**THE JUSTICE RESEARCH INSTITUTE GTE**

**LAGOS CAPITAL PUNISHMENT SURVEY 2013**

**MAIN SURVEY REPORT**

**Executive Summary**

In September, 2013 a research was commissioned on the perception and recommendation of residents of Lagos state relative to capital punishment in the state. The survey was to gather information on whether or not residents of Lagos state want capital punishment to be retained. A combination of qualitative and quantitative methods was adopted for the survey which enabled comprehensive and robust data gathering. The research design adopted was non-experimental and both analytical and descriptive approaches were used. Data collection for the survey began after a pre-test was conducted at Ikeja and Badagry areas of the state. Study locations were all the 20 local government areas of the state. Respondents were residents of Lagos state of 18 years old and above. The survey captured male and female respondents and paid close attention to professional background of people included. Both secondary and primary data were gathered. Secondary data were gathered through learned journals, technical reports, books, unclassified government documents, CD ROMS and reliable internet sources. Primary data were gathered through questionnaires, In-depth Interviews (20 IDIs), Focus Group Discussions (20 FGDs) and Key Informant Interviews (25 KIIs) for experts in the criminal justice system.

A total of 2000 copies of questionnaires were administered on the public with an average of 100 copies of questionnaires per Local Government Area. Another dedicated 200 copies of questionnaires were administered on experts from the criminal justice system but only 52 copies of the *expert questionnaires* were returned and analysed. This return rate was due to the very busy schedules of the experts. Quantitative data were analysed with the aid of dedicated statistical software and the qualitative data were tape recorded, transcribed, coded, analysed and presented as narratives and ethnographic summaries. Both the qualitative and quantitative data were checked for reliability and screened appropriately before they were included in the data mass for analysis. Close attention was paid to ethical issues throughout the research process.

Findings show that more people support continuation of death penalty for violent crimes especially murder in Lagos state. This is because it gives a sense of happiness to relatives of victims; it discourages people from engaging in violent crimes (deterrence) as it sends strong signals to criminals and serves retributive purposes especially in developing states like Lagos state and Nigeria. Most people also opined violent crimes will increase if death penalty is abolished. Findings also buttress existing pro-death penalty positions that death penalty does not necessarily violate the norm of society against killing and *innocence error* is not enough reason to eliminate death penalty in the state once painstaking investigations are undertaken before sentencing. Even though many people maintained that death penalty does not bring absolute sense of justice to families of victims, most people recommended more frequent use of death penalty as it serves as deterrence for violent criminals in the state as the state should not tolerate criminals as it moves toward the ultimate Mega City status. The study found gender, age and religion play important roles in understanding death penalty orientation of Lagosians. Hence, while majority of the people support death penalty across the socio-demographics, more males, older people and less religious people support death penalty more. Based on these findings, the study recommends that:

1. The Lagos state government should retain death penalty. There is no popular support for the abolition of death penalty in the state but for its sustenance.
2. Extant laws on death penalty should be retained and the state government should pay attention to age, sex and religiousity in programming around death penalty.

**1.0. Introduction**

Capital Punishment is the statutory punishment prescribed by the Criminal and Penal Codes[[1]](#footnote-1) for offences such as Murder, Armed Robbery and Treason in Nigeria and in Lagos State specifically.[[2]](#footnote-2) Since her return to civilian rule in 1999, Nigeria has exercised a partial moratorium on the use of the death penalty. [[3]](#footnote-3) Though not having resumed active execution of death row inmates, several states have expressed an interest in retaining the death penalty by expanding its application to include the offence of Kidnapping[[4]](#footnote-4) -the Edo State government for instance, carried out four executions in June 2013.[[5]](#footnote-5) The Lagos State government however, is yet to take a stand on the issue. Against this background, it is important that whatever position is taken by the Lagos State government is guided by the consideration of all relevant and prevailing circumstances within the state, and the public opinion on the subject matter especially in democratic climes prevailing in the state and the country. The purpose of this report therefore is to provide empirical data which captures the perceptions and orientations of Lagos residents on the abolition and/or retention of the capital punishment in the state. This become necessary because, while relevant research findings exist both at the international and national levels, there is paucity of data at the state level thus the need to empirically capture the opinions on the problematic and its ramifications.

From the on-going debates, several arguments have emerged both in the pro and anti-death penalty angles. The most popular of these arguments centre on the issues of deterrence and recidivism; retribution; and the possibility of executing innocent persons. There is also a prevailing argument that the death penalty violates human rights[[6]](#footnote-6) and it is on these arguments and sentiments that global drives, instruments and advocacies are based. These are also what predominantly motivate and determine global, public and state actions relative to capital punishment as demonstrated in activities of such organizations as the Amnesty International and The Death Penalty Project. As the struggle persists around death penalty, there has been mixed reactions across nations as there has been resumption of executions in some countries like India, Japan, Pakistan and Gambia, and alarming escalation in executions in Iraq just as abolitionist countries rose to 97 in 2012[[7]](#footnote-7).

As global pressures mount on pro and anti-death penalty sides, nations and states must of necessity navigate the death penalty terrains and take definite positions but such positions must of necessity be properly guided and must resonate global and national temperatures and must importantly radiate and reflect local demands, views and contextual forces for actions to be legitimate regardless of their manifestations, consequences and global sentiments. It is against this background that data driven effort becomes very important and critical given the scientific and systematic antecedents of Lagos state as a Mega City.

**2.0. The Research Methodology**

This section gives the survey process. The research design adopted was non-experimental. A combination of qualitative and quantitative methods was adopted for the survey. This triangulation enabled necessary complementarity for comprehensiveness and robustness of data, findings and recommendations. The design was also analytical and description. The data collection for the survey was in September-October 2013. This was however after a pre-test was conducted at Ikeja and Badagry areas of the state. The pre-test was to finalize the survey instruments and methodology. Data from the pre-test were later also analysed and presented as a survey report.

**2.1. Study population**

Respondents were residents of Lagos state of 18 years old and above. The age limit was contingent upon the appreciation that 18 years is the age of maturity and voting in Nigeria as is the case in identical societies. The survey captured male and female respondents and paid close attention to professional background of people included in the survey.

**2.2. Sampling**

The sampling design was both probabilistic and none-probabilistic. The design was used with discretion and relevance. For the quantitative component, samples were selected through multi-stage and simple random process. It is important to note that availability later became critical as respondents that were captured in the sample random process had to agree and be available to be interviewed. In the instance where selected respondents were not available, they were substituted with the next qualified and available respondent. The survey covered all the 20 local government areas of the state. In other words, all the 20 local government areas were surveyed. For all the local government areas, official lists of enumeration areas were collected from the National Population Commissions (NPC) and respondents were subsequently randomly selected from the designated enumeration areas on household bases. For the qualitative component, sampling was purposive. Predetermined interviewees and discussants were selected for interviews and discussion sessions. These people were selected based on their critical experience and capacities to add value to the survey. The categories of people were opinion leaders, community leaders and experts in the criminal justice system/ and aw enforcement officers.

**2.3. Methods of Data Collection**

Across methods triangulation was adopted for data collection. Both secondary and primary data were gathered. Secondary data were gathered through learned journals, technical reports, books, unclassified government documents, CD ROMS and reliable internet sources. For the primary data, while questionnaire was used to gather quantitative data, In-depth Interview (IDI), Focus Group Discussion (FGD) and Key Informant Interview (KII) Guides were used to gather qualitative data to better explore the trajectories and ramifications of the problematic. A total of 2000 copies of questionnaires were administered on the public in all the 20 LGAs in the state with an average of 100 copies of questionnaires per LGA. Another dedicated 200 copies of questionnaires were administered on experts from the criminal justice system to capture their professional views on the subject matter but 52 copies of these were returned and analysed. For the qualitative component, a total of 20 FGDs and 20 IDIs were organized averaging 1 IDI and 1 FGD per LGA. 25 Key Informant Interviews (KIIs) were also organized with professionals and experts in the criminal justice system to capture their views and orientations in greater details relative to capital punishment in Lagos state. These equal; In-depth Interviews (IDIs) 1per LGA x 20 LGAs = 20, Focus Group Discussion (FGDs) 1 per LGA x 20 LGAs =20, Key Informant Interviews (KIIs) = 25 KII throughout the state based on availability and technical competence.

**2.4. Data Analysis**

Quantitative data were analysed with the aid of dedicated statistical software while the qualitative data were tape recorded, transcribed, coded, analysed and presented as narratives and ethnographic summaries. Both the qualitative and quantitative data were checked for reliability and screened appropriately before they were included in the data mass for analysis.

**2.5. Ethical Consideration**

This research paid close attention to ethical issues throughout the research process. The privacy, dignity, safety and time of respondents were respected throughout the research. Their anonymity was promised and upheld so as not to cause them any harm or injury. Respondents were not compelled to respond to questions they refused to answer or were not comfortable with. Inform Consent Forms (ICFs) were read and administered on the respondents before they were included in the survey. Nobody was forced or induced to participate in the survey and their rights to discontinue participation were mentioned and respected.

**3.0. Presentation of Secondary Data: Global Views on the Death Penalty**

This section presents the secondary data/existing works on the problematic at the international, regional and national levels.

Within the international sphere, countries regardless of their legal systems, traditional values and religious/cultural inclinations are increasingly taking an abolitionist stance to the death penalty. This world view according to Hodgkinson and Rutherford[[8]](#footnote-8) “is underlined by the gathering pace of international human rights law with its implied mission of restricting, if not, abolishing the death penalty under all circumstances.”[[9]](#footnote-9) In Indonesia, the Supreme Court held that a death sentence in connection to a drug related offence was in violation of both Articles 3 and 28 of the International Covenant on Civil and Political Rights and the Indonesian Constitution respectively, which provide for the right to life. The court stated further that criminal sentencing was aimed at educating, correcting and forestalling additional offences.[[10]](#footnote-10) Asides from the argument that death penalty violates the right to life of affected individuals, other arguments have emerged and they include:

**3.1. Deterrence**

The latter part of the above mentioned Indonesia Supreme Court judgement raises important questions as to whether capital punishment serves the legitimate purpose of deterrence.

The deterrence argument favoured by the pro-death penalty camp is founded on the theory that when the price of murder for criminals is raised, there will be a reduction in homicide rates.[[11]](#footnote-11) Empirical data and findings of researchers such as Ehrlich[[12]](#footnote-12) Barnett[[13]](#footnote-13)Dezhbakhsh et al.[[14]](#footnote-14), Mocan et al.[[15]](#footnote-15) and Zimmerman[[16]](#footnote-16) provide support for the deterrence effect of capital punishment. Ehrlich’s deterrence theory was based on the presumption that offenders respond to incentives and he concluded from empirical evidence that there was indeed a negative correlation between capital punishment and the crime of murder.[[17]](#footnote-17) Sunstein and Vermuele[[18]](#footnote-18) have called for an increase in the number of executions[[19]](#footnote-19) arguing that the death penalty is a moral requirement because, by deterring homicide, it saves lives.

Other researchers however, have a contrary opinion. They argue that no substantial study has proven a deterrent effect.[[20]](#footnote-20) According to Katz, Levitt & Shustorovich[[21]](#footnote-21), “it is hard to believe that in modern America the fear of execution would be a driving force in a rational criminal’s calculus.”[[22]](#footnote-22) To Donohue and Wolfers,[[23]](#footnote-23) while the argument that capital punishment has a deterrence effect is “qualitatively reasonable, its quantitative significance may be minor.”[[24]](#footnote-24) This is because death sentences or the prospect of execution do not always affect the life expectancy of death row inmates. [[25]](#footnote-25) It has also been argued that the death penalty may create a counter “brutalization effect” as a result of state-sanctioned executions. This means that citizens may begin to see deadly retribution as socially acceptable, thereby stimulating further homicide. [[26]](#footnote-26)

**3.2. Innocence:**

Punishment via the death penalty mechanism has irreversible consequences. This, no doubt, is a stark reality for innocent inmates and their families. Anti-death penalty advocates have therefore canvassed the argument that capital punishment should be abolished because of the prospect of innocence. After examining various cases[[27]](#footnote-27) in the United States, Tabak and Lane[[28]](#footnote-28) concluded that the “execution of the innocent would continue for as long as the death penalty exists.”[[29]](#footnote-29)

Steiker and Steiker[[30]](#footnote-30) have explained that there are six (6) prominent arguments against executing the innocent. The first is such “punishment generates an enormous retributive gap between the individual's culpability (none) and the punishment received (death).”[[31]](#footnote-31) Next is, “the false conviction of an innocent leaves unpunished the true offender, creating an additional retributive gap and perhaps risking the safety of others if the real culprit remains free to reoffend.”[[32]](#footnote-32) Third, the failure to punish the actual offender, to the knowledge of the community, undermines deterrence. “Fourth, the punishment of the innocent coupled with the failure to punish the guilty causes a loss to the legitimacy of the criminal justice system”,[[33]](#footnote-33) with its attendant negative consequences. “Fifth, the punishment of innocents involves a special sort of cruelty because the innocent offender, as he awaits and receives his punishment, knows that the punishment is undeserved. Lastly, executing (as opposed to incarcerating) innocents includes the additional harm of irrevocability.”[[34]](#footnote-34)

