

CAPITAL PUNISHMENT IN NIGERIA: A CRITICAL NEED FOR REFORM

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ABSTRACT

The death penalty has long been a topic of heated debate, with many arguments put forth in its support. The Middle East and Africa are noted as some of the regions where the death penalty is still prevalent; most African nations continue to uphold it despite the increasing global push for abolition and adherence to international human rights standards. This paper seeks to significantly enhance and improve Nigeria's criminal justice administration and contribute to the reduction, if not elimination, of crime. The paper employs library research methods, using both primary and secondary legal sources, and utilises internet resources to provide contemporary insights and analyses.

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1.0 INTRODUCTION

Capital punishment, commonly known as the death penalty or execution, is a form of punishment where an individual is put to death by the state as a consequence of committing a serious crime. The term "capital" comes from the Latin word "capitalis" or "caput," which means "regarding the head."¹ Historically, this term referred to execution by beheading, a method used by the Romans. The word "caput" was also used to describe the head, the life, or the civil rights of a person. Thus, capital punishment signifies the most severe form of penalty, often referred to as the "chief" or "principal" penalty.² It entails the execution of a criminal following a legal sentence handed down by a competent public authority, ensuring that the legal process has been properly followed. Essentially, it means that the state legally imposes the death penalty on someone who has been convicted of a particularly grievous crime.³

Capital punishment has been a common practice throughout history. Societies used it not only to punish criminals but also to deal with political and religious dissenters. Historically, the death sentence was frequently coupled with torture, and executions were public spectacles designed to serve as a deterrent. Today, the death penalty is still the harshest form of punishment implemented globally. In the United States, there was a period when the death penalty was abolished, based on the argument that it was a "cruel and unusual punishment."⁴ However, this decision was later overturned with

¹ Fathima Marikkar, "Crime and Capital Punishment in Japan: How Does the Japanese Society Respond?" (2009) 37, *Kanagawa University International Management Review*, 95-104, 95.

² Onyekaci Duru, "The Constitutionality of Death Penalty under Nigerian Law" (2012) *SSRN*, p.3.

³ Mirjan Damaska, "Structures of Authority and Comparative Criminal Procedure" (1974) 84, *Yale Law Journal*, 480.

⁴ Hannah Freedman, "The Modern Federal Death Penalty: A Cruel and Unusual Punishment" (2021) , 107 *Cornell Law Review*, 1689.

the introduction of new, presumably more humane methods of execution. The status of capital punishment varies widely across the globe. 36 countries continue to actively enforce it. In contrast, 103 countries have abolished it entirely for all crimes. Six countries have abolished it for ordinary crimes but still retain it for exceptional cases, while 50 countries have abolished it in practice, even though it remains legal on the books.⁵ A significant aspect of the global stance on the death penalty is the prohibition of the execution of individuals who were under the age of 18 at the time of their crimes.⁶ Since 2009, only a few countries, namely Iran, Saudi Arabia, Sudan, and Pakistan, have carried out such executions, which are prohibited under international law.⁷

In the European Union, the use of capital punishment is explicitly forbidden by Article 2 of the Charter of Fundamental Rights. The Council of Europe, which includes 47 member states, also prohibits its use among its members.⁸ The United Nations General Assembly has repeatedly called for a global moratorium on executions, adopting non-binding resolutions in 2007, 2008, 2010, 2012, and 2014 with the aim of eventual abolition. Despite the significant number of nations that have abolished capital punishment, the majority of the world's population still lives in countries where

⁵ Roger Hood & Carolyn Hoyle, "Abolishing the Death Penalty Worldwide: The Impact of a 'New Dynamic'" (2009) 38, no. 1, *Crime and Justice*, 1-63.

⁶ Robyn Linde, *The Globalisation of Childhood: The International Diffusion of Norms and Law Against the Child Death Penalty*, (Oxford University Press: 2016).

⁷ Haged Alotaibi, "The Challenges of Execution of Islamic Criminal Law in Developing Muslim Countries: An Analysis Based on Islamic Principles and Existing Legal System" (2021) 7 no.1, *Cogent Social Sciences*.

