressed by the National Study Group on the Death Penalty that defendants in capital trials are not afforded fair trial guarantees and has not reformed the judiciary to ensure that those rights are guaranteed for individuals facing a possible sentence of death. Due process violations have further worsened in the wake of COVID-19.
3. Nigeria's federal government has continued to support the death penalty and in July 2021, Nigeria's Interior Minister encouraged state governors to sign the death warrants for over 3,000 people.

I. The Nigerian government has expanded use of the death penalty.

4. Nigeria has retained the death penalty for over 50 years. In 1996, the Human Rights Committee expressed concern "that the number of death sentences passed and actually carried out [in Nigeria] is very high," and recommended that the Nigerian Government "consider the abolition of the death penalty."¹
5. In response to criticism from civil society and changes in international obligations, in 2003 the Nigerian Government empaneled a National Study Group on the Death Penalty in Nigeria. The Study Group was mandated to provide the federal government with an advisory opinion on the death penalty in Nigeria. In its 2004 report, the Study Group recommended "an official moratorium on all executions until the Nigerian Criminal Justice System can ensure fundamental fairness in capital cases and minimize the risk that innocent people will be executed."
6. The Nigerian Government has taken no action on the Study Group's 2004 recommendation to enact an official moratorium on the death penalty. Rather, since 2004, the federal government and state authorities have continued to expand the number of crimes that are eligible for the death sentence, and courts throughout the country continue to hand down death sentences.
7. According to Amnesty International, in 2020 Nigerian authorities sentenced at least 58 persons to death, up from at least 54 in 2019.² Nigeria has at least 2,700 people on death row.³ Nigeria had the highest number of people on death row in sub-Saharan Africa in 2020, accounting for approximately 47% of the total number of people known to be on death row in the region.⁴

¹ UN Human Rights Committee, *Consideration of reports submitted by states parties under article 40 of the Covenant, Concluding Observations of the Human Rights Committee: Nigeria*, July 24, 1996, U.N. Doc. CCPR/C/79/Add.65, ¶¶ 16, 31.

² *Death Sentences and Executions 2020*, Amnesty International (2021), at 48, <https://www.amnesty.org/en/documents/act50/3760/2021/en/>.

³ *Death Sentences and Executions 2020*, Amnesty International (2021), at 13, <https://www.amnesty.org/en/documents/act50/3760/2021/en/>.

⁴ *Id.*

According to unofficial reports from civil society organizations, Nigeria conducted executions as recently as 2016, when it executed three people in secret in Benin City. The three people executed reportedly had appeals outstanding and, therefore, may have been executed in violation of Nigerian and international law.⁵

8. During the third Universal Periodic Review cycle in 2018, Nigeria reported that “efforts were ongoing between the federal Government and the state governments to formalize a moratorium on the death penalty.”⁶
9. In 2019, Nigeria enacted the Nigerian Correctional Service Act (the Act). Section 12(2)(c) of the Act provides that persons who have spent over 10 years on death row without execution may have their death sentence commuted to life imprisonment.⁷
10. Despite these signs of progress, on July 24, 2021, Nigeria’s Interior Minister Ogbeni Rauf Aregbesola, “urged state governors to sign death warrants for 3,008 convicts to decongest correctional facilities nationwide.” Human rights organizations denounced this pronouncement.⁸

II. Nigerian law does not limit the death penalty to the most serious crimes, and in some cases, the death penalty is mandatory.

11. Twelve Nigerian states apply Sharia law. *Hudud* offenses, which Sharia law deems “the most serious crimes,” do not meet the “most serious crimes” standard established in Article 6(2) of the International Covenant on Civil and Political Rights. *Hudud* offenses include the crimes of *zina* (adultery), apostasy, and waging war against God (e.g., mass murder, rape and murder, war crimes, and other forms of deliberate extreme violence that results in death), theft, drinking alcohol, and slander or defamation.⁹ Sharia law also authorizes the death penalty for sexual relations between persons of the same sex, incest, and the practice of some religions deemed to be witchcraft or “juju.”¹⁰
12. Federal law authorizes the death penalty for the following crimes: armed robbery, murder, treason, conspiracy to commit treason, terrorism, kidnapping, instigating the invasion of Nigeria, misconduct in action (military offense), mutiny and dereliction of duty (military offenses), fabricating false evidence leading to the conviction of an innocent person, and aiding in the suicide of a child or “lunatic.”
13. In states applying Sharia law, some offenses may carry a mandatory death penalty, such as rape, incest, the practice of some indigenous religions that may be considered juju or

⁵ Cornell Center on the Death Penalty Worldwide, *Death Penalty Database: Nigeria*, last updated May 23, 2019, <https://deathpenaltyworldwide.org/database/#/results/country?id=53>; Chino Obiagwu, *LEDAP condemns the killing of three death row prisoners in Nigeria*, <https://worldcoalition.org/2016/12/28/ledap-condemns-the-killing-of-three-death-row-prisoners-in-nigeria/>.