In addition, Unnever and Cullen[[35]](#footnote-35) relying on data produced by the Gallup poll,[[36]](#footnote-36) investigated support for capital punishment by Americans who believed that an innocent person had been executed. They found that three-quarters of Americans believed that at certain points, an innocent person had been executed for a crime they did not commit. This belief was generally associated with lower levels of support for capital punishment.[[37]](#footnote-37) Pro-death penalty theorists do not dismiss in its entirety the innocence argument- they believe that such an argument must be invoked with caution as developments in DNA technology have reduced the risks of incarcerating the innocent. [[38]](#footnote-38)

**3.3. Retribution**

To the pro-death penalty school, retribution is justification for punishment;[[39]](#footnote-39) hence it is a “just desert”.[[40]](#footnote-40) Robert and Stalans[[41]](#footnote-41) argue that there are “heinous offenders who simply deserve to have their lives taken.”[[42]](#footnote-42) Retribution is viewed as the most persuasive argument for the retention of capital punishment.[[43]](#footnote-43) Gibbs points out that the death penalty tackles the potential for recidivism.[[44]](#footnote-44) Also, he contends that the discretion inherent in treatment modes under a rehabilitation policy is inherently dangerous.[[45]](#footnote-45) To the anti-death penalty school, these arguments may however, be undermined by the genuine possibility of wrongful executions.[[46]](#footnote-46) This is because the irrevocable nature of the death penalty blatantly disregards the likelihood that an innocent party may have been convicted. This school of thought has also reasoned that the goal of punishment should lie in moral retribution and rehabilitation not literal retribution, which is characteristic of a primitive society.[[47]](#footnote-47)

According to Amnesty international, the United States is the only country in the Americas to have carried out executions in 2012.[[48]](#footnote-48) The landmark decision in ***Gregg v. Georgia[[49]](#footnote-49)***where the United States Supreme Court upheld the constitutionality of the death penalty; reversing its earlier ruling in ***Furman v. Georgia[[50]](#footnote-50)*** and public support for the death penalty have motivated the retention of the death penalty. Its use has however been restricted.[[51]](#footnote-51) Such restricted usage of the death penalty is also favoured in Singapore.[[52]](#footnote-52) The European Union (EU) has adopted a “Strategic Framework on Human Rights and Democracy”-the first of its kind. The abolition of the death penalty forms the centrepiece of this EU campaign. [[53]](#footnote-53)

While executions still occurred in 7 of Arab league nations (including Iraq, Saudi Arabia and the United Arab Emirates); in total, about 90% (174 0f 193) member states of the United Nations were execution-free in 2012. [[54]](#footnote-54)

**3.4. Regional Views on the Death Penalty: Africa**

For the purposes of placing the African view in its proper context, it is important to trace the development of capital punishment through the (three) 3 key phases of her history-Colonial, Pre-colonial and Independent Africa.

**3.5. Pre-Colonial Africa**

In Pre-Colonial Africa, customary (unwritten) laws were in force. Scholars in African law have however, recorded that the death penalty existed in most pre-colonial African countries.[[55]](#footnote-55) In highly centralized societies like the Yoruba in Nigeria, Ashanti in Ghana and the Buganda in Uganda, the punishment for the adultery with any of chiefs’ wives was the death penalty. Acephalous societies were characterized by a council of elders who took the decision on the death penalty.[[56]](#footnote-56) Modes of execution varied. They included decapitation, spearing to death, burial alive amongst others.[[57]](#footnote-57) Worthy of note, is the fact that the death penalty was not enforced to the same degree as it is today. The commission of a capital offence did not necessarily lead to execution; the alternative was a commuted sentence of paying compensation.[[58]](#footnote-58)

**3.6. Colonial Africa and Independent Africa**

In Colonial Times, the penal laws adopted by African nations were largely influenced by those of their colonial masters. In 1900, Germany extended its 1871 Imperial German Criminal Code to its African colonies. This code provided for the death penalty.[[59]](#footnote-59) Great Britain also adopted the death penalty in its African colonies.[[60]](#footnote-60) The death penalty was a tool for colonial repression and violence in Francophone Africa.[[61]](#footnote-61) Independent Africa saw African nations retain models of penal laws (with slight variations) from their colonial masters.[[62]](#footnote-62) Worth mentioning is the fact that African nations extended the list of capital offences to cover economic crimes, kidnapping and other treasonable offences.[[63]](#footnote-63) The application on the penalty is however subjected to limitations based on mental capacity and age. [[64]](#footnote-64)At present, in Western Africa, 12 countries retain the death penalty (such as Benin, Ghana, Niger and Nigeria) while 5 countries (including Senegal and Togo) have abolished the death penalty. [[65]](#footnote-65)

In Central Africa, Cameron, Chad and 4 other countries maintain capital punishment. Gabon and Sao Tome & Principe are the only two to have abolished the death penalty.[[66]](#footnote-66) While in Eastern Africa, eight countries retain the death penalty including Ethiopia, Kenya and Uganda. Burundi and two others have abolished capital punishment. In Southern Africa, Seven countries maintain a retentionist stance to capital punishment. They include: Zambia, Zimbabwe and Lesotho. Angola and South Africa have abolished the death penalty in company with four others. [[67]](#footnote-67) On the other hand, Northern African nations have retained the death penalty. [[68]](#footnote-68) While arguments based on deterrence, innocence and retribution are still being marshalled out by both sides of the *divide*. Anti-death penalty advocates have averted minds to the illogicality of capital punishment as it requires the state to commit homicide; the very conduct that attracted a death sentence.[[69]](#footnote-69)

Despite the global trend towards abolition of the death penalty, there is strong support for capital punishment in Africa. This is the result of various factors. One is that the general public has little confidence in the machinery of government which they view to be corrupt and inefficient.[[70]](#footnote-70) The traditional and highly religious nature of African societies has also worked against moves towards abolishment of the death penalty as religions such as Islam prescribe capital punishment for certain crimes.[[71]](#footnote-71) In 2010, a “Cotonou Framework on the Abolition of the Death Penalty” was adopted for West/North Africa.[[72]](#footnote-72) Under it, various strategies toward the abolition of the death penalty were highlighted. Chief amongst these is the need for sensitization towards the abolishment of the death penalty. It was also recommended at this conference that different religious groups must be engaged on such sensitization programmes.[[73]](#footnote-73) The African Human Rights Commission has also made commitment to adopt similar strategies.[[74]](#footnote-74)

**3.7. The Death penalty Versus Long-term Imprisonment**

Anti-death penalty advocates have called for long-term imprisonment as an alternative to capital punishment. The US Supreme Court has stated that “death is a different kind of punishment.”[[75]](#footnote-75) In practical terms, it is “long, complex and extremely expensive litigation.”[[76]](#footnote-76) Numerous studies support the notion that the death penalty is more costly than life imprisonment.[[77]](#footnote-77) It has also been argued that such resources could instead be targeted at fighting crime.[[78]](#footnote-78) The Anti-death penalty school of thought has also argued that the death penalty entails the serious risk of executing a wrongfully convicted person, and that a justice system that encourages reformation is a better alternative.[[79]](#footnote-79) Permanent incapacitation and literal retribution by way of capital punishment is no longer viewed as the objective of punishment.[[80]](#footnote-80) To the supporters of capital punishment, ‘life without parole’ is not an acceptable alternative. This is because it would involve large sums of tax-payers money to keep the convicts in jail.[[81]](#footnote-81) Considerable amounts would be needed to maintain prison conditions consistent with the standard minimum rules and basic principles for the treatment of inmates contained in international human rights law: healthy and balanced diet, clean clothing and sheets, recreational facilities, health care, prisoner's family visits at regular intervals.[[82]](#footnote-82)

**3.8. The Nigerian Scenario**

**3.8.1. General Support for the Death Penalty**

Although, Nigeria has retained the death penalty, it appears that a majority of Nigerians oppose its use. In a recent poll by the Legal Defence and Assistant Project (LEDAP), 51% of Nigerians opposed capital punishment while 42% supported it. Upon further analysis of the findings, religion and an apprehension that innocent persons may be wrongly killed were the main reasons for an anti-death penalty stance. Advocates of capital punishment, on the other hand, believed that the death penalty serves as a deterrent to the commission of heinous crimes.[[83]](#footnote-83)

**3.8.2. Alternatives to Death Penalty**

Findings by the Legal Defence and Assistance Project (LEDAP) revealed that half of the Nigerians who supported the death penalty were inclined to support its abolition if there are acceptable alternatives.[[84]](#footnote-84)In addition, 39% of the pro-death penalty respondents believed that imprisonment (spanning different years) should be imposed on current death inmates if the death penalty is abolished.[[85]](#footnote-85) The Human Rights Law Service (HURILAWS) opines that the death penalty is “nothing but a remnant of an old system based on vengeance that he who has taken a life should suffer from the same fate.” According to the organisation, the death penalty has no deterrent effect and its irreversibility coupled with Nigeria’s “unpredictable and error-prone criminal justice system” presents the imminent danger of executing innocent individuals. In view of this, the organisation proposes life sentences as an alternative to the death penalty.[[86]](#footnote-86)

For life imprisonment to serve as a suitable alternative to capital punishment, the general conditions of the prisons as well as the welfare of prisoners need to be taken into consideration. The next section will summarise existing reviews on the state of prisons in South-West Nigeria, and the welfare of inmates confined therein.

**3.8.3. Prison Conditions in South-West Nigeria**

**3.8.3.1. Prison Capacity versus Lock-Up**

**2007-2009**

The Total capacity of Nigerian prisons in 2007 was 15894, in the same year, 15276 inmates were reportedly housed in these prisons. By 2009, the capacity of the prisons had increased to 18218, however, the lock-up had surpassed this capacity and was now 19649.[[87]](#footnote-87) In the South-West however, the prison capacity remained the same in both years-5147, while the lock up increased from 4986 to 6295 inmates.[[88]](#footnote-88) Kirikiri medium prison had the highest lock up in 2007 and 2009 with 1156 and 1516 inmates respectively - this represents a 7.54 percentage increase.[[89]](#footnote-89)

**2012:**

In the year 2012, total prison capacity stood at 46,024. The number of inmates in these prisons exceeded capacity as there were 50,645 in total.[[90]](#footnote-90) This was largely the result of lock-up capacity exceeding prison capacity in the South-West, South-South[[91]](#footnote-91) and the South-East[[92]](#footnote-92) zones. In the South-West, lock-up stood at 11,078 while prison capacity was 7,722. In Lagos, Medium Security Prison Kirikiri and Ikoyi Prison were overpopulated.[[93]](#footnote-93)

**Facilities**

**2007- 2009**

All prisons in the South-West, had and recorded notable improvements in their vocational facilities between 2007 and 2009. The only exception was kiri kiri maximum prison in Lagos which reportedly had no functional vocational facilities in those years.[[94]](#footnote-94) In 2009, the prisons had a number of recreational facilities but kirikiri female had the worst recreational facilities.[[95]](#footnote-95)On the other hand, health facilities were present, with a full-fledged hospital in Kirkiri medium.[[96]](#footnote-96)

In 2007, prisons like Kirikiri medium and maximum had no educational facilities but this had greatly improved in 2009.[[97]](#footnote-97) Transport facilities were sufficient in both years. In 2009, kirikiri medium, maximum and Ikoyi prisons had additional power generating sets.[[98]](#footnote-98) Kitchen facilities were poor in both years with very little improvement.

In terms of prisoner welfare, between 2007 and 2009-In Lagos, only kirikiri medium prison remained congestion-free in both years. However, beds and beddings were generally insufficient in both years, uniforms were also inadequate.[[99]](#footnote-99) Feeding levels were good while ventilation remained poor in both years.[[100]](#footnote-100)

**2012**

According to the National Human Rights Commission, Nigerian prisons failed to meet the standards set by the UN Standard Minimum Rules for the Treatment of Prisoners and other international[[101]](#footnote-101) and regional[[102]](#footnote-102) instruments. [[103]](#footnote-103) “The standards of facilities in the Nigerian prisons are appalling….Most of the prisons audited lack facilities that would aid the wellbeing of the detainees as well as their reintegration … in the society after their release from prison.”[[104]](#footnote-104) The quality of facilities were measured in terms structure/availability of vocational, recreational, health, educational, transport, sources of water, sources of energy and kitchen facilities. In the South-West, though vocational facilities like carpentry, hair dressing, shoe making and so on existed, they were poorly equipped.[[105]](#footnote-105) There were also recreational facilities; however, they were obsolete and local.[[106]](#footnote-106) The prisons had inadequate health facilities and personnel.[[107]](#footnote-107) Educational facilities at all levels of education from primary to adult study were available in Lagos prisons. In particular, the maximum prisons and female prisons have facilities for Open University study.[[108]](#footnote-108) Transport facilities were also available; however they were either inadequate or non-functional.[[109]](#footnote-109) All the prisons had sources of water, energy and kitchen facilities (albeit poorly maintained, old and obsolete). In terms of the welfare of prisoners, there was congestion. Toilets were in poor condition. Beds and beddings were in a good state, this represents an improvement when compared to the 2009 situation. Feeding levels were also reported to be high.[[110]](#footnote-110)

This review has examined the various arguments that have contributed to the heated debate on capital punishment. Within the international domain, countries are increasingly opting for life imprisonment as an alternative to the death penalty. In Africa, however, our colonial history and cultural norms have impacted on the developments surrounding the death penalty. In Nigeria, despite the fact that capital punishment is being retained as a part of the criminal justice system, the LEDAP survey report reveals that majority of Nigerians appear to be against the death penalty. It is worth reiterating that for life imprisonment to be a sustainable alternative, prison conditions must meet minimum international standards as set out by the UN Standard Minimum Rules for the Treatment of Prisoners. Within the South-West region of Nigeria, there has been a marked improvement in the welfare of inmates and access to facilities from 2007 till 2012. However, congestion has notably increased.