⁸ Sikiru Adewale, "Capital Punishment In Nigerian Criminal Justice Administration" (August 2019), available at https://www.researchgate.net/publication/335514710_17_CAPITAL_PUNISHMENT_IN_NIGERIAN_CRIMINAL_JUSTICE_ADMINISTRATION (accessed 23 May 2024).

executions are carried out. This includes some of the most populous countries like China, India, the United States, and Indonesia.⁹

2.0 CHARACTERISTICS OF CAPITAL PUNISHMENT IN NIGERIA

In Nigeria, the legal system categorises criminal offences into three main groups based on their severity: simple offences, misdemeanours, and felonies.¹⁰ Simple offences are minor infractions that typically result in less severe punishments, such as fines or short-term imprisonment.¹¹ Misdemeanours are more serious than simple offences but less severe than felonies, often carrying moderate penalties like longer-term imprisonment or higher fines. Felonies are the most serious offences, involving severe punishments including long-term imprisonment and, in some cases, the death penalty.¹²

Among felonies, certain crimes are classified as capital offences. They are considered so severe that they warrant the death penalty upon conviction. In Nigeria, several crimes fall under this category, including murder, homicide, treason, and instigating an invasion.¹³ Murder involves intentionally causing the death of another person, while homicide can encompass a broader range of unlawful killings, including those not premeditated.¹⁴ Treason refers to acts that betray the country, such as attempting to

⁹ Ibid.

¹⁰ Chikanma Aleru, "Sentencing in Environmental Offences in Nigeria: An Overview" (2022) Vol. 6 no. 1, *African Journal of International Energy and Environmental Law*, p. 106-121.

¹¹ Ibid.

¹² Ibid.

¹³ Paul Osifodunrin, "Violent Crime in Lagos, 1861-2000: Nature, Responses and Impact" (2007) A Phd Thesis submitted to the University of Lagos (Nigeria) School of Postgraduate Studies.

¹⁴ James Acker & Lanier Charles, "The Dimensions of Capital Murder" in *The American Court System*, (Routledge, 2020), pp. 1-39.

overthrow the government, and instigating an invasion involves encouraging or aiding an external force to invade Nigeria.¹⁵

In recent years, Nigeria has faced a growing threat from kidnapping, prompting legislative changes to classify this crime as a capital offence in some states. The aim is to deter potential kidnapers and address the increasing frequency and severity of kidnapping incidents.¹⁶ States like Abia, Bayelsa, Akwa Ibom, Anambra, Ebonyi, Enugu, Imo, and Edo have enacted laws making kidnapping punishable by death.¹⁷ This move is seen as a significant step towards combating a crime that has severe social and economic repercussions. The introduction of the death penalty for kidnapping in these states serves multiple purposes. It acts as a strong deterrent to those considering kidnapping, enhances public safety by reducing the incidence of such crimes, and reassures citizens of the government's commitment to protecting them and maintaining law and order.¹⁸ Kidnapping not only endangers lives but also creates a climate of fear and insecurity, disrupting the peace and stability of affected regions.¹⁹ For the death penalty to be imposed, the legal process involves a thorough investigation, trial, and conviction by a competent public authority. This ensures that due process is followed, and the rights of the accused are protected throughout the judicial proceedings. The government hopes that by implementing these stringent penalties, the threat of

¹⁵ Sikiru Nurudeen, "Assessment of Nigeria's Counter-Terrorism Strategies: A Comparative Analysis of Presidents Goodluck Jonathan and Muhammadu Buhari Administrations" (2019) PhD dissertation, Kwara State University (Nigeria).

¹⁶ A. Oludare, I. Okoye & L. Tsado, "An Exploratory Study on Kidnapping as an Emerging Crime in Nigeria," in *Crime, Mental Health and the Criminal Justice System in Africa: A Psycho-Criminological Perspective*, p. 89-119.

¹⁷ Nat Ofo, "Effectiveness of Capital Punishment as Deterrence to Kidnapping in Nigeria" (2010), p. 1-36.

¹⁸ Ibid.