⁶ U.N. Human Rights Council, *Report of the Working Group on the Universal Periodic Review: Nigeria*, para. 20, A/HRC/40/7, December 26, 2018.

⁷ Nigerian Correctional Service Act S. 1, <https://placng.org/i/wp-content/uploads/2019/12/Nigerian-Correctional-Service-Act-2019.pdf>.

⁸ Bertram Nwannekanma, *Group disagrees with Aregbesola on prison congestion*, The Guardian, July 27, 2021, <https://guardian.ng/news/group-disagrees-with-aregbesola-on-prison-congestion/>.

⁹ Penal Reform International, *Sharia Law and the Death Penalty: Would Abolition of the Death Penalty Be Unfaithful to the Message of Islam?*, p.15.

¹⁰ Cornell Center on the Death Penalty Worldwide, *Death Penalty Database: Nigeria*, last updated April 25, 2018, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Nigeria>.

witchcraft, intentional killing during robbery, robbery resulting in death, and same-sex sexual conduct.¹¹

14. Most of the people on Nigeria's death row were sentenced to death for non-fatal armed robberies, not murder.¹²
15. Under secular law, the death penalty is mandatory for both simple and aggravated murder, armed robbery or robbery resulting in harm to a victim, armed robbery involving the use of violence (in the Federal Capital Territory), high treason, treachery, conspiring to wage war against Nigeria, and presiding over a trial by ordeal that results in death.¹³ In some southern states, some offenses resulting in death, regardless of intent, are deemed murder and carry a mandatory death penalty. Support or solicitation for terrorist acts that result in death also carries the mandatory death penalty.¹⁴
16. Mandatory death sentences strip courts of the flexibility to provide individualized sentences based on the offender and the nature of the act, and are therefore arbitrary.¹⁵
17. In 2012, the High Court of Lagos State declared the mandatory death penalty unconstitutional, but that decision is enforceable only in that jurisdiction.¹⁶ The court further reasoned that execution by hanging or firing squad is unconstitutional as it violates a person's rights to dignity of the human person and to be free from torture and inhumane or degrading treatment under Section 34(1)(a) of the Constitution.¹⁷
18. For secular offenses, the method of execution is hanging or, for a limited number of offenses under the Federal Robbery and Firearms Act, shooting.¹⁸ The Administration of Criminal Justice Act of 2015 also authorizes execution by lethal injection.¹⁹ Under Sharia law and the Federal Capital Territory legislation, the method of execution depends on the jurisdiction and the nature of the offense, but it may be by caning, amputation, shooting, stoning, or crucifixion (*salb*).²⁰
19. According to one Nigerian lawyer, the Ikeja High Court in 2012 ruled that execution by hanging or firing squad violates the fundamental right to freedom from torture under the Nigerian Constitution.²¹
20. In August 2020, a Kano State Sharia court convicted 22-year-old singer Yahaya Sharif-Aminu of blasphemy and sentenced him to death. In March of that year, Sharif-Aminu circulated via

¹¹ Ibid.

¹² Chino Edmund Obiagwu, SAN, *Rethinking Nigeria's Policy on Death Penalty*, August 3, 2021, <http://saharareporters.com/2021/08/03/rethinking-nigeria%E2%80%99s-policy-death-penalty-chino-edmund-obiagwu-san>.

¹³ Ibid.

¹⁴ Ibid.

¹⁵ Penal Reform International, *Sharia Law and the Death Penalty: Would Abolition of the Death Penalty Be Unfaithful to the Message of Islam?*, p.15.

¹⁶ Ibid.

¹⁷ Ibid; *Ajulu v. Attorney General of Lagos State*, Suit No. ID/76M/2008, High Ct. of Lagos State, June 29, 2012.

¹⁸ Ibid.

¹⁹ J.B. Nwachukwu, Death penalty in Nigeria: Constitutional but unconventional, *Business Day*, April 26, 2017, <http://www.businessdayonline.com/death-penalty-nigeria-constitutional-unconventional/>.