**4.0. Presentation and Discussion of Primary Data**

This section presents the result of primary data collected.

**Table 1: Respondents’ Socio-demographic background**

|  |  |  |  |
| --- | --- | --- | --- |
| **Age** | | | |
| Mean Age | | 33 years | |
| Standard Deviation | | 9.308 | |
| Range | | 56 | |
| Minimum Age | | 18 | |
| Maximum Age | | 74 | |
| **Variable** | **Frequency** | | **Percentage** |
| **Categorized Age** | | | |
| 18- 27 | 626 | | 31.3 |
| 28 - 37 | 833 | | 41.7 |
| 38 - 47 | 375 | | 18.8 |
| 48 - 57 | 114 | | 5.7 |
| 58 -67 | 32 | | 1.6 |
| 68 - 74 | 4 | | .2 |
| Indifferent | 16 | | 0.8 |
| Total | 2000 | | 100.0 |
| **Gender** | | | |
| Male | 1083 | | 54.2 |
| Female | 917 | | 45.8 |
| Total | 2000 | | 100.0 |
| **Marital Status** | | | |
| Married/Cohabiting | 1031 | | 51.6 |
| Separated/Divorced | 31 | | 1.6 |
| Single | 894 | | 44.7 |
| Widow/Widower | 33 | | 1.7 |
| Indifferent | 11 | | 0.6 |
| Total | 2000 | | 100.0 |
| **Ethnic Background** | | | |
| Hausa | 50 | | 2.5 |
| Igbo | 329 | | 16.5 |
| Yoruba | 1336 | | 66.8 |
| Middle Belt | 139 | | 7.0 |
| Niger Delta | 123 | | 6.2 |
| Indifferent | 11 | | 0.6 |
| Others | 12 | | 0.6 |
| Total | 2000 | | 100.0 |
| **Highest Level of Education** | | | |
| No Formal Education | 19 | | 1.0 |
| Primary not completed | 43 | | 2.2 |
| Completed primary | 36 | | 1.8 |
| Secondary not completed | 94 | | 4.7 |
| Completed Secondary | 712 | | 35.6 |
| Tertiary not completed | 488 | | 24.4 |
| Tertiary completed | 591 | | 29.6 |
| Indifferent | 12 | | 0.6 |
| Others | 5 | | 0.3 |
| Total | 2000 | | 100.0 |
| **Frequency of reading newspapers** | | | |
| Daily | 531 | | 26.6 |
| Once in a while | 1061 | | 53.1 |
| Never | 379 | | 19.0 |
| Indifferent | 29 | | 1.0 |
| Total | 2000 | | 100.0 |
| **Employment/Occupation** | | | |
| Civil Servant (Federal) | 107 | | 5.4 |
| Civil Servant (Lagos State) | 174 | | 8.7 |
| Civil servant (LGA) | 110 | | 5.5 |
| Medical Personnel | 25 | | 1.3 |
| Accountant | 41 | | 2.1 |
| Judiciary Officials | 5 | | 0.3 |
| Lecturer | 11 | | 0.6 |
| Teacher | 130 | | 6.5 |
| Unemployed | 173 | | 8.7 |
| Student | 315 | | 15.8 |
| Business owners/entrepreneurs | 620 | | 31.0 |
| NGO/CSO/FBO | 6 | | 0.3 |
| Media Person | 21 | | 1.1 |
| Clergy | 21 | | 1.1 |
| Politician | 21 | | 1.1 |
| Retiree | 40 | | 2.0 |
| Housewife | 51 | | 2.6 |
| NYSC Member | 21 | | 1,1 |
| Security Official | 25 | | 1.3 |
| Other categories | 72 | | 3.6 |
| Indifferent | 11 | | 0.6 |
| Total | 2000 | | 100.0 |
| **Religion** | | | |
| Catholic | 260 | | 13.0 |
| Islam | 645 | | 32.3 |
| Orthodox Christian | 349 | | 17.5 |
| Pentecostal | 705 | | 35.3 |
| Traditional | 22 | | 1.1 |
| No Religion/Atheist | 8 | | 0.4 |
| Other religions | 3 | | 0.2 |
| Indifferent | 8 | | 0.4 |
| Total | 2000 | | 100.0 |
| **Religiousity** **(Level of commitment to tenets/doctrines of your religion)** | | | |
| Very Religious | 644 | | 32.2 |
| Averagely Religious | 1235 | | 61.8 |
| Not Religious/Nominal | 87 | | 4.4 |
| Indifferent | 34 | | 1.7 |
| Total | 2000 | | 100.0 |

|  |  |  |
| --- | --- | --- |
| **Main and Trusted sources of information** | | |
| Television | 1779 | 89.0 |
| Radio | 1632 | 81.6 |
| Newspaper | 930 | 46.5 |
| Internet | 742 | 37.1 |
| Neighbours | 413 | 20.7 |
| Friends | 533 | 26.7 |
| Family members | 287 | 14.4 |
| Others | 13 | 0.7 |
| **Respondents’ history of Violent Crime** | | |

|  |  |  |
| --- | --- | --- |
| Respondents, kin and close  friends have been victims | 314 | 15.7 |

The average age of respondents sampled for the survey is 33 years showing a relatively matured people. The oldest respondent is 74 years and youngest is 18 years old giving a range of 56 years. The standard deviation is 9.3. The age distribution is well captured and dispersed showing comprehensive inclusion by age of respondents. For deeper analysis, age of respondents was categorized. Most of the respondents were in the age bracket 28-37. This was followed by those aged 18-27 and 38-47 respectively. Age bracket 68-74 was the least frequent.

54.2 percent of the respondents are males and 45.8 percent are females. A little over half of the respondents are either married or cohabiting (51.6 percent). The second most frequent category by marital status is the single with 44.7 percent. The survey captured the ethnic background of respondents and the Yoruba accounted for 66.8 percent followed by the Igbo with 16.5 percent while the Middle Belt and Niger Delta have 7.0 and 6.2 percent respectively. The Hausa account for 2.5 percent. This demonstrates the cosmopolitan nature of Lagos state. The predominance of the Yoruba people is due to the socio-geographical location of Lagos state in the south-western part of the country mostly occupied by the Yoruba people. Not less than 95.0 percent of the respondents are literate and educated at the formal level as they completed primary education and above. Particularly, as many as 35.6 percent completed primary school, 24.4 percent ever enrolled in tertiary education while 29.6 have completed tertiary education as at the time of survey. This clearly captured the high level of education of residents of Lagos and this is not surprising as Lagos has the most literate population in Nigeria[[111]](#footnote-111)

Over half of the respondents read newspapers only once in a while, 26.6 percent read newspapers daily while 19.0 percent never read newspapers. This low level of frequent reading of newspaper can be partly due to high cost of buying newspapers when benchmarked against high rate of poverty, underemployment, unemployment and high cost of living in the country relative to cost of buying newspapers[[112]](#footnote-112). It can also be due to the very fast nature of life/activities (peculiarly unrivalled urbanism) of Lagos state as the economic capital of the country which may not allow sufficiently significant time for reading newspapers. This also was brought to fore when main/trusted sources of information were indicated. Most of the people (89.0 percent) indicated television as their main/trusted source of information. This was closely followed by the radio while less than half indicated newspaper. Attention should however be paid to the emerging preponderance of internet as trusted source of information (37.1 percent) even ahead of other sources in fourth position. 19.6 percent of the respondents are civil servants, 6.5 percent are teachers, 15.8 percent are students, 8.7 percent are unemployed 2.1 percent are accountants, 0.3 percent are lawyers and judiciary officials and 31.0 percent are business owners, other categories of occupational background were captured in the sample as shown in the table above.

Religious background and orientation of the respondents were also captured. 13.0 percent of the respondents are Catholic, 32.3 percent are Muslims, 17.5 percent are orthodox Christians and 35.3 percent are Pentecostals. Fewer proportions indicated Traditional religions, atheism and other religions. There is a difference between religion confessions and adherence to religious dictates. Thus, levels of religiosity were captured especially as these may impact perception and attitude towards capital punishment. Over half (61.8 percent) of the respondents claimed they are averagely religious, 32.2 percent claimed they are very religious while 4.4 percent declared they are nominal and actually not religious. 1.7 percent preferred to be indifferent to the issue of religiousity for personal reasons. It is important to capture respondents’ history of violent crime because of its practical implications for the understanding of issues at stake. 15.7 percent of the respondents maintained they themselves, their kin and close friends have been victims of violent crime in the recent past. Crimes they mentioned include; murder and armed robbery.

As much as 59.0 percent of the respondents claimed death penalty does not necessarily bring a sense of justice to the relatives of victims of violent crime while less proportion (36.5 percent) believe death penalty gives a sense of justice. Reasons the first category of people gave mostly was that *killing the criminal does not necessarily replace the irreparable loss and damage often associated with violent crimes.* For some others, *the criminal can actually change for the better in the future if given second chance since the damage has already been done* and for others, *two wrongs do not make a right.* For the few that believe it brings justice, they are of the opinion that *at least the person(s) that brought calamity upon the victim and the family has/have also experienced calamity with his/her family*. Hence, for some other, *there is a way the feeling of it serves him/her right brings justice and relieve to the victim.*

As can be seen in the figure above, opinions were divided on the death penalty and happiness indicator. However, the respondents that believe death penalty brings a sense of happiness to families of victims are 11.3 percent point higher than those that claimed otherwise at 46.5 percent against 34.3 percent. Reasons given were identical to the ones given at justice indicator above. Qualitative data presented below are very insightful.

A female discussant during FGD at Alimosho (2013) gave a nuanced response that captured the quantitative findings above:

(For sense of justice and death penalty): in some cases, yes. But in some cases, no. Why I said yes is, some families are just there. They are trained criminals and every time they give birth, they give birth to their children, training them in the acts of swimming, carrying guns and learning all sorts of terrorist or criminal behaviourism that are not really good. In such cases, for such families, if capital punishment is applied, its justifiable but a case where capital punishment is now applied to our kind of family that the child is the only child and they tried all their best to train the child and the child just got influenced because of the environment of the economy, it might not go down well, that’s why i said, yes and no.

Another FGD session at Etti-osa (2013) captured the nuances of why some people opined death penalty gives justice and happiness and why it does not:

They would feel great because they are paying for their punishment, for whatever, their sins, they are paying for it...we are not talking in terms of religion now, it’s just view-personal view. The armed robbers they came in, they’re not working. They have come to raid people that have worked for their own goods, when they carted away the goods and in return they were apprehended, death sentence has been passed on them, for goodness sake they have sacrificed other people’s lives, let them go and let the world be a better place.

R2:If they kill him, if they kill them, they will not bring back my child, so the essence of killing them is still irrelevant to me.

R3: I would subscribe to giving them opportunity to change ....because they have reasons for going to steal. They must have gone to steal because of the economic situation of the country. You see corpers, you see graduates, many of them stealing, not because theyre made to steal but circumstances, situation, the environment pushes them into doing that. Those are things we look at, if you want to kill them-how many of them? So let there be job for them encourage them, counsel them, give them opportunity for them to change. At least, others would see that as a deterrent, at least government has said that this is one of the main factors why they go into robbery, let us try to tackle that-that is the main thing, tackle it. And when it is tackled, you don’t have any case of robbery, nobody wants to go and ....I have an experience, that time they came to rob my house. At least those my properties, i value them so much but all i said is God let them change. Touch their hearts to change.

R4: when we are talking, let us be realistic okay? My sister in law, the (unclear) around bombed her shop and she nearly died. Even till now, one is going for surgery. Do you know those people were parading, when they come to them, they dash them money. You don’t evil because of the fact that people are doing it. Do you know that somebody that opened my house, pack all my clothes is the person that i used to give something but when they went-the members of the yard went to *babalawo* (spiritualist) to kill that person, they said this person, I should agree. I said “lai lai” because I know i am more than those things they removed from my house. Do you know what happened? After praying for six months, the man came to me and say “if I die, are you going to eat my flesh? Please that thing that happen no go happen again” what next do you want me-till today, the man is still alive and those plots removed and those things they removed; it’s still paining me because most of them they’re my uniforms but I removed my ....Do you know the funniest thing? That man is my next door neighbour, till today we’re still greeting.

A male interviewee during IDI at Mushin (2013) gave a fresh insight on how death penalty may bring a sense of justice and happiness:

I think so (it brings a sense of justice), because it will kind of relieve the family a bit when someone intentionally kill their person, their family member so if they are still seeing the person in the nearest future, maybe the court free the person just because the person is well known, the family, they will still be feeling the pains. But if the person is being eradicated, they will feel relieved a

bit.