¹⁹ Ukoji Nwankwo & Okolie-Osemene James. "Prevalence of Lethal and Non-Lethal Crimes in Nigeria" (2016) Vol. 3 no. 1, *Journal of Advanced Research in Humanities and Social Science*, p. 10-25.

kidnapping can be significantly reduced, thereby improving the overall security situation in the affected states.²⁰

The judge's authority in sentencing is restricted to imposing capital punishment once the accused is found guilty of a capital offence. Additionally, the legality of capital punishment is firmly rooted in the Constitution of the Federal Republic of Nigeria (as amended) 1999. Specifically, section 33(1) of the Nigerian Constitution states:

Every person has a right to life, and no one shall be intentionally deprived of their life, except in execution of the sentence of a court in respect of a criminal offence for which they have been found guilty in Nigeria.

This constitutional provision implies that the death penalty is a legal form of punishment when it is executed following a court sentence for a criminal offence for which an individual has been found guilty. However, there are exceptions to the general rule of imposing capital punishment. Certain categories of offenders are exempted from the death penalty in Nigeria such as:

2.1 The Juvenile Offender

Section 368(3) of the Criminal Procedure Act²¹ mandates that if a court convicts an offender less than 17 years old of a capital crime, the death sentence cannot be pronounced or recorded. Instead, the offender is detained at the discretion of the president or state governor. This principle was affirmed in the Supreme Court case

²⁰ Nzeribe Adekunbi, "Death Penalty in Nigeria: To Be or Not to Be: The Controversy Continues" (October 2013) Vol. 3 no.3, *Arabian Journal of Business and Management Review*, p.23-53.

²¹ Cap. C.41, Laws of the Federation of Nigeria 2004; Section 272(1) of the Criminal Procedure Code, Cap 30, Laws of Northern Nigeria, 1963.

Modupe v State.²² International treaties such as the International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human Rights (ACHPR), and the African Charter on the Rights and Welfare of the Child prohibit imposing the death penalty on individuals under 18.

2.2 Pregnant Women

According to Section 368(2) of the Criminal Procedure Act²³ and Section 300(3) of the Criminal Procedure Code (applicable in Northern Nigeria), pregnant women cannot be sentenced to death. Instead, their sentences are commuted to life imprisonment if they are found to be pregnant at the time of conviction or before execution. This ensures that if a woman is sentenced to death but is later found to be pregnant; her sentence is changed to life imprisonment.

However, this exemption does not apply in some jurisdictions. For example, in Iran in 2011, a woman who was raped and became pregnant was unable to produce four witnesses to the crime, as required by Islamic law, and was subsequently executed while two months pregnant.²⁴

2.3 Insanity and Mental Illness

In the Nigerian Criminal Code, particularly section 28, individuals deemed insane - including those charged with serious crimes, are not held criminally liable because they lack the mental capacity required for guilt. Insanity is described as a condition where an accused person lacks the mental capacity to be held legally responsible. This

²² (1988) 4 NWLR (pt. 87) 130 (1988) 9 SC.1.

²³ Cap C.41, Laws of the Federation of Nigeria, 2004.

²⁴ Sikiru Adewale, *supra*, note 9.

condition is considered to render a person unfit to be at liberty due to the unpredictability of their behaviour, which could endanger themselves and others.²⁵

2.4 Women and Children

Nigeria is under-treaty obligation not to execute women with nursing children.²⁶ This refers to Nigeria's commitment under international treaties not to carry out the execution of women who are breastfeeding or have nursing children. It reflects an understanding that such an action would not only impact the woman but also her dependent child and is therefore considered a violation of human rights and humanitarian principles.

3.0 RATIONALE BEHIND IMPOSING THE DEATH PENALTY

3.1. Religious Beliefs

Some argue that the death penalty is justified by religious scriptures. It is contended that even before the establishment of governmental laws; the concept of capital punishment was endorsed by God in the Holy Quran and the Old Testament of the Bible. In Islam, Sharia law mandates capital punishment for certain crimes. For instance, the Quran states:

The punishment for those who wage war against Allah and His Messenger, and strive with might and main for mischief through the land is: execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter.²⁷

²⁵ Stephen Morse, "Mental Disorder and Criminal Law" (2011) 101, *Journal of Criminal Law & Criminology*, 885.

