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MOTION FOR A RESOLUTION

with request for inclusion in the agenda for the debate on cases of breaches of human rights, democracy and the rule of law

pursuant to Rule 115 of the Rules of Procedure

by Vittorio Agnoletto, Feleknas Uca

on behalf of the GUE/NGL Group

on death penalty in Nigeria

European Parliament resolution on death penalty in Nigeria

The European Parliament,

- having regard to the Universal Declaration of Human Rights,
 - having regard to the International Covenant on Civil and Political Rights, ratified on 29 October 1993,
 - having regard to the African Charter on Human and People’s rights, ratified on 22 June 1983,
 - having regard to Rule 115(5) of its Rules of Procedure,
- A. whereas more than 720 men and 11 women are under sentence of death in Nigeria’s prisons,
 - B. whereas, although international law prohibits the use of the death penalty against child offenders, at least 40 death row prisoners were aged between 13 and 17 at the time of their alleged offence,
 - C. whereas 47% of death row inmates are waiting for their appeal to be concluded, a quarter of prisoners' appeals have lasted 5 years; 6% of prisoners with appeals outstanding have waited more than 20 years; one prisoner has spent 24 years on death row,
 - D. whereas the Nigerian authorities made some attempts to address the failures of its judicial system, whereas the 2004 National Study Group on Death Penalty and the 2007 Presidential Commission on the Administration of Justice expressed doubts that the death penalty lowered the degree and intensity of crime in Nigeria, however, neither the federal nor state governments have taken action to address the urgent problems highlighted by two study groups,
 - E. whereas only 7 of the African Union’s 53 member states are known to have carried out executions in 2007, 13 African countries are abolitionist in law and a further 22 are abolitionist in