About half of the respondents opined that death penalty should be applied to murder cases whether first time offender or not. The frequency and number of murder a criminal commit should therefore not be a consideration in applying death penalty in murder cases.

Deterrence was captured at the two critical levels- perceived social and personal. As presented in the figure above, overwhelming majority of Lagosians observed that fear of death penalty discourages people from perpetrating violent crime. When captured at the personal level, higher proportion emphatically maintained fear of death penalty certainly deter them from taking the life of someone who kills a loved one.

When the issue of possibility of executing an innocent person in error was explored as a reasons for eliminating death penalty, more people, over half (54.9 percent) of the respondents opined that should not be the basis for eradicating death penalty as they chose either *not enough reason* or *it is not true.* This category of respondents only warned that due process and detailed investigation should be made before execution.

Over half of the respondents (52.6 percent) claimed relative to death penalty for violent crimes, death penalty does not violate the norm of the society as it is a good mechanism for addressing crime.

61.9 percent (majority) of the respondents submitted death penalty is necessary because it must be a life for a life when anybody engages in violent crimes.

Majority of the respondents (67.2 percent) insisted if death penalty is abolished crime will increase in Lagos state because death penalty serves a deterrence/disincentive for violent crime especially in the Mega City.

Majority of the respondents (63.5 percent) opined even if life is sacred, the government/the state have to adopt death penalty when necessary especially in violent crimes.

Over half (57.7 percent) of the respondents maintained they will recommend death penalty if anyone commits violent crime against them and/or their family members.

Majority of the respondents (66.4 percent) support death penalty in Lagos state as presented in the figure above. When collectivized with previous measures above, an appreciable degree of consistency was found on the measures particularly deterrence, retribution, innocence, crime history, sentiments and popular age long wisdom. Modal opinion is in support of death penalty.

Findings from qualitative data analysis are significantly consistent with the quantitative data. While a few of the qualitative discussants and interviewers (experts and public) opined against death penalty, a lot of the discussants and interviewees suggested continuation of death penalty and gave detailed, comprehensive and dynamic reasons for their choices in manners that reflect national and state contextual realities. A Christian cleric/religious leader (a doctor) gave a comprehensive view of support for death penalty (Lagos 2013):

I am in support of the death penalty for whoever kills anyone. . My reason is corroborated by the bible, and that is – if you look at Exodus chapter 20 verse 13 the first place, the bible says that you must not kill. And if you kill, it is equally mentioned in the bible Leviticus 24 that whoever kills should be killed, in the light of that I agree that when somebody kills, he too should be killed. The terrorist, sincerely speaking, I want them to be killed. Because no difference between terrorist and murders as far as I am concerned. They are operating on the same level because if anybody falls to their hands, the person is gone completely. In the light of those terrorists, they can be killed together with the murderers. My opinion emanated from three things; personal opinion, word of God… Death penalty is good for those who deserve it. Death penalty should not be abolished, it shouldn’t be abolished. Those who deserve it, sincerely speaking it should be given to them. Deterrence: Yes yes yes. So many of us at that time believed that we should not partake in any of these devilish activities. It scared us and it restrained us from such a practice, in the light of that I believe that to an extent you know if it does not eradicate, it reduces the crime rate. Retribution and Innocence: I think there are two ways to it as clearly stated here, somebody might be implicated you know, maybe somebody was accused of an offence that he never committed. And in this scenario, I think justice should be followed to the letter as much as possible. We should not limit whatever we are doing to evidence, it must be proven. Because, in many case, in many occasion, our leaders look for evidence without proof. That is why some people, you know, fall victim of punishment they don’t deserve. So before they kill anybody, I will advise that they should look for evidence and proof beyond reasonable doubt, anyone that is doubted i want to say that such a person should not be given death penalty, until it is proven that the person deserves it. So that they will not kill an innocent person. Sincerely speaking for those who deserve it, I’ve mentioned a while ago some of them they knew the consequences before they dabble into it. And those who knew the consequences and dabble into it, I believe strongly that they should go for it. On Justice and happiness from death penalty: somebody’s life does not bring back another person’s life. You know. If family A kill Family B or somebody from family A killed somebody from family B, and eventually the one that killed in family A is equally killed, to an extent, it depends, on the level of faith of family B, the family B might say well the justice has been carried out to an extent, they feel satisfied. Nevertheless, they forever feel the loss of their family member that was killed by somebody. But if justice is rightly carried out there is a measure of satisfaction. Generally, I will not support the abolition of death penalty.

The Christian cleric’s views are consistent with that of the Muslim Cleric (A Professor) during KII (2013) Lagos:

The capital punishment is prescribed in Islam. If you go to Chapter 24 of the Holy Quran, its talking about how to deal with a thief, how to deal with fornication offences, you cut their hand, you cane them. Ok. In another place in the Quran, the talk about death penalty for categories of offences likes somebody who kills somebody else without any just cause. If you look at this capital punishment as prescribed in Islam, then you ask for the philosophy. The philosophy is that, there must be peace in land, there must be peace. Islamic position is to maintain peace and anybody who is found to be a threat to the peace should be eliminated. Capital punishment is necessary to have peace in the society. Lagos state should retain the death penalty policy. They should retain it and also implement it.

Opinions of the psychologists are somewhat different from those of the clerics. They concluded on personal, religious and professional grounds that the state should abolish death penalty as it does not necessarily serve corrective measures and has weak retributive, deterrence and corrective capabilities just as it is dangerously implicated for innocence. It is however important to note that submission of the psychologists was contingent upon the *Theory of Behaviour Learning.* The principle of humans having the capacity to learn and unlearn behaviours once they remain in the social space. The religious views of the psychologists were also personal and not entirely consistent with the cleric. According to a male psychologist (KII, 2013) Lagos:

The death penalty actually should be abolished. What should be done? The prisons should be improved; more rehabilitation programmes should be put in place, monitored and effected. That’s one, then two, the so called criminals, should actually be exposed more to assessment for mental health deficit. Mental health deficit is not an escape route; the assessment is going to be done by experts who will know whether this person has a mental health problem. If there is a mental health problem, yes for as long as the person is retained either in the prison or in the hospital, government hospital, the person will receive treatment in order to make the person better, in order to be able to make his own impact positively to give him a chance of actually making positive impact on the society. I think Lagos state should reconsider those judgments. Should probably commute them to less capital penalties and give these people chances to actually prove themselves and make them to contribute more. These people we are talking about could actually be so much rehabilitated, and could actually improve on aspects of the environment and they can also use their own background to also maybe prevent the occurrence of such crimes in the future.

According to a female psychologist (2013) with a consistent view, Lagos:

I will start by saying that any form of penalty or punishment, is supposed to serve the purpose of deterrence, to make those who think it’s fun to commit offence to think again. In the case of death penalty, that’s one extreme. Liberally, we will say its ok, because if people are given death penalty, it means that they are danger to the community and society, but if you want to look at it based on one’s religion, some religion don’t approve of that. For example, the Christians always believe that everybody deserves the opportunity to change, to repent. So if you are looking at it based on that aspect, I will say as a Christian that it should not be, rather the option of life sentence should be considered. But if you are looking at it, based on what it is just ordinarily, then people like that should not be in the society. From my own opinion as a professional in human behaviour, I will say that well, the aim of such penalty is to deter such behaviour and if that be the case, people who intend or maybe tempted to commit offence that may lead to death penalty, will strongly reconsider it, knowing that the outcome for them could be very fatal if caught. Professionally, because we believe that behaviours can be learned and unlearned, i will not support it because such people should have opportunity to unlearn the unwanted behaviour and relearn the good behaviour. So if they have to go by that, then it’s not supported. Personally, I will speak as a Christian; they deserve a chance to repent to have a change of heart. It is based on my belief, what the bible says and what is being taught in Christian doctrines, and what is obtainable in life, everyday life. And professionally, I got that based on wide reading and clinical practise. On retribution and innocence, deterrence, that’s another angle, because really some people may get into the hands of the law wrongly. For the sake of such people, if you want to really consider those people then, you will say no. Complete no, to the issue, because somebody maybe dying for what he didn’t know about and ... well. It also depends on the culture. Like I mentioned, in our own religion, the Christians, they don’t preach eye for eye some do, some people do, some belief of people dictates that for them, but not all. For sense of justice and happiness, to some extent it gives satisfaction and of course it makes them feel that justice has been done on whoever could have committed the offence. We are talking of capital punishment, now murder. It makes them feel better and makes them feel safe, that it won’t happen again, and it makes them feel that the spirit of whoever has been offended directly will be at peace. It also makes them feel that the family was able to come out and defend.

Opinions were concentrated among prison officials just as was the case among religious leaders and psychologists. A wide divergence however was discovered between these three categories of experts. A high level of consistency was found among prison officials, like the religious leaders, who have had prolonged contacts with the accused of such crimes. The prison officials converged for sustenance of death penalty just as is the case for those sampled for questionnaires (presented later in another section of this report). For instance, a very senior prisons official who captured the modal/aggregate opinions of the prison officials (KII, 2013) Lagos, shared personal, professional and experiential opinion on the death penalty. His views strongly corroborated earlier findings for the sustenance of death penalty and contradict those of the psychologists. Perhaps these contradictions resonate sphere of practical engagements of prison officials and clerics and theoretical dispositions of the psychologists. For the prison official and the others, death penalty is the law and the law must take its course for violent crimes in the state for deterrence, retribution and justice even with sensitiveness of innocence elements and possibilities. He also extended the list of crimes deserving death penalty practically for the state. According to him:

My opinion is that, they (the criminals) deserve death penalty... it is well deserved... I think somebody who has the guts to kill somebody deserve to be killed. I will say, by the time it is removed, then these criminals will just be killing just for killing sake because they know that nothing we still happen to them. What drives so many people to killing others, there are some erroneous like murder or whatever, but when it comes to armed robbery, these are planned and organised crimes to kill, so they will continue to. And this kidnapping as well. So by the time they even know that nothing will come after they have been arrested, they will continue to kill and maim. On deterrence, yes to some elements, it can serve as deterrence to them. And as per retribution, yes. You kill, you should not be allowed to go scot free. With my interaction with youths I’ve seen that the area of murder, you can excuse some under that guise. But when it comes to armed robbery or kidnapping, whatever, i will say no. But when it comes to murder, some, there was an instance of a guy who was to separate two people fighting, immediately, he pushed the one to one side that one fell down and died. And he was at Ikoyi, I left him at Ikoyi after five years, i wouldn’t know whether he has left the place for now. So when it comes to innocence, somebody driving, shey you understand, driving and all whatever something that are not planned, mistakes. Murder committed by mistakes, well, it can be excused. But when it comes to armed robbery, planned whatever, no, i will say let them go for it. I will prefer that capital punishment... yes, it will serve more as deterrent to some. Innocence is not enough a reason to abolish death penalty that some judges or whatever that are involved in trail of the matters make mistakes, it is not enough to eradicate it. It is not enough; it is not a genuine ground at all. Capital punishment should be retained for those that planned it. But for those on mistakes...may be not to be applied. ***As a recommendation,*** capital punishment should be retained. I have been emphasising in this interview. For organised killing. Those that are due for execution, should be executed, i don’t know why they are shying away. They should be executed.

Another prison official shared a consistent position that supports death penalty (KII, 2013):

Death penalty as far as I’m concerned because, as we heard it, it’s a kind of institution that is organised against organised crime. They (government) should go for it. The death penalty should be the ultimate for them (criminals). Like people come together to kill or to kidnap-in the process of kidnapping the person loose his or her life but such people should be killed. Death penalty, in my own personal opinion as a Christian actually there is no where it is written in the bible that-the commandment says “thou shall not kill” so as far as I’m concerned as a Christian, if bible tells us that “thou shall not kill” and you go ahead to kill, organise to kill somebody then you should be killed. Death penalty serves as deterrence because when you commit an offence and you know that they are going to kill you at the end of the day, it makes some to shy away from it but if government should hide behind the curtain and say you know we’re in a modern world, you commit they should turn to life-they give you political freedom, in short you’re encouraging people to continue to kill. It is the more deterrent. When you know that when you kill, at the end of the day you’re going to be killed you say “Oh boy this thing”, you will caution yourself, that this thing I’m going to do, when I’m caught with it, they might kill me. On innocence, family of a victim feel that-they feel satisfied that this person killed my son, killed my husband, killed my wife and he’s going to be killed. They feel satisfied. When somebody is condemned- you take an appeal, an appeal, and appeal is not favourable. The person should be killed. There’s no point wasting time, wasting government’s time, wasting government’s money, feeding the person, maintaining the person.

***Recommendation to Lagos state***, I don’t know why they (Lagos state government) are shying away, if somebody has been condemned and maybe he/she has taken an appeal and the appeal has failed-unless if, the appeal is still pending because if appeal is still pending and you go ahead and execute, it’s a crime but if appeal is not favourable, appeal has already failed -all avenues have been exhausted, they should kill them.