²⁶ Article IV(j), Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, available at <https://au.int/en/treaties/protocol-african-charter-human-and-peoples-rights-rights-women-africa> (accessed 24 May 2024).

²⁷ Qur'an Sura 5, Ayat 33.

Similarly, stoning to death for adultery is prescribed in Hadiths, particularly in Kitab Al-Hudud. A hadith states, "Allah's Messenger awarded the punishment of stoning to death to the married adulterer and adulteress and, after him, we also awarded the punishment of stoning." (Sahih Muslim, 17:4194).²⁸ According to the Catholic Encyclopedia, the death penalty is supported in the Bible. Genesis 9:6 states, "Whosoever shall shed man's blood, his blood shall be shed, for man was made to the image of God." Additionally, in Exodus 21, the death penalty is prescribed for murder, assault upon parents, cursing parents, and man stealing. Leviticus also states, "And he that killeth any man shall surely be put to death" (Leviticus 24:17) and "Breach for breach, eye for eye, tooth for tooth; as he hath caused a blemish in man, so shall it be done to him" (Leviticus 24:20).²⁹

3.2 Fair Retribution

A punishment is deemed just when it appropriately reflects the gravity of the crime committed. The principle of 'let the punishment fit the crime' is widely accepted as a fundamental tenet of criminal justice.³⁰ For crimes like murder, the penalty must acknowledge the sanctity of human life. Murder stands apart from other offences not just in degree but in nature as well. Allowing for the possibility of a capital sentence ensures that society fully acknowledges the seriousness of such crimes.

²⁸ Ziba Mir-Hosseini, "Criminalising Sexuality: Zina Laws as Violence Against Women in Muslim Contexts" (2011) *International Journal on Human Rights*, 15, 7-16; Ziba Mir-Hosseini, "Marriage on Trial: A Study of Islamic Family Law" (2001), pp. 140-223.

²⁹ Sikuru Adewale, "Capital Punishment in Nigeria Criminal Justice Administration: Need for Changes" (Research Gate, 2019).

³⁰ Barbara Hudson, *Understanding Justice 2/e: An introduction to Ideas, Perspectives and Controversies in Modern Penal Theory*, (McGraw-Hill Education: UK, 2003).

Without the option of the death penalty, the criminal justice system's penalties would reach a limit and fail to distinguish murder from lesser offences. Critics of the death penalty argue that it amounts to nothing more than vengeance. However, this perspective misunderstands the purpose of criminal sentences.³¹ Vengeance implies that private individuals take the law into their own hands to exact punishment.³² Capital sentences, on the other hand, are not carried out by private individuals but by the state through a legal criminal justice process. This process is not an act of revenge but a means of administering fair retribution.³³

3.3 Deterrence

The death penalty is seen as a deterrent that can save innocent lives by dissuading potential murderers.³⁴ It is considered the most effective deterrent for crimes like murder, being the most feared penalty. Convicted murderers often go to great lengths to avoid this sentence, indicating its deterrent effect.³⁵ While it may not deter all murderers, the severity of a capital penalty is assumed to deter some potential offenders. Research indicates that a majority of Nigerians support retaining the death penalty, viewing it as a deterrent that prevents repeat offences and is a suitable punishment for murder.³⁶

³¹ David Garland, *Peculiar Institution: America's Death Penalty in an Age of Abolition*, (Harvard University Press, 2010).

³² Steven Eisenstat, "Revenge, Justice and Law: Recognising the Victim's Desire for Vengeance as a Justification for Punishment" (2004) 50 *Wayne Law Review*, p. 1115.

³³ Ric Simmons, "Private Criminal Justice" (2007) 42 *Wake Forest Law Review*, p. 911.

³⁴ Richard Lempert, "Desert and Deterrence: An Assessment of the Moral Bases of the Case for Capital Punishment" (1981) 79, No. 6, *Michigan Law Review*, pp. 1177-1231.