²⁰ 2020 Country Reports on Human Rights Practices: Nigeria, March 30, 2021, <https://www.state.gov/reports/2020-country-reports-on-human-rights-practices/nigeria/>.

²¹ Ibid.

WhatsApp a song he wrote praising an imam from Sharif's Islamic sect. The court found this song to be blasphemous, finding that Sharif exalted the imam above the Prophet Muhammad.²²

21. In Lagos State in 2003, a court convicted and sentenced to death a male for his involvement in a 1995 offense, when he had been 16 years old, in which he witnessed his friends stab and kill a man who had been crossing the field where he and his friends were playing football. The boy did not participate in the fight and surrendered to the police, yet the Nigerian court sentenced him to death. He appealed the conviction and was "discharged and acquitted" in 2012.²³
22. In Edo State in 2006, a male was convicted of armed robbery and sentenced to death after he, at the age of 18, took sand from the ground, poured it on his employer's face, and forcefully collected his outstanding salary from his employer. The court found that "sand" constituted an "obnoxious substance" and was considered a weapon under the Robbery and Firearm Tribunals Act. He appealed the conviction and was acquitted after spending 13 years in prison, eight of which were on death row.²⁴
23. According to news reports, two teenage boys, Sopurichi Obed and Edet Otobong, in Lagos were allegedly drinking and smoking when they "confessed" to carrying out a series of robberies in the area. Both boys were convicted and sentenced to death. A higher court later set aside the sentences.²⁵
24. Nigerian government officials have stated that they would like to broaden the scope of death-eligible offenses in Nigeria. In September 2021, Nigeria's deputy minister in charge of mining development said that gold smugglers deserve the death penalty.²⁶ In June 2021, the Nigerian Minister of Transportation stated that railroad track vandalism is a capital offense and should be punishable by death.²⁷
25. In 2019, a Nigerian senator proposed the "National Commission for the Prohibition of Hate Speeches Bill, 2019 (SB. 154)" that would make certain instances of hate speech punishable by death. The bill passed both readings in November 2019 but was met with opposition from the community. After receiving significant push-back from human rights activists, reference to the death penalty was eventually removed from the proposed bill.²⁸

III. Nigerian law allows the execution of juvenile offenders as young as 13 years of age.

²² BBC News, *Nigerian singer sentenced to death for blasphemy in Kano state*, August 10, 2020, <https://www.bbc.com/news/world-africa-53726256>.

²³ William Owodo v. The State (2012) LCN/5690 (CA); Sahara Reporters, "World Day Against the Death Penalty: Two Exonerated Juveniles Call for Total Abolition," October 10, 2014, <http://saharareporters.com/2014/10/10/world-day-against-death-penalty-two-exonerated-juveniles-call-total-abolition>.

²⁴ Ibid.

²⁵ Sahara Reporters, "World Day Against the Death Penalty: Two Exonerated Juveniles Call for Total Abolition," October 10, 2014, <http://saharareporters.com/2014/10/10/world-day-against-death-penalty-two-exonerated-juveniles-call-total-abolition>.

²⁶ Bloomberg, "Nigerian Minister Wants Death Penalty for Gold Smuggling," September 15, 2021, <https://www.bloomberg.com/news/articles/2021-09-15/nigerian-minister-wants-death-penalty-for-gold-smuggling>.

²⁷ The Guardian, "FG mulls death penalty for railway vandals," June 7, 2021, <https://guardian.ng/news/fg-mulls-death-penalty-for-railway-vandals/>.

²⁸ "Nigeria: Bills on hate speech and social media are dangerous attacks on freedom of expression," December 4, 2019, <https://www.amnesty.org/en/latest/press-release/2019/12/nigeria-bills-on-hate-speech-and-social-media-are-dangerous-attacks-on-freedom-of-expression/>.