Among lawyers opinions did not out rightly converge. A lawyer in a government ministry gave a unique view of dynamics of death penalty showing flux opinions relative to age and maturity. This suggests that even opinions relative to death penalty are not static and liable to change as people mature irrespective of profession. According to the legal expert, while death penalty is the law, it is not always appropriate as criminals, even in murder cases, should be given second chance for chance. Many of such people also acted in error and reflect societal failure in general. For deterrence, death penalty, according to her, does not serve positive purpose just as it is negatively implicated for retribution and dangerous on innocence. Government should therefore abolish death penalty. The ethnographic summary below gives her abridged and synthesized views (KII, 2013/Lagos):

My opinion about the death penalty at a stage of my life was that that is the best thing, it’s ideal, that once you take somebody’s life, you should face the death penalty and i hasten to say, that was at a phase in my life because you know robberies were rampant, everybody dreaded being robbed, I felt these people were cruel, callous and should be put away for keeps but eventually as time went on and I grew older. I started changing my view and that was because in life it’s not always a matter of one plus one makes two. Sometimes, there are so many reasons for people going into crime. there are some people who given enough guidance and opportunity might change if their life is spared at that point i realised, the death penalty might not always be the solution. Lagos state government as at this point, the death penalty is still the law in Lagos state but my view is that they be given life imprisonment, sentenced to life, I think that’s better. I would say it’s based to a large extent on my work experience. Children or young people that go into crime don’t necessarily, are not discouraged, they are not necessarily discouraged when they hear that what they might face if they’re found or caught and sentenced is death. It doesn’t deter them, you see a lot of times these people they go in and out of prison. I haven’t seen, even though I can’t give you the figures on the tips of my fingers, I have not noticed any reduction in crime based on the fact that they know that-the law of the land, the law of Lagos state anyway is that if you kill, you’re going to be killed, if you commit armed robbery, you’re going to be killed. Is it’s based on my experience-my work experience. Morally, there are arguments in a lot of quarters that the death penalty is wrong, assuming somebody is sentenced to death for murdering somebody. If this person is now sentenced to death and killed are we not err---the person hold-the hangman is the hangman not committing the very same offence that the murder is or the defendant or the accused person, whatever we choose to call him has committed so it’s like the olden days, in the old testament in the bible, an eye for an eye an d all that. To some extent, morally its wrong. Most of the time when we meet them (the accused) in court-they show some remorse. Before we meet them in court we go through their statements and they are always saying “oh i didn’t intend to do this” Well i would say, they show some remorse. ***Recommendation:*** I think Lagos state should abolish it. Fortunately or unfortunately, say fortunately we haven’t had any executions for a while. I suppose it’s a controversial issue but I think really Lagos is moving more to giving them some hope; they’re increasing eating, waking up and serving. Most of them haven’t-some have even been pardoned by the prerogative of mercy committee.

A further analysis of the *public* qualitative data showed an interesting twist. While the majority of the interviewees and discussants across sessions and categories support death penalty, gender appears to play some roles. Although majority of males and females support and recommend death penalty, at female sessions, a few women suggested life imprisonment as against the situation at the male sessions where overwhelming majority recommend death penalty without the alternative of life imprisonment. This finding is also corroborated by the findings at the quantitative component as shown in the Table 2 below after the ethnographic summaries. This perhaps represents the feminine nature of women as the *softer, more humane* and *more forgiving gender.* This nuance however does not suggest that women are generally against death penalty but just an important finding that must be isolated for consideration.

A female Yoruba interviewee (IDI, 2013) Lagos captured many of the female orientations:

Nipa Iku, emi o fesi pe kan ma pa yan. Eni to ba se, kan fi iya mii je won. Ko n je kon stop. Tori ti emi buruku yen ba ti wonu ara won, o ti wo o ni yen, awon o kii ro anything afi igba to n ba se kini yen tan. Looto, ara awon to se ika fun, awon famili won pe won fe se ika fun, won fe pa, inu won mama dun. But ko da, ko to be e. Kon yo kuro ni. kan yo kuro ni, iya mi ni kan ma fi je won. maa ni kan ma dajo iku fun won. Kan fiya mii je won tori Olorun o nife si kan ma payan kan ma se gbogbo e. Awon imi wa to je pe ko n se ife inu won lo fi n se, kegbekegbe, afi airise lo mu awon mi fi nse. So kan yo. Ki ijoba naa help won. Awon t ionise yen, kan ma help won. Ntemi ri ni yen.

*Translation:*

Concerning death penalty, I do not like it. If anyone is found guilty, let them (government) look for another punishment. Let them (government) stop it (death penalty). Because once the bad spirit enters people it will not leave them until they do evil. It is true on justice that relatives of victims may feel satisfied once the criminal is executed but that is not right. They (government) should remove it (death penalty). They (government) should give them (criminals) another penalty but God is not pleased with killings. Some people committed the offence unintentionally but due to bad association and unemployment. So government should help them. Those unemployed should be assisted. That is my view.

The FGD session for the male at Apapa (2013) Lagos gives a modal view and frequent consensus among male discussants across methods of qualitative data collection. According to most men, Lagos state government should uphold death penalty because once death penalty is abolished, violent crimes will increase and important deterrence would have been traded off aimlessly:

Male 1:… tab a ni ka ma bere question yi twenty times lowo mi, mo mama payan ni, Nigeria gaan ti worse ju Jamaica lo… tan ba ti mu e ko si nkan mi, kan pa lesekese, kan ma te dajo iku were kan fun ***Translation*** if you ask me this question twenty times, I will be killing people (I will be supporting death penalty). This Nigeria has become worse than Jamaica in violent crimes. Once violent criminals are arrested, no option, they should just be executed.

Male 2: Seri anybody to ba ti payan o didandan ka se kini, ka pa… tab a lo,si prison leni, a lot of innocent people …pe won jiya alaise tan de dajo iku fun won. So tan ba nu’yan, kan se thorough investigation to ba de je pee se yen, pe o payan nitooto, kan de pa lesekese…***Translation*** you see if anybody kills it is compulsory that we do what? We execute the person. If we visit the prisons today, there are innocent people suffering needlessly on death row. But once thorough investigations are conducted and the person kills truthfully, he/she should be killed instantly.

Male 3:… eloto ba payan tan de free e, oun naa a ni guts wipe oun payan.. pe to ba payan, won ma pa oun naa pada ni. ***Translation*** once somebody kills and you free the person, he/she will have the boldness to keep killing. But once there is the consciousness that once you kill you will be killed, there will be caution.

Male 4: I support (death penalty)

Male 5: … tan ba payan loni, tan free e, o ma tun nip e sebi toun bat un payan, won ma tun free e ni. So emi support e. .. tan mo pe yes eni yii payan, pe o de moomo pa ni ko n se pe kini, kan pa oun naa pada ni. ***Translation*** if someone kills today and you free the person; he/she will feel once he/she kills again they will free him/her. I support death penalty. Once it is confirmed somebody killed intentionally, they kill the person in return certainly.

Male 6: … awa tawa je talika, a n jiya yen ju… awon to wa n power won lo agbara won fun wa. Iru awon omo yen bo se wa yen, bob a payan, awon omo talikama lo n ma fi n ropo to ma lo lo pa a.. kan ba wa wa nkan se siyen naa. ***Translation*** before we institute death penalty, attention should be given to reforms in the justice system because as it is now, the poor and their children are the onces suffering death penalty. Even when the children of the rich and powerful break the law, it is the children of the poor that are used in replacement.

The views at Apapa were frequent at other sessions as already noted above. Group consensus at Ibeju-Lekki further demonstrates this. Male/FGD/Ibeju-Lekki, 2013:

Male 1: esun ipaniyan ni eni to payan to confirm iru eyan bee won ye kan pa ni. But to ba je by mistake boya ti inu bibi yen kan wa, won le fun ni bi ewon ko lo sere nbe die, kan de tun consider e. ***Translation*** accusation of murder once it is confirmed, such person should be killed. But if it is by mistake perhaps by anger such persons should be given long jail terms to play there for some time and they should reconsider it.

Male 2: looto won ni eni to ba fi ida payan kan fida pa oun naa. But taba ni ka wo dada e mo pe elomi wa to je pe by mistake lo fi payan e mo pe o ma dajo iku fun. But as eye witness o rip e o momo boya o yinbon fun o de pa, kan mu eninaa kan pa, kan meni naa kan pa… *T****ranslation*** truthfully, they said anyone that kills should be killed. However, if we consider it critically some people killed by mistakes. But if there are eye witnesses that the person killed intentionally, they should kill the person too.

To sustainably capture the nuances of the orientation towards death penalty, another measure was adopted as shown in the figure below.

**Table 2: Nature of Support and Socio-demographics**

It is important to examine the nature of support found in the measure above relative to critical socio-demographics and crime history for detailed exploration.

|  |  |  |  |
| --- | --- | --- | --- |
| **Factor** | **Nature of Support for the death penalty**  **I Support it I Oppose it** | | **Total[[113]](#footnote-113)** |
|  | **Freq/(%)** | **Freq/(%)** |  |
| **Gender** |  | | |
| Male | 791 (73.3) | 288 (26.7) | 1079 (100.0) |
| Female | 536 (58.9) | 374 (41.1) | 910 (100.0) |
| **Age Categories** |  | | |
| 18-27 | 378 (60.7) | 245 (39.3) | 623 (100.0) |
| 28-37 | 562 (67.9) | 266 (32.1) | 828 (100.0) |
| 38-47 | 256 (68.4) | 118 (31.6) | 374 (100.0) |
| 48-57 | 89 (78.1) | 25 (21.9) | 114 (100.0) |
| 58-67 | 28 (87.5) | 4 (12.5) | 32 (100.0) |
| 68-74 | 4 (100.0) | 0 (0.0) | 04 (100.0) |
| **Marital Status** |  | | |
| Married / cohabiting | 712 (69.4) | 314 (30.6) | 1026 (100.0) |
| Separated / divorced | 22 (71.0) | 9 (29.0) | 31 (100.0) |
| Single | 566 (63.7) | 323 (36.3) | 889 (100.0) |
| Widow/ Widower | 22 (66.7) | 11 (33.3) | 33 (100.0) |
| **Highest Level of Education** |  | | |
| No formal education | 15 (78.9) | 4 (21.1) | 19 (100.0) |
| Primary not completed | 31 (72.1) | 12 (27.9) | 43 (100.0) |
| Completed primary | 24 (66.7) | 12 (33.3) | 36 (100.0) |
| Secondary not completed | 64 (68.1) | 30 (31.9) | 94 (100.0) |
| Completed secondary | 488 (69.1) | 218 (30.9) | 708 (100.0) |
| Tertiary not completed | 323 (66.2) | 165 (33.8) | 488 (100.0) |
| Tertiary Completed | 372 (63.3) | 216 (36.7) | 588 (100.0) |
| Others | 3 (60.0) | 2 (40.0) | 5 (100.0) |
| **Religiousity** |  | | |
| Very religious | 388 (60.4) | 254 (39.6) | 642 (100.0) |
| Averagely religious | 852 (69.4) | 376 (30.6) | 1228 (100.0) |
| Not religious /nominal | 64 (73.6) | 23 (26.4) | 87 (100.0) |
| **Nature of LGA/Locality** |  | | |
| Rural/Semi-urban[[114]](#footnote-114) | 268 (67.5) | 129 (32.5) | 397 (100.0) |
| Urban | 1059 (66.5) | 533 (33.5) | 1592 (100.0) |
| **Local Government Areas** |  | | |
| Alimosho | 72 (72.7) | 27 (27.3) | 99 (100.0) |
| Ajeromi-Ifelodun | 68 (68.7) | 31 (31.3) | 99 (100.0) |
| Kosofe | 69 (69.0) | 31 (31.0) | 100 (100.0) |
| Mushin | 79 (79.0) | 20 (20.2) | 99 (100.0) |
| Oshodi-Isolo | 60 (60.0) | 40 (40.0) | 100 (100.0) |
| Ojo | 62 (62.6) | 37 (37.4) | 99 (100.0) |
| Ikorodu | 61 (61.6) | 38 (38.4) | 99 (100.0) |
| Surulere | 83 (83.0) | 17 (17.0) | 100 (100.0) |
| Agege | 57 (57.0) | 43 (43.0) | 100 (100.0) |
| Ifako-Ijaye | 66 (66.0) | 34 (34.0) | 100 (100.0) |
| Shomolu | 74 (74.0) | 25 (25.3) | 99 (100.0) |
| Amuwo-Odofin | 56 (56.0) | 44 (44.0) | 100 (100.0) |
| Lagos Mainland | 67 (67.0) | 33 (33.0) | 100 (100.0) |
| Ikeja | 55 (56.1) | 43 (43.9) | 98 (100.0) |
| Eti-Osa | 61 (61.0) | 39 (39.0) | 100 (100.0) |
| Badagry | 51 (51.0) | 49 (49.0) | 100 (100.0) |
| Apapa | 72 (72.0) | 28 (28.0) | 100 (100.0) |
| Lagos Island | 58 (58.6) | 41 (41.4) | 99 (100.0) |
| Epe | 74 (74.0) | 26 (26.0) | 100 (100.0) |
| Ibeju-Lekki | 82 (83.7) | 16 (16.3) | 98 (100.0) |
| **Crime History** | **If respondents, family member(s) or friend(s) have been victim(s) of violent crime** | | |
| Yes | 220 (71.2) | 89 (28.8) | 309 (100.0) |
| No | 1089 (66.2) | 557 (33.8) | 1646 (100.0) |

Nature of support is consistent between genders as more people in the two genders support death penalty even though more men support death penalty than women. It can be observed from the table above that across all age categories, majority of the people support death penalty in Lagos state. It can also be observed that degree of support increases with age. That is, the older the respondent the more the support for death penalty (age and death penalty progression). This may be due to experience people have gathered relative to crime and punishment recommendation. Across marital status majority of people support death penalty for violent crimes in Lagos state. The same pattern is observed by level of education as majority of people across all levels of education support death penalty. Education therefore does not have significant influence on findings relative to support. It can however also be added that more at the levels of *no formal education* and *primary not completed* support death penalty. Hence, majority of people across levels of religiousity express support for death penalty as the very religious, the averagely religious and nominal people mostly support death penalty. Higher percentage however expresses support for death penalty among the nominally religious people.