³⁵ *Ibid.*

³⁶ *Ibid.*

Nigerian court decisions upholding the death penalty often emphasise its value in deterrence. For example, in *Akinyemi v State*,³⁷ the court justified the death sentence as a deterrence measure for a society with dangerous citizens. This reasoning was echoed in the decision of the Edo State Government to execute four criminals, who had committed heinous crimes.³⁸ Proponents argue that the death penalty not only reduces violent murders but also serves as a system of justice. Jeremy Bentham suggested that death is considered the greatest of all evils and thus an effective punishment. However, opponents argue that the deterrence justification is flawed, as many states with the death penalty have higher murder rates than those without.³⁹

3.4 Incapacitation

Capital punishment also effectively prevents murderers from committing further killings. This incapacitation is crucial due to the ongoing risk posed by those who have already taken a life. For instance, Bureau of Justice Statistics data shows that out of 52,000 state prison inmates serving time for murder in 1984, an estimated 810 had prior murder convictions.⁴⁰ If some of these murderers had received the death penalty for their initial crimes, innocent lives could have been spared. Life imprisonment without parole, the second most severe penalty, still leaves prison staff and inmates vulnerable. Without the death penalty, a murderer serving a life sentence effectively has the freedom to kill again, as no additional punishment can be imposed. Moreover, a prisoner

³⁷ (1999) 6 NWLR 465, 607.

³⁸ Osemwengie Ben Ogbemudia, "Edo Explains Execution of Criminals on Death Row," *The Nation (Sunday Newspaper)*, 30 June 2013, 6.

³⁹ Carol Steiker, "No, Capital Punishment is not Morally Required: Deterrence, Deontology and the Death Penalty" (2005) 58 *Stan. Law Review*, p. 751.

⁴⁰ Paul Cassell, "In Defense of the Death Penalty" (2008) *Institute for the Advancement of Criminal Justice Journal*, p. 14.

servicing a life sentence may escape, be granted parole, or receive clemency. Only a capital sentence can permanently eliminate the threat posed by the most serious murderers.

3.5 Retribution

As Okonkwo and Naish suggested,⁴¹ one rationale for punishment involves a retrospective examination of the crime and determining a suitable penalty based on the perpetrator's culpability. This approach aims to address public abhorrence toward the crime, suggesting that capital punishment serves not only as a deterrent but also as a form of retribution, emphasizing the principle of "an eye for an eye."⁴²

3.6 Constitutional Justification

Supporters of the death penalty, argue that it is constitutional and legal in Nigeria. Akintayo Iwilade⁴³ asserts that the death penalty is justified under Section 33(1) of the 1999 Constitution (as amended), which allows for derogation from the right to life under certain circumstances. Despite some arguments against its constitutionality based on claims of inhumanity, Nigerian courts have consistently upheld the legality of the death penalty.

The Court of Appeal in *Adeniji v State*⁴⁴ and the Supreme Court in *Kalu v State*⁴⁵ have all affirmed the constitutionality of the death penalty under specific constitutional

⁴¹ Okonkwo & Naish, *Criminal Law in Nigeria*, Second Edition, (Sweet & Maxwell: London, 1980), p.28.

⁴² Sikuru Adewale, *supra* note 30.

⁴³ Akintayo Iwilade, "Re: Illegality of Death Penalty," *The Punch Newspaper*, 8 July 2013.

⁴⁴ Professor Jolandile Roux, "The Impact of Death Penalty on Criminality" (2002) 11; Li-Ann Thio, "The Death Penalty as Cruel and Inhuman Punishment Before the Singapore High Court? Customary Human Rights Norms Constitutional Formalism and the Supremacy of Domestic Law in *Public Prosecution v Nguyen Tuong Van*" (2004) 4, *UN Commonwealth Law Journal*, 213.

⁴⁵ Professor Jolandile Roux, *Ibid*.

provisions. Additionally, the death penalty is likened to the principle of self-defence, where individuals may be deprived of their right to life to protect others.⁴⁶ This limited restriction on the right to life is deemed necessary to safeguard the majority of citizens from threats to their lives by others.