26. Nigeria's federal Child Act (also called the Children's Rights Act) prohibits sentencing any person under the age of 18 to death. That act is enforceable only in the Federal Capital Territory of Abuja and in states that have explicitly enacted the Child Act. As of May 2018, 26 states (out of 36) had passed the Child Act. In the remaining states, individuals age 17 may be punished as adults and therefore may be subject to the death penalty.²⁹
27. Moreover, under Sharia law, persons who committed offenses when under the age of 18 but after reaching puberty may be sentenced to death. Although Shariah law does not define the age of puberty, the leader of the Islamic Movement in Nigeria explained in 2014 that the age of puberty was 9 years for girls and 14 years for boys.³⁰
28. As of 2010, approximately 40 individuals in Nigeria were on death row for offenses committed when under the age of 18. The Cornell Center on the Death Penalty Worldwide has been unable to confirm whether there are currently any juvenile offenders on death row.³¹
29. In 2014, the ECOWAS Court of Justice issued a judgment holding that the death sentence of Maimuna Abdulmumini, convicted of murdering her husband when she was 13 years old, violated international human rights standards. Justice Minister Bello Adoke subsequently announced that the federal government would not carry out her execution.³²

IV. The imposition of the death penalty in Nigeria is rendered even more egregious in light of the various due process violations and its disproportionate and unfair application to women and people from disadvantaged socio-economic backgrounds.

A. Defendants on trial for capital offenses in Nigeria experience a variety of due process violations.

30. Defendants who are charged with capital offenses may experience a variety of due process violations, rendering the imposition of the death penalty arbitrary.
31. As referenced in paragraph 20 above, in August 2020, a Nigerian court in Kano province sentenced Yahaya Sharfi-Aminu, a 22-year-old Nigerian, to death for sharing via WhatsApp a song that he wrote and performed.³³ The imposition of the death penalty in Sharfi-Aminu's case is especially concerning in light of the various due process violations during his trial.³⁴ Not only was he prohibited from communicating with anyone while in custody, but he also did not have access to a lawyer during his trial, which was closed to the public.³⁵
32. The COVID-19 pandemic has also in certain instances contributed to due process violations during criminal trials. In May 2020, Olalekan Hameed was sentenced to death by hanging during a three-hour hearing on Zoom.³⁶ Hameed's trial took place on March 6, 2019, so the

²⁹ Ibid.

³⁰ Ibid.

³¹ Cornell Center on the Death Penalty Worldwide, Death Penalty Database: Nigeria, last updated April 25, 2018, <https://www.deathpenaltyworldwide.org/country-search-post.cfm?country=Nigeria>.

³² Ibid.

³³ Rights experts denounce death sentence against Nigerian singer who posted on WhatsApp, United Nations, September 28, 2020, <https://news.un.org/en/story/2020/09/1074022>.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Coronavirus: Nigeria's death penalty by Zoom 'inhuman,' BBC News, May 6, 2020, <https://www.bbc.com/news/world-africa-52560918>.

last-minute scheduling of his sentencing via Zoom, rather than a postponement of the proceedings due to the pandemic, violated his right to due process.³⁷

33. In 2011, Nigeria passed the Legal Aid Act, which specifies that courts “may” provide legal aid in criminal proceedings at the trial level and on appeal.³⁸ The Legal Aid Act thus falls short of the international law principle that capital defendants “must” be represented by a lawyer.
34. Moreover, the list of charges that are eligible for legal aid under the Legal Aid Act does not include armed robbery, which carries a mandatory death penalty.³⁹ The Legal Aid Act also provides for only one salaried lawyer per state, resulting in what is described by one expert as “the complete underfunding of the legal aid system.”⁴⁰
35. The Nigerian Government sometimes appoints inexperienced lawyers to defend persons charged with capital offenses.⁴¹ This practice is inconsistent with Nigeria’s obligation to appoint not just any lawyer, but an effective lawyer.⁴²
36. As of 2019, the Cornell Center on the Death Penalty Worldwide found that “the Legal Aid Council and the Office of Public Defender rarely give counsel to indigent defendants at the appellate level.”⁴³ This gap has resulted in indigent defendants rarely being able to appeal their death sentences, in violation of Act Cap 10 Laws of the Federation of Nigeria.⁴⁴
37. Nigeria’s Constitution further guarantees in Article 36(6)(b) that every defendant be “given adequate time and facilities for the preparation of his defen[s]e.”⁴⁵ In some instances, however, lawyers are prohibited from speaking on behalf of their clients during capital trials, and some lawyers may only be allowed to view the charge sheet prior to trial, thus rendering the lawyers unprepared to defend their clients.⁴⁶
38. A person on death row was tried and sentenced to death twice for the same offense – once on July 16, 1998, and once on July 16, 1999.⁴⁷ As of January 2018, he remained on death row while maintaining his innocence.⁴⁸

³⁷ Kechi Nomu, Death decreed over Zoom, Rest of World, September 14, 2020, <https://restofworld.org/2020/death-decreed-over-zoom/>.