Identical findings exist at the level of locality as nearly equal proportion (majority) support death penalty at the rural/semi-urban areas and the urban areas. Rurality and urbanism therefore do not significantly impact nature of support found above. Across all local governments in the state, more people support death penalty with the extremes been Ibeju-Lekki (83.7 percent support) and Badagry (51.0 percent support). Crime history has a unique way of influencing attitude to death penalty as it is commonly said that *experience is the best teacher.* It could be hypothesized that people who/whose relatives have experienced violent crimes will respond differently from those who have not had such experience. Interestingly, identical findings were made on crime history and support as majority of people across the two categories support death penalty. The degree of support is only slightly higher among the people who have who/whose relatives have experienced violent crimes in the past.

Given the importance of the problematic, further analysis was undertaken for reliable findings. Thus, the *hypothesis* question was explored relative peculiar variable. It was hypothesized that there is no significant relationship between independent variables; age, sex, level of education and religion and support for death penalty found above. The hypothesis was tested at the probability level of α = 0.05. The statistical techniques employed and the computational details following can be obtained in the table above. The result of the study reveals that the four independent variables (That is age, sex, level of education and religion) when taken together appear to be effective in predicting support for death penalty. The observed F-ratio is significant at the 0.00 level. An indicator of the independent variables is reflected in the values of coefficient of multiple regression (0.185) and multiple R-square (0.034) as shown in the table. It may then be said that about 18.5 % of the total variability in the support for death penalty is accounted for by a linear combination of the four independent/demographic variables. It is important to examine, the extent to which each of the four independent variables contributed to the support for death penalty. The t-value associated with respective variables as shown in the tables below indicates only variables; age, sex and religion have a measure of significance. Hence, it can be concluded that there is a significant relationship between:

Age and support for death penalty (t-value = 3.537, p-value= 0.000)

Sex and support for death penalty (t-value = -6.078, p-value= 0.000)

Religion and support for death penalty (t-value = -2.782, p-value= 0.000)

The significance of this statistics is that these variables exert some influence on the support and attention must be paid to these variables in instituting actions. This finding however does not diminish the support situation for death penalty as found in the survey and as presented in the cross tabulations above.

When a list of crimes and offences was presented to the respondents, the proportion in support of death penalty increased as many picked at least a crime that deserves death penalty. Almost 70.0 percent of the respondents picked a crime including even civil offences as presented in the figure below.

Majority of the respondents that chose at least a crime deserving death penalty chose murder (63.3 percent). This was followed by terrorism (52.0 percent), armed robbery (25.5 percent) and rape (17.0 percent). It is however noteworthy that some people also recommended death penalty for corruption (7.5 percent) and kidnapping (6.3 percent). Those people opined corruption is the major problem of Nigeria and should be dis-incentivized through death penalty. Many of the respondents actually maintained that corruption is the overarching problem of Nigeria as it ultimately leads to problem such as poverty and unemployment that eventually lure many to violent crimes. This view was expressed by many of the discussants and interviewees during qualitative sessions. The ascendancy and preponderance of kidnapping in the country also made some to recommend death penalty in the order of Edo state. According to many discussants during qualitative sessions, the preponderance of kidnapping and terrorism has to be nipped in the bud as these crimes that used to be perceived and taken for granted as alien to the Nigerian culture are now very popular in the country. This is why, according to the discussants/interviewees, they need to be dis-incentivized through death penalty especially in a state such as Lagos state.

The views of the clerics during KII are relevant in explaining the trajectories of the issue found above:

The terrorist, sincerely speaking, I want them to be killed. Because no difference between terrorists and murders as far as I’m concerned. They are operating on the same level because if anybody falls to their hands, the person is gone completely. In the light of those terrorists, they can be killed together with the murderers. My opinion emanated from three things, number one, my personal experience. When I was in the north, especially on these terrorists, I was in the … (a capital city in the North *name withheld for ethical reasons)* in the year 1994. Now, on the issue of armed robbers, I had an experience also.

**Respondents’ Recommendations**

Over half of the respondents (51.1 percent) advised Lagos state government should execute all those on the death row while only 38. 5 percent maintained otherwise. 9.7 percent were undecided while 0.8 percent was indifferent.

Majority of the respondents (67.2 percent) recommended the state government should keep death penalty in the state. This is also largely consistent with the findings during the qualitative sessions on the subject of recommendation. The figure below shed more light on this finding.

Over half of the respondents recommended the state should actually use death penalty more frequently to send strong signals to criminals and would be criminals in the state as the state and the country have not developed to the extent of abolishing death penalty. According to a male, elderly respondent during interview IDI/2013/Lagos:

It is only a criminal that will suggest the state government abolish death penalty because the state and the country have not reached that level.

A key informant during interviews with experts also observed in consonance:

My expert opinion and my personal opinion are the same. I don’t have personal opinion. Capital punishment will deter further offences and that is what is happening in the countries that apply capital punishment. That is my evidence. All the countries that apply it (death penalty). Take Saudi Arabia, a Muslim country. In Saudi Arabia, you sleep at night with your two eyes closed, in Saudi Arabia. In Singapore, they don’t build houses and build fence around it with a giant gate. In Nigeria, with the fence and giant gate, what happen at night? Don’t they come? They still beat all your security gadgets they beat it and enter the house. My experience in Nigeria is that people don’t care about committing offence in Nigeria, because they know that with your connection, with your money, they can get the kind of judgment they want in the country. So that is the promoter of offence in Nigeria. For deterrence and retribution, if I do something, what is going to be the repercussion? If i know that the repercussion is that I will go to jail, but i can buy my way out of jail. So retribution has no effect again to deter me from committing offence. Because I know I can manipulate.

Respondents were asked to recommend other possible ways they feel criminals can be punished aside death penalty, more people (as a single category 41.7 percent) insisted they could not imagine any other way aside death penalty for violent crimes like murder. Some however considered life imprisonment, very long jail term but not life imprisonment, community service, jail term with hard labour and rehabilitation.

**5.0. The Experts and Capital Punishment**

This section presents the findings based on the analysis of experts’ opinions across methods of data collection (qualitative and quantitative [KII and questionnaires]). The experts included for the qualitative sessions are legal practitioners- both in academics and practice, the Nigerian Bar Association and the civil society. Backgrounds of those included in quantitative session are presented in the table 6 below.

**Table 3: Socio-demographic background of the *experts***

|  |  |  |  |
| --- | --- | --- | --- |
| **Age** | | | |
| Mean Age | | 44 years | |
| Standard Deviation | | 9.8 | |
| Range | | 46 | |
| Minimum Age | | 24 | |
| Maximum Age | | 70 | |
| **Variable** | **Frequency** | | **Percentage** |
| **Experts’ Professional Background** | | | |
| Prison Officials | 4 | | 7.7 |
| Lawyers[[115]](#footnote-115) | 11 | | 21.2 |
| NGO officials | 5 | | 9.6 |
| Magistrates | 14 | | 26.9 |
| Religious Leaders | 5 | | 9.6 |
| Criminologists | 2 | | 3.8 |
| Judges | 4 | | 7.7 |
| Police Officers | 7 | | 13.5 |
| Total | 52 | | 100.0 |
| **Gender** | | | |
| Male | 27 | | 51.9 |
| Female | 22 | | 42.3 |
| Indifferent | 3 | | 5.8 |
| Total | 52 | | 100.0 |
| **Marital Status** | | | |
| Married/Cohabiting | 37 | | 71.2 |
| Separated/Divorced | 2 | | 3.8 |
| Single | 9 | | 17.3 |
| Indifferent | 4 | | 7.7 |
| Total | 52 | | 100.0 |
| **Ethnic Background** | | | |
| Igbo | 4 | | 7.7 |
| Yoruba | 39 | | 75.0 |
| Middle Belt | 2 | | 3.8 |
| Niger Delta | 4 | | 7.7 |
| Indifferent | 2 | | 3.8 |
| Others | 1 | | 1.8 |
| Total | 52 | | 100.0 |
| **Religion** | | | |
| Catholic | 7 | | 13.5 |
| Islam | 9 | | 17.3 |
| Orthodox Christian | 10 | | 19.2 |
| Pentecostal | 22 | | 42.3 |
| No Religion/Atheist | 1 | | 1.9 |
| Other religions | 1 | | 1.9 |
| Indifferent | 2 | | 3.8 |
| Total | 52 | | 100.0 |
| **Religiousity** **(Level of commitment to tenets/doctrines of your religion)** | | | |
| Very Religious | 29 | | 55.8 |
| Averagely Religious | 19 | | 36.5 |
| Not Religious/Nominal | 2 | | 3.8 |
| Indifferent | 2 | | 3.8 |
| Total | 52 | | 100.0 |

|  |  |  |
| --- | --- | --- |
| **Main and Trusted sources of information** | | |
| Television | 35 | 67.3 |
| Radio | 24 | 46.2 |
| Newspaper | 38 | 73.2 |
| Internet | 30 | 57.7 |
| Neighbours | 9 | 17.3 |
| Friends | 12 | 23.1 |
| Family members | 11 | 21.2 |
| Researches and Technical Reports | 3 | 5.8 |
| Others | 7 | 13.5 |

The respondents are relatively matured with an average age of 44 years with the youngest been 24 years old and the oldest been 70 years of age. Most of the people selected are magistrates, lawyers and police officers. Others are NGO practitioners, prison officials, religious leaders, judges and criminologists. All these people were sselected because of their direct relationship with the problematic. Over half of the experts are males and 42.3 percent are females. Most of the experts (over 70 percent) are married and most are of Yoruba origin. This is understandable as the study was conducted in Lagos state, a state in the South-western Nigeria mostly inhabited by the Yoruba people even though the state is very cosmopolitan. Respondents practice different religions and over half claimed they are very religious and this was followed by 36.5 percent who claimed they are only averagely religious. The most trusted sources of information of the respondents are newspaper, television, internet and radio.

Opinions are divided among the experts on death penalty based on their expert views. Exactly half of the experts (50.0 percent) opposed death penalty while another near half (46.2 percent) support death penalty.

It is interesting to find that a lot of the experts also based their expert views on feelings (44.2 percent) and religion (32.7 percent). Many also based their views on research report, international recommendations, work experience and interaction with offenders.

When nature of support was captured through personal opinions, a shift in pattern was observed. Unlike the findings from professional opinions as presented above, exactly half of the respondents (50.0 percent) support death penalty while 44.2 percent opposes it. This distribution is however very close on nature of support scale just as on expert opinion measure above.

Most of the experts based their personal opinions of Ethics/Moral Codes (34.6 percent), lack of confidence in the criminal justice system and religious beliefs.

When both professional and personal views of the experts were collapsed and directly posed to the experts, a clearer pattern emerged from findings. Over half (57.7 percent) of the experts claimed death penalty is right as against 40.4 percent that insisted death penalty is wrong.

**Figure 23: Experts’ Professional Background and if Death Penalty is Right or Wrong**

Given the importance of the issue at stake, deeper analysis was attempted to have more reliable findings. Thus, data was disaggregated by experts’ professional background and their view of whether death penalty is right or wrong. Majority of the police officers (85.7 percent) maintained death penalty is right. Identical finding was made among religious leaders and prison officials as 100.0 percent of the two categories of experts maintained death penalty is right. Majority of the judges (75.0 percent) however opined that death penalty is wrong just as 100.0 percent of the NGOs practitioners claimed death penalty is wrong. Opinions were equally divided among criminologists (50.0 percent each). 54.5 percent of lawyers claimed death penalty is right while among magistrates over half also (57.1 percent) said death penalty is right.

**Figure 24: Experts’ opinions on Death Penalty, Retribution, Innocence and Deterrence (%)**

Barely over half (51.9 percent) opined that death penalty serves useful retribution purposes. Exactly half of the experts also opined that even though there are sometimes errors of executing innocent people, it is not enough reason to abolish death penalty only the criminal justice system should be improved to eliminate such errors. Hence, almost half of the experts also opined that death penalty serves useful deterrence purposes. Across all the three measures, more of the experts align with the distribution just explained above.

Exactly half (50.0 percent) of the respondents agree it is important to encourage death penalty in the state for safety and justice as against 44.2 percent that opined otherwise.

57.7 percent disagree that death penalty should be abolished in Lagos state because of its Mega City status. This means over half of the people prefer death penalty is retained in the state. This is against 40.4 percent of the expert who opined otherwise.