4.0 OPPOSITION TO THE CAPITAL PUNISHMENT/DEATH PENALTY

In 1998, Anthony Porter faced imminent execution in Illinois for a crime he did not commit.⁴⁷ Just before his scheduled execution, doubts about his mental competency led to a stay. Further investigation revealed his innocence, and another man, Alstory Simon, confessed to the murders. Porter was eventually released, but only after spending over 16 years on death row.⁴⁸ Opponents of the death penalty argue that killing in the name of justice is senseless and that it violates the fundamental right to life.⁴⁹ The movement to abolish capital punishment has roots in Enlightenment ideas and gained momentum after the adoption of the Universal Declaration of Human Rights in 1948.⁵⁰ The death penalty is seen as a violation of human rights, including the right not to be subjected to cruel or inhuman treatment. Critics argue that it not only affects the convicts but also their families, friends, and the broader community.⁵¹

Opponents of the death penalty raise several key arguments against its use. They argue that the irreversible nature of the death penalty can lead to the execution of innocent

⁴⁶ Criminal Code Act Cap C38, LFN, 2004, Section 286.

⁴⁷ George Ryan, *Until I Could be Sure: How I Stopped the Death Penalty in Illinois*, (Rowman & Littlefield Publishers: 2020).

⁴⁸ Shawn Armbrust, "Chance and the Exoneration of Anthony Porter" in *Machinery of Death*, (Routledge: 2014), pp. 157-166.

⁴⁹ Carol Steiker, *supra*, note 40.

⁵⁰ John Bessler, "The Long March Toward Abolition: From the Enlightenment to the United Nations and the Death Penalty's Slow Demise" (2018) 29 *U. Fla. JL & Pub. Pol'y*, p. 1.

⁵¹ *Ibid.*

individuals, highlighting the importance of fair trial rights and the potential for miscarriages of justice.⁵² Despite safeguards in the Nigerian system, such as qualified legal representation and careful review by the state governor, concerns about wrongful convictions persist. Critics also question the effectiveness of the death penalty as a deterrent, pointing to cases where murderers have escaped capital punishment only to commit further crimes.⁵³ They argue that the death penalty is unjust, vindictive, and retributive, contradicting principles of rehabilitation and dignity.⁵⁴ Moreover, opponents argue that the death penalty is a remnant of outdated notions of vengeance and that justice should be focused on proportional sanctions rather than exacting the same harm on offenders. Proponents of capital punishment frequently engage in debates with its opponents regarding the interpretation of specific verses in religious texts such as the Holy Quran and the Holy Bible.⁵⁵ They also discuss the broader question of whether individuals forfeit their right to life when they commit murder. Critics, on the other hand, often argue that it is illogical for the government to use killing as a means to demonstrate that killing is morally wrong.⁵⁶

Internationally, there is a trend towards the abolition of the death penalty, as seen in the Rome Statutes of the International Criminal Court and other international instruments.⁵⁷ The UN General Assembly has passed resolutions calling for a moratorium

⁵² Ernest Van den Haag & John Phillips Conrad, *The Death Penalty: A Debate*, (Springer Science & Business Media: 2013).

⁵³ Ibid.

⁵⁴ Hugo Adam Bedau, *The Case Against the Death Penalty*, (American Civil Liberties Union: 1973).

⁵⁵ Candalyn Rade, Holland Ashley, Jordan Gregory, & Sarah Desmarais, "Systematic Review of Religious Affiliations and Beliefs as Correlates of Public Attitudes Toward Capital Punishment" (2017) 30 (1) *Criminal Justice Studies*, pp. 63-85.

⁵⁶ Ibid.

⁵⁷ Steven Freeland, "No Longer Acceptable: The Exclusion of the Death Penalty under International Criminal Law" (2010) 15 (2) *Australian Journal of Human Rights*, p. 1-34.

on the death penalty, reflecting a global shift towards abolition.⁵⁸ In summary, opponents of the death penalty argue that it is inherently flawed, citing concerns about wrongful convictions, its ineffectiveness as a deterrent, and its inconsistency with evolving principles of justice and human rights.