³⁸ Legal Aid Act, Second Schedule, pt. A, Laws of the Federation of Nigeria, 2011,

³⁹ *Id.*

⁴⁰ Legal Aid Act, pt. 2, ch. 8, Laws of the Federation of Nigeria, 2011; Cornell Center on the Death Penalty Worldwide, *Justice Denied: A Global Study of Wrongful Death Row Convictions*, published in January 2018, https://files.deathpenaltyinfo.org/legacy/files/pdf/innocence_clinic_report_2018_R4_final.pdf.

⁴¹ Cornell Center on the Death Penalty Worldwide, *Nigeria’s Debate on Death Penalty: Sign Execution Warrants or Impose a Moratorium?*, June 21, 2019, <https://deathpenaltyworldwide.org/nigerias-debate-on-capital-punishment-sign-execution-warrants-or-impose-a-moratorium/>.

⁴² Amnesty International, *Waiting for the Hangman*, <https://www.amnesty.org/en/wp-content/uploads/2021/06/afr440202008en.pdf>.

⁴³ Cornell Center on the Death Penalty Worldwide, *Death Penalty Database: Nigeria*, last updated May 23, 2019, <https://deathpenaltyworldwide.org/database/#/results/country?id=53>.

⁴⁴ Amnesty International, *Waiting for the Hangman*, <https://www.amnesty.org/en/wp-content/uploads/2021/06/afr440202008en.pdf>.

⁴⁵ Amnesty International, *Waiting for the Hangman*, <https://www.amnesty.org/en/wp-content/uploads/2021/06/afr440202008en.pdf>.

⁴⁶ *Ibid.*

⁴⁷ *Ibid.*

⁴⁸ *Ibid.*

39. People sentenced to death face other violations of the right to a fair trial, including arbitrary arrest, being held incommunicado, failure to be informed of their rights, and detention for years without trial.⁴⁹
40. In one instance, a court sentenced five minors to death after they were rounded up for being bystanders in the area where a murder victim's body was found.⁵⁰ The police failed to conduct any investigation before arresting the minors.⁵¹ Police extracted confessions through beatings and threats that they would be shot.⁵² All five people spent 17 years on death row before a court overturned their convictions on appeal.⁵³

B. The death penalty has a disproportionate impact on Nigerians of lower socio-economic status and is unfairly applied to women.

41. The death penalty has a disproportionate impact on Nigerians of lower socio-economic status. Over 70% of Nigerian defendants are indigent.
42. The lack of qualified public defenders has resulted in inadequate representation for many Nigerian defendants who lack the financial resources to obtain a private attorney, even for defendants charged with capital crimes.⁵⁴
43. Even if a defendant can afford a private attorney, many private attorneys opt not to represent clients on trial for homicide (a capital offense), in light of the high legal fees that defendants may be unable to afford.⁵⁵ Thus, many defendants on trial for homicide may receive little or no representation.⁵⁶
44. Further, because corruption is widespread throughout the police system, bribery is prevalent among arrestees. Nigerians who cannot afford to pay a bribe to the police remain detained, are denied bail, and sometimes tortured to obtain a confession.⁵⁷
45. As discussed above, indigent defendants are rarely provided counsel at the appellate level. Because the costs of appealing a conviction are prohibitive, and because defendants are not allowed to represent themselves *pro se* on appeal, Nigerians on death row who are of a lower socio-economic status are effectively unable to appeal their sentences.⁵⁸
46. By the end of 2017, an estimated 32 women were on death row in Nigeria.⁵⁹

⁴⁹ Cornell Center on the Death Penalty Worldwide, *Nigeria's Debate on Death Penalty: Sign Execution Warrants or Impose a Moratorium?*, June 21, 2019, <https://deathpenaltyworldwide.org/nigerias-debate-on-capital-punishment-sign-execution-warrants-or-impose-a-moratorium/>.

⁵⁰ Cornell Center on the Death Penalty Worldwide, *Justice Denied: A Global Study of Wrongful Death Row Convictions*, January 2018, https://files.deathpenaltyinfo.org/legacy/files/pdf/innocence_clinic_report_2018_R4_final.pdf.

⁵¹ *Ibid.*

⁵² *Ibid.*

⁵³ *Ibid.*

⁵⁴ Cornell Center on the Death Penalty Worldwide, *Justice Denied: A Global Study of Wrongful Death Row Convictions*, published in January 2018, https://files.deathpenaltyinfo.org/legacy/files/pdf/innocence_clinic_report_2018_R4_final.pdf.