A little over half of the experts submitted that anyone that kills another should also be killed. According to an expert for instance, *anyone that takes the life of another does not have the right to his/her own life either.*it is therefore not surprising that 50.0 percent of the experts also concluded that anyone that takes the life of another unjustly should have his/her life taken compared to only 38.5 percent that maintained otherwise.

Over half (55.8 percent) of the experts submitted that it is right to execute murderers in the state. This is against only 30.8 percent that maintained otherwise.

Less than half of the respondents believe abolition of death penalty will lead to increase in crime rate just as another less than half feel otherwise.

Half (50.0 percent) of the respondents insisted that if someone kills their family members, they will recommend death penalty for the offender. This is against only 32.7 percent of the experts who said they will not recommend death penalty for the offender.

Overwhelming majority of the experts (73.1 percent) opined that even if death penalty should be retained, it is not because of its cost effectiveness but its deterrence and retribution advantages. For those against death penalty particularly, cost is not an issue at all but absolute abolition for whatever it is worth.

A very important and critical component of this survey is the recommendation. As such, the experts were asked to directly state their recommendation to the state government on death penalty. Over half of the experts (53.8 percent) concluded that the state government should retain death penalty because it serves positive retributive and deterrence purposes. This is against 40.4 percent of the experts who recommended abolition of death penalty. This was followed up with experts’ recommendations on execution of convicts on death row as presented below.

Half (50.0 percent) of the experts concluded that the state government should go ahead and execute those on death row now. This is against only 34.6 percent of experts who maintained the state government should never execute convicts on death row.

The quantitative data/findings presented above were explored in greater details through qualitative data from other experts. This is important to have comprehensive and robust views of the trajectories and dynamics of the problematic. This is particularly and specially important for policy driven research on issue as sensitive as the death penalty.

Identical and consistent with findings from the quantitative data, findings from the qualitative sessions with experts (legal practitioners) can best be captured through the views expressed by a key informant (a lawyer). According to the key informant (Lagos, 2013):

As a lawyer, as a legal practitioner, the issue of death penalty has generated a lot of controversy, in recent times. And if you gather ten lawyers, they will have ten perspectives.

Although the lawyers and legal experts interviewed did not actually have ten perspectives or one different perspective per person, they gave broad divergent views based on their professional and personal experiences. All the experts gave rich professional, legal, religious, historical and personal data and issues to substantiate their positions. A common view among the experts is that the justice system must be exhausted before a decision on whether to eliminate a criminal or not is taken. This can be done, according to an expert, through the OPD and Legal AIDs such that even those convicted but could not afford appeal are given exhaustive and comprehensive opportunities to go through the justice system.

Many of the expert informants do not have identical orientations relative to their professional, experiential and personal reasons for views. In other words, most of the informants have identical views across background. This is not surprising as humans become a totality of their lived and imagined environments with implications for worldviews as they are shaped through their socialization processes across the social institutions over the years. Humans may only segment views and experiences if they are compelled to and this segmentation can only be used for analytical purposes rather than real, true and active purposes. Humans do not segment and quantify impacts of isolated social realities on their worldviews as they are socialized thus making rigid segmentation and compartmentalization of views complicated as they traverse the real world through the primordial social institutions. This is clearly exemplified by an expert who insisted during KII (2013/Lagos, Nigeria):

My expert opinion is based on my personal conviction.

There is however other experts who attempted to separate their professional views from personal experiential views to make informed contributions. For those experts who support death penalty, it was mostly based on a combination of personal, experiential and professional background. They were of the view that though the global trend is against death penalty but Nigeria is still an underdeveloped nation that must be carefully handled so as not to put the chart before the horse. Some also observed that death penalty could also have deterrence possibilities even though there are data that suggest death penalty may not have huge positive deterrence capabilities. An informant captured the finding as below:

It depends on the angle one is considering death penalty from. If you look at it from the scriptural perspective which is more or less the origin of death penalty, the Bible says he who kills should be killed. He who kills by the sword should die by the sword. If you also look at one of the aims of criminal punishment which is one what I can call vengeance, you look at the proportionality. If someone has killed someone in a very heartless way then the person also deserves to die. So if you kill that person I don’t see it as being wrong. From a pragmatic point of view Lagos state should execute those who have been sentenced to death. We should not be lawless in this country. When you retain a law it should be enforced. Somebody has committed capital offence and has been sentenced by the court only to keep him on death row because you say it is not good to kill! and the statute is clear saying that anybody that is in that situation should be killed. So we should not rubbish the judiciary. The essence of keeping someone on death row without carrying out the sentence of the court is like telling the Judge that he has not done something right when he is already doing what the law says he should do.

According to another expert:

I support the death penalty. The basis of my opinion cuts across two or three of the options. Number 1 religion. You have killed someone so you don’t deserve to be alive. Secondly, another argument against it is the fact that it doesn’t stop humans from committing crime, but from a human perspective I do understand that it is the fear of what could happen when you do something that will stop you from doing it. Even if that is not 100 percent the case, it plays a part, knowing the consequence of what you do if you are caught will discourage you and will make you to be more conscious of the consequence of what you are doing. An example is the issue of V.I.O. and LASMA. Before now, nobody used to be really bothered about whether you are driving with a license or not but now everybody will obey the rule because we know that the punishment for it is quit steep and it is not an inconvenience you will like to go through. That alone is a reason why you will want to go through the inconvenience of doing the right thing. But when you gauge the inconvenience with the punishment, you will think it is better to do it to avoid the punishment. So for me on that basis, death penalty should stand. Then the third basis is that speaking with people that are security operatives like vigilantes and the police, the opinion is that when people that commit murder are in the process of doing it, especially cold blooded murder, such people are very dangerous. They don’t see you and me like normal people. When they are raping people’s wives even some who are pregnant because the husband is unable to give them money, they can pounce on the woman and rape her and after it, shoot the man. These people are not human. They should not be kept among us and should not be kept with tax payers’ money.

Another expert in support of death penalty submitted:

Certainly I support the retention of death penalty for heinous crimes such as armed robbery or murder. Except for somebody who is insane, I do not think there is anybody who will decides to kill anybody, or who decides to embark on a venture like armed robbery which may likely result in…so such a person who chooses… It is better for such person to be eliminated so that he does not repeat the same thing. How you kill him, mode of killing him.is a different thing entirely. …but certainly a person who kills another person does not deserve to live. I wholeheartedly support the retention of capital punishment.

According to another expert in support of death penalty based on his experience and professional researches and observation:

As an expert, of course I know as a law expert that the death penalty is already contained in our laws, and for those offences that you mentioned, they are already there. So if you ask me as an expert, I will say that the only thing that needs to be done is to implement the law. So, once somebody is found guilty of any of these offences, then of course the judge has no other discretion than to inflict the punishment. And if you look at it again, you discover that the offences mentioned there are not just ordinary or simple offences. You know in Nigeria, we have classification of offences. Now, the ones that are mentioned here are not actually just ordinary offences like pick pocketing, stealing or even carjacking. These are serious offences, murder, robbery, kidnapping, terrorism. Particularly kidnapping and terrorism that has become a kind of... that we have a kind of resurgence in it recently. So, if you ask me, I will say that I support it, because of the fact... For one basic reason, the offences that are mentioned there, murder, robbery kidnapping and terrorism, they are the highest form of wickedness that a man can inflict on his fellow human being which is you know... and most of the time, they always involve the taking of life. So if not for anything at least, as a result of the nature of these offences, the violent nature and the tendency to end human life, i will support death penalty.

Another expert in support of death penalty observed:

Even at the end of the day, when you look at some of the arguments for it because when I was doing criminal law the issue was raised that when you want to execute criminals it is inhuman. So are we saying that when these criminals want to kill people they are not human so why should the issue of being humane be a fact to consider in punishing them? But the problem here is these criminals have killed people. In fact, sometimes you find out that some have killed very many and will continue killing and the tax payers money will be used to keep these people alive and sometimes you discover that even in advanced countries some of these people are not kept forever. Sometimes you discover that some of these criminals are not kept in jail forever, the law keeps adjusting to accommodate them. You find out that somebody who has committed murder stays in jail for about 40years and then he is released for good behaviour but what about the person who has died. So for me that is my take on it. *Supports death penalty.*

The ethnographic summaries above give the general pattern of the findings relative to expert support for death penalty. There are however those who are against death penalty and recommended its abolition. The experts in this category maintained death penalty does not serve useful purposes relative to innocence, retribution and deterrence based on their professional, experiential and personal understanding of the trajectories of death penalty. Modal view of anti-death penalty experts is that death penalty is actually a burden to the criminal justice system rather than asset because it does not deter violent criminals, does not serve sustainable retributive function and dangerous on innocence as an innocent person can be erroneously executed especially in weak justice systems like the Nigeria’s. For instance, a lawyer in this category observed during interview:

Generally speaking I am against the death penalty. The reason is that apart from the fact that the death penalty is final, so if at any time you find that there has been a miscarriage of justice there is nothing you can do because the life is gone. In some instances you find out that in fact the person concerned was innocent for whatever reason. But besides, my opinion is based on my faith that even the worst offender that is, the person who commits the worst of criminal offences still has the possibility of being restored. I believe in restorative justice; in other words giving that person a second chance. That doesn’t mean that person should not receive punishment for an offence committed. Life sentence is fine but not death penalty. I am against the death penalty because it is irreversible. And besides two wrongs does not make it right. I have said it is based on my faith. People will say the Bible says an eye for an eye and a tooth for a tooth. That is what the Old Testament says but the New Testament is a testament of grace.

Analysis of data revealed that lawyers with civil society and human rights advocacy operational relations were more against death penalty than others in practice. Even while some feel the death penalty may serve some useful purposes, they still insisted the criminal has the right to life as a matter of human rights especially as the global trend is now against death penalty. This is strongly consistent with the quantitative finding presented among expert above where all NGO experts were against death penalty. A lawyer in this category and against death penalty concluded:

I think I am one of those in opposition to death penalty. I’m saying that people should be given an opportunity to live again if they have committed an error in their life. A lot of people today were once ex-convicts but because of the fact that the law given opportunity to repent and they are even pastors and men f God that are turning lives. So if such a second chance may be given to such convicts, they may become a better citizen. So for that reason and for other reasons which may have to do with fundamentality of the human life one should be opposed to it (death penalty) and I’m opposed to it but for now, it is still in our statute book and if it hasn’t been changed, it is the law. But I’m opposed to death penalty as an individual.

Another lawyer with civil society operational links and human rights law also maintained that:

I think it is not good practice, in because the assumptions upon which the death penalty is being; a lot of the assumptions are not valid, let me use that word, u know- not valid in law and logic. And those assumptions, I think we are probably going to get to them. The assumptions that it is an eye for an eye and a tooth for a tooth- that is retribution. If someone kills, he should be killed. And then also the assumption that it deters is also not valid. If you subject it to all the logical tests it doesn’t add up. Like a former NBA president (real names withheld) was explaining if it is an eye for an eye it therefore means that anybody that kills will be killed so it must apply across board irrespective of status, affiliation and all that. You know it never happens that way, that is a perfect law of retribution will mean that it doesn’t matter the law will not look at who you are or your status to determine punishment, but that doesn’t happen. So that is why a former NBA Chairman (name withheld for ethical reasons) was saying how come rich people don’t end up on death row it is only poor people. I do not, do not support death penalty.

From the above analysis, it is observable that the legal experts are divided on their views of the problematic as some are against the death penalty just as are in favour of it for various reasons. A prominent lawyer in practice and social engagements gave balanced and more nuanced views of legal experts and capital punishment *even though he is in support of death penalty*:

Having regard to my training as a constitutional lawyer with bias for the practice of human rights, I am against any form of bloodletting as a way of society brisance against some social dissidents or anti-social behaviour which bothers in the realms of criminality. In other words, I am *not too much* in support of killing for killing in respect of such offences as murder and kidnapping but we must at the same time understand the essence of criminal punishment in criminal jurisprudence. They are essentially to assuage the feeling of the victim of a crime. In other words it must have the essence of reforming the accused person which is the first one. The other one, restitution and the third one is deterrence. When you look at these three, reformation, restitution and deterrence, how do you restitute for the life of our little beloved as to the life of the criminal? If you insist on restitution it’s going to be life for life. But in spite of my human right feeling in me and the need to avoid bloodshed we must also consider the velocity and the aggressiveness with which the offences are being committed in Nigeria today. Particularly having regard to the offence of terrorism which causes the death of millions of innocent people, unlike armed robbery where one or two people are shot dead. Terrorism is more grievous in a situation like that, considering the recurrence with which such offences like kidnapping are being committed. In other words, virtually on daily basis, how do you curb it? If death penalty to me will curb it then I support it. The argument is not a straight forward thing that we must condemn death penalty. In as much as I am against shedding blood, we must also consider whether shedding blood will bring an end to the act in question. If death penalty is the answer then so be it.

The above analysis captured the general and overall worldviews, professional as well as personal orientations of the legal experts. It is not surprising that the experts hold divergent views as they have different operational background and given the sensitiveness of the issue at stake. The important point however is that their orientations further shed light on the dynamics of the problematic. The recommendations given by the experts also connect with their views above. Those against death penalty suggested the state government execute those on death row and continue death penalty while others against death penalty recommended abolition and at best conversion to life imprisonment so the offenders may have second chance.