5.0 RECOMMENDATIONS

First, abolishing capital punishment would be a significant step toward creating a more humane and just society. Life imprisonment is a viable and humane alternative, providing a punishment that respects human dignity while ensuring that innocent people are not wrongfully executed. The irrevocability of the death penalty poses an inherent risk of irreversible errors within the criminal justice system. Cases of wrongful convictions, as seen in various instances around the world, highlight the potential for tragic outcomes that cannot be corrected. Transitioning from the death penalty to life imprisonment not only protects innocent lives but also encourages a more thoughtful approach to sentencing.

Secondly, the focus of punishment should evolve from mere retribution to fostering the rehabilitation of offenders. Instead of viewing punishment solely as a form of societal vengeance, the justice system should prioritise reforming behaviour and providing opportunities for positive change. Programs focused on education, job training, and therapy can help offenders address the root causes of their actions, such as substance abuse, trauma, or lack of economic opportunity. By investing in rehabilitation, society can help individuals build a path toward becoming law-abiding and productive citizens.

⁵⁸ Ibid.

This approach benefits both the individual and the broader community, reducing the risk of reoffending and promoting social stability.

Thirdly, for individuals who have served their sentences or been pardoned, it is crucial that society's response is one of acceptance and support. The stigma attached to having a criminal record can hinder a person's reintegration into society and contribute to higher rates of recidivism. Programs that facilitate re-entry into the workforce, access to housing, and mental health support can make a significant difference in helping individuals transition successfully. By creating an environment that welcomes reformed individuals and provides them with the necessary resources to succeed, society can cultivate a culture of second chances and redemption.

It is also important that the underlying socio-economic factors contributing to crime are addressed. Poverty, inequality, lack of access to education, and systemic injustice are often root causes of criminal behaviour. Governments should implement policies that address these challenges, such as initiatives aimed at reducing poverty, expanding educational opportunities, and promoting social welfare. Investments in community-based programs, such as mentorship, job creation, and vocational training, can empower individuals with the skills and opportunities needed to lead fulfilling, law-abiding lives. By addressing these systemic issues, societies can reduce the drivers of crime and build a more equitable and just society.

If capital punishment continues to be part of the legal system, significant reforms are necessary to ensure that the practice is as humane as possible. This involves adopting execution methods that minimise pain and suffering, such as lethal injection, and

strictly regulating the process to prevent unnecessary suffering. Additionally, transparent oversight and the use of independent reviews can help ensure that these practices are carried out ethically and with respect for human dignity. While abolition remains the more humane choice, if the death penalty persists, it should be implemented in a manner that upholds fundamental human rights.

Finally, on the global stage, there should be concerted efforts to promote the abolition or restriction of the death penalty. This can be achieved through advocacy for legislative changes and the ratification of international treaties and conventions that support these ideals. Organisations, human rights advocates, and policymakers should collaborate to create a unified approach that prioritises the protection of human life and dignity. Shared global standards and cooperation can influence countries to adopt more humane practices and encourage a global movement toward the reduction or elimination of capital punishment.

By implementing these recommendations, societies can move toward a criminal justice system that values rehabilitation, reintegration, and the reduction of social inequalities, fostering a fairer, more compassionate world. This shift can transform the approach to crime and punishment, ensuring that the justice system serves not just as a mechanism for retribution but as a vehicle for human development and social harmony.

6.0 CONCLUSION

Overall, the recommendations outlined in this study highlight the urgent need for reform in Nigeria's approach to capital punishment. The substitution of life

imprisonment for the death penalty would eliminate the risk of executing innocent individuals, while also providing a more rehabilitative approach to criminal justice. Offenders who have served their sentences or have been pardoned should be reintegrated into society without discrimination, fostering a more inclusive and ethical community. Addressing the root causes of crime, such as poverty and injustice, is crucial to reducing crime rates and improving the overall quality of leadership in the country. In addition, capital punishment, if maintained, should be carried out in a humane manner to minimise the suffering of the offender. Replacing outdated methods of execution with more civilised practices, such as lethal injection, would demonstrate a commitment to respecting human dignity.