⁵⁵ *Ibid.*

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Cornell Center on the Death Penalty Worldwide, *Death Penalty Database: Nigeria*, last updated May 23, 2019, <https://deathpenaltyworldwide.org/database/#/results/country?id=53>.

⁵⁹ University of Oxford, *Compounded Violence: Domestic Abuse and the Mandatory Death Penalty in Ghana and Sierra Leone*, (2019), 46, available online https://www.deathpenaltyproject.org/wp-content/uploads/2019/08/Anjali-Peters_DPP-Research-Report-.pdf.

47. Instances in which women have been sentenced to death in Nigeria for killing an abuser often receive little to no media attention,⁶⁰ but human rights organizations have reported on several such women who have received death sentences.⁶¹ Some of these women had been forcibly married as child brides.⁶²
48. As discussed in paragraph 29 above, Maimuna Abdulmumini was forcibly married at the age of 13, and her husband died due to an alleged arson attack while he was sleeping.⁶³ A court sentenced Abdulmumini to death in 2012 after she had been held in custody for six years.⁶⁴ She was eventually released from prison in 2016.⁶⁵
49. In 2014, a Nigerian court put 14-year-old Wasilat Tasi'u on trial for the murder of her 35-year-old husband, whom her parents had forced her to marry.⁶⁶ Prosecutors sought the death penalty.⁶⁷ She was eventually released after ten months in custody.⁶⁸

VI. Suggested Recommendations for the Government of Nigeria

50. The authors of this report suggest that the Committee recommend that Nigeria take the following measures:
 - Replace the death penalty with a sentence that is fair, proportionate, and respects international human rights standards, and commute all existing death sentences.
 - Impose an official, de jure moratorium on the death penalty, effective immediately, going forward and for persons currently on death row, and uphold its commitments in the 2018 Universal Periodic Review to work with state governors to impose a moratorium on the death penalty, effective immediately.
 - Eliminate mandatory death sentences and ensure that each defendant is provided with an individualized sentence that is fair and proportionate to the offense.
 - Reduce the number of offenses eligible for the death penalty and ensure that the death penalty is an available penalty only for the “most serious crimes,” as recognized under international human rights standards.
 - Prohibit judges from sentencing persons to death for crimes committed as juveniles and commute all death sentences handed to juveniles to a sentence that is fair, proportionate, and respects international human rights standards.

⁶⁰ Sabrina Mahtani, *The Invisibles: Women on death row in Africa*, October 10, 2018, <https://www.africaportal.org/features/invisibles-women-death-row-africa/>.

⁶¹ Cornell Center on the Death Penalty Worldwide, *Judged for More Than Her Crime*, published in September 2018, <http://fileserv.idpc.net/library/judged-for-more-than-her-crime.pdf>.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

⁶⁶ Death Penalty Sought for Child Bride in Nigeria, Haaretz (via The Associated Press), November 28, 2004, <https://www.haaretz.com/death-penalty-sought-for-child-bride-in-nigeria-1.5337009>.

⁶⁷ *Ibid.*

⁶⁸ Joe Sandler Clarke, Child bride freed by Nigerian authorities looks to new beginnings, June 11, 2015, <https://www.theguardian.com/global-development-professionals-network/2015/jun/11/child-bride-threatened-with-death-freed-nigeria>.

- Guarantee that all persons at risk of being sentenced to death have access to qualified legal counsel, including at the appellate level, and increase funding to the Legal Aid Counsel and the Office of the Public Defender.
- Modify the Legal Aid Act to provide for legal aid for all persons charged with a crime that is eligible for the death penalty.
- Expand Nigeria's public defender network to ensure that all defendants, especially those charged with capital offenses, are represented by an experienced attorney. Incentivize membership in the public defender network through increased salaries, and establish a vetting system to ensure that all public defenders assigned to capital cases have experience with such cases.
- Explicitly enact and enforce due process protections.
- Implement mandatory education requirements and evidentiary rules for judges, particularly prohibiting the consideration of any evidence extracted through forced confessions or torture.
- Require all sentencing judges to consider the gender-dimension when sentencing victims of gender-based violence, including forced and child marriage, and collaborate with civil society organizations to provide all judges with gender-sensitization training, including on the dynamics of gender-based violence and coercive control.