It is important to note that the views of the experts also connect with their opinions on innocence, retribution and deterrence. For those in support of death penalty, they were of the opinion death penalty serves a measure of deterrence and retribution and have the capacity to maintain order in the violent crime market place. That is once people know they will pay the ultimate price with their life they may be dis-incentivized and discouraged from committing the crime. Those in support of death penalty however observed that although there may be miscarriage of justice in which case innocent people may be erroneously executed, those are exceptions rather than the rule once the thorough process of the law is followed. For this category of people, innocence should not be a reason for eliminating death penalty. A key informant further captured the general and particular orientations and worldviews of the experts who are in support of death penalty:

I believe it’s a question of deterrence death penalty as being able and will continue to reduce the number of people who will commit… take for example, armed robbery and stealing or forgery for example, we have more people committing the offence of stealing and forgery than people doing armed robbery. Why? Because armed robbery attracts stiffer sanction than stealing and forgery. The existence of capital punishment is the reason why we have less and less people committing it compared to other people committing other less severe punishments. The whole essence of crime is to enable people exercise their freewill, that if you are going to go into a crime that you should look at the cost benefit and the likelihood of being caught. And if you are caught, the kind of sanctions imposed. It means that people are mindful. I am a lawyer. And all the experiences I have gathered are from the books that I have read. In terms of deterrence, I believe that death penalty has deterred some people from committing the offence. And the way to test is to remove it for one year and see the result. So I believe that death penalty… to deter people. Retribution has to do with to assuage the families of the victim. Because they will think of doing something to avenge the death of your loved ones… cry of the innocent victims… we must talk about justice to the victim of the offence… and also justice to the society whose moral values or whose values are being violated. On innocence don’t forget that there are three levels in which innocence can be established, the high courts for trial, if it is not established there, court of Appeal trial, if it is established there or not established there supreme court. So what you are saying is that during those processes, someone is innocent have been established but that does not rule out the fact that it is possible for a person who is innocent to get death sentence going through all the three courts. But then that’s also an acknowledgement that no system is perfect. Perfection belongs to the Almighty God.

For the experts who are against death penalty, they opine death penalty does not serve useful purpose relative to deterrence as there has not been evidence suggesting reduction in violent crimes since the use of death penalty. The same view was canvassed for retribution as they were of the view that restorative justice serves a better purpose than retributive especially when combined with innocence. The experts against death penalty concluded since the possibilities of executing an innocent person exists and death penalty does not serve appreciable deterrence and retributive purposes, abolition of death penalty is necessary. According to an expert who usefully captured the views of those against death penalty relative to deterrence, retribution and innocence reasons during interviews:

The very simple statistics that is given by the police is the number of armed robbers that we have even in the face of death sentence. Armed robbery in 1970 and today is on the increase, you know, cocaine pushing carries death sentence, people still carry cocaine. So, there are reasons that push people into crime, those are things we need to address, the economic, sociological, cultural reasons that push people to crime. You know, when people see crimes being committed and people are not punished it pushes them to crime but because of lack of education some people cannot engage in sophisticated crimes of corruption; misappropriation of public funds plea bargaining so you give a quarter of the resources and keep three-quarters. Seriously, we have to look holistically at the problem, we can leave some people out the society and lock them permanently out. Good governance, you know, give people good education. In the 70’s when we were going to school armed robbery was a rarity because everybody had-in the West, unless you-you totally refuse , you will be educated by force because education was free no child was allowed to sit at home

**6.0. Discussion of findings.**

This survey is situated within existing global and local studies and discourse on capital punishment. At the secondary data section of the report, literature and reports on capital punishment were reviewed especially on the deterrence, retribution and innocence components. The discussion, advocacy, studies and agitation on capital punishment are real, practical, pragmatic and sensational yet bound to be as such for the foreseeable future as issues and efforts continue to emerge. However, state actors must drive policies appropriately in manners that reflect the peculiar needs of the people and the particular societies as one-size-fits-all approach may be counterproductive. Even as states respond to global dictates in the age of globalization, local peculiarities and uniqueness must be factored into policies in sustainable manners. Thus, states even though have to think global must pay necessary attention to local demands and dynamics if policies will serve useful purposes in the short and long run. This is the *glocal* dimension that is practically necessary from the foregoing.

While the existing findings from the surveys of the Legal Defence and Assistance Project (LEDAP) and The Human Rights Law Service (HURILAWS) for example maintain that half of Nigerians support the abolition of death penalty, prefer jail terms and that death penalty is negatively related with deterrence and retribution, findings from the present survey contradict LEDAP’S and HURILAW’s. Findings from this survey however strongly corroborate that of L. Chenwi[[116]](#footnote-116)in which it was found that most Africans prefer death penalty because of the weak and corrupt legal and security systems on the continent. It is however important to note that while LEDAPS’s survey was national in scope, The Lagos Capital Punishment Survey was state-wide and unique local peculiarity and contextual dynamics and forces may make the difference in the two surveys.

Even though many of the respondents in this survey opined that death penalty does not necessarily bring a sense of justice and closure to the victims and the family, a lot of the respondents believe it gives a sense of happiness that ultimately the criminal did not go scot-free. Most of the respondents insisted death penalty should be applied consistently in murder cases even if the criminal is a first time offender. Hence, most of the respondents observed that the fear of death penalty actually discourages people from engaging in violent crimes. Most actually confessed the fear of death penalty deters them from killing somebody even when a loved one has been killed. This is consistently a reflection of strong deterrence measure. While erroneous execution of innocent people remains a strong pedestal for the agitation for the abolition of death penalty, a lot of the people interviewed in this survey opined that even though the point be noted, it is not enough reason to abolish death penalty when a holistic view of the forces of crime and punishment is taken rather than isolated observation of innocence concern.

According to most of the respondents, death penalty for criminals of violent crimes does not violate the norm of the society against killing but a veritable strategy for maintaining order in society. Most of the people also observed that death penalty should be sustained in manners that punishment should in the order of *life for life* and *an eye for an eye.* Moreover, a lot of the people (public) interviewed warned that if death penalty is abolished death crime will increase to the detriment of the state. Thus, according to the respondents, even if life is sacred, death penalty should be applied in violent crime cases especially murder as the criminal has already violated the sacredness of life in the first instance by killing a fellow human. Even if two wrongs do not make a right, the state has to redress the wrong of the first instance to keep the social order and public sanity. More of the people interviewed claimed they will recommend death penalty for the offender if violent crime is committed against them and/o their family members.

When asked pointedly whether respondents support death penalty for violent crime or against it, most people maintained they support death penalty in Lagos state and also substantiated their choice by signifying at least one crime they recommend death penalty for. Murder is the crime morst people recommended death penalty for. This was followed by rape, terrorism, kidnapping, corruption and armed robbery. More people among the respondents also insisted Lagos state government should execute the criminals on death row and use death penalty more frequently to send strong signals to criminals and would-be ones in the state. Generally, more people recommend Lagos state government should keep and sustain death penalty because Lagos state should not because of modernity abolish death penalty given the present dangerous security realities in the country and the state. An argot that resonates this finding is *a le sope aye da ye olaju k’a ma fo ju egbo tele* ***Translation*** *we cannot say the world is now a modern world and we begin to walk with/step on bare wound.* This suggests the need to have a more realistic, pragmatic, reflective, reflexive and critical as well as peculiar view of the death penalty domain in Lagos regardless of global agitations and pressures for various gains and reasons that may be dangerously non-contextual or extra-contextual.

On alternatives to death penalty, while some suggested life imprisonment, long jail term with hard labour, rehabilitation and community service, more people insisted there are no acceptable alternative punishments for violent crime like murder than death penalty to protect the society.

**7.0. Recommendations and Conclusion**

Promoting rule of law and protecting human rights remain the central concern of nations across the world. This is particularly so as the paradigm of development is shifting towards the right- based approach to development even in legal corridors. Instituting rule of law and respecting human rights thus connect with the ligaments of death penalty. In fact, arguments against death penalty draw much of their strengths from respect for human rights by right to life and innocence. For societies to develop in total and for respect for human rights to be total however, everyone must enjoy human rights and the rights of one must not diminish the others’ and once this is negated, the society must find the balance in the spirit of justice and equity and for order to subsist and reign supreme for sustainable development. It is thus the duty of all states and governments to explore local existences for growth and development to be seen as serious for development. Security and fight against crime are very important from the foregoing as no state can develop in crime invested environments. People invest in safe and secure environments and investors thrive in an atmosphere of peace. The state must therefore necessarily take actions that people home and abroad will appreciate as appropriate given the prevailing security situations and level of development in the state

This report has presented both quantitative and qualitative data from primary sources and secondary sources. Data and the processes of collection were triangulated to sufficiently capture the ramifications of the issues at stake. Questions, prompts and probes were deployed to sufficiently comprehend the issues at stake given the sensitiveness and the policy imperative of the problematic. Personal, social, experiential and professional orientations were captured and critically analyzed to arrive at valid and reliable findings and conclusions. While as customary of socio-cultural and legal issue differing and divergent views, opinions, perceptions and realities were captured, modal and consistent views emerged. More people in Lagos state are in support of retaining death penalty in the state.

The reasons they mostly gave was that the state needs to send strong signals to criminals and would be ones to serve as deterrence, retribution and a measure of justice and succor. It was also opined that abolishing death penalty could be dangerous and premature and a reflection of domino and band wagon effects of global cry against death penalty without recourse to contextual and local security realities. Based on findings from this survey therefore, it is recommended that:

1. Lagos state should retain and sustain death penalty
2. Extant laws on death penalty should be retained while maintaining the *status quo*
3. The state government should pay attention to age, sex and religiousity in programming around death penalty.

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23. *Supra* note 10. [↑](#footnote-ref-23)
24. Supra note 10 at 795. [↑](#footnote-ref-24)
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26. Supra note 10 at 796. [↑](#footnote-ref-26)
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66. *Ibid* [↑](#footnote-ref-66)
67. [↑](#footnote-ref-67)
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87. Prison Audit Report 2009 at P. 20 Retrieved from: <http://www.nigeriarights.gov.ng/resources> (accessed: 7 November 2013) [↑](#footnote-ref-87)
88. ibid [↑](#footnote-ref-88)
89. ibid at 35 [↑](#footnote-ref-89)
90. National Human Rights Commission, “Harmonized Report of the 2012 Prison Audit” 2 available at <http://www.nigeriarights.gov.ng/resources> (accessed: 7 November 2013) [↑](#footnote-ref-90)
91. Capacity=7,298. Lock-up= 10,232. *Ibid* [↑](#footnote-ref-91)
92. Capacity=4,467. Lock-up=7,664*.Ibid* [↑](#footnote-ref-92)
93. *Ibid* at P.67 [↑](#footnote-ref-93)
94. Supra note 86 at 59 [↑](#footnote-ref-94)
95. *Ibid* [↑](#footnote-ref-95)
96. *Ibid* [↑](#footnote-ref-96)
97. *Ibid*. [↑](#footnote-ref-97)
98. *Ibid*. [↑](#footnote-ref-98)
99. *Ibid*. P.79 [↑](#footnote-ref-99)
100. *Ibid.* P.79 [↑](#footnote-ref-100)
101. International Covenant on Civil and Political Rights, 1966 [↑](#footnote-ref-101)
102. African Charter on Human and Peoples Rights, 1981 [↑](#footnote-ref-102)
103. National Human Rights Commission: Harmonized Prison Audit Report 2012. Retrieved from: <http://www.nigeriarights.gov.ng/resources> (accessed: 7 November2013.) [↑](#footnote-ref-103)
104. *Ibid*. at 3 [↑](#footnote-ref-104)
105. *Ibid* at 74 [↑](#footnote-ref-105)
106. *Ibid*. [↑](#footnote-ref-106)
107. *Ibid*. [↑](#footnote-ref-107)
108. *Ibid.* [↑](#footnote-ref-108)
109. *Ibid*. [↑](#footnote-ref-109)
110. *Ibid*. at 76 [↑](#footnote-ref-110)
111. Please see *Nigeria Demographic and Health Survey,* 2008, National Bureau of Statistics, *General Household Survey*, 2007. [↑](#footnote-ref-111)
112. As at the time of this survey average cost of buying a newspaper is N150 (about $1) in a nation where over 70 percent live on less than $2 a day. [↑](#footnote-ref-112)
113. Based on affirmed and valid response categories [↑](#footnote-ref-113)
114. Within this survey, these are; Ikorodu, Epe, Ibeju-Lekki and Badagry. The remaining 16 LGAs are classified as urban. [↑](#footnote-ref-114)
115. This category includes those from the Lagos state Ministry of Justice (MOJ) [↑](#footnote-ref-115)
116. L. Chenwi “Towards the Abolition of the Death Penalty in Africa” (2007), PULP, Pretoria, pp. 53-56. The countries referred to are: Burundi, Cameroon, Chad, Democratic Republic of Congo, Ethiopia, Nigeria, Swaziland, Tanzania, Uganda, Zambia. [↑](#footnote-ref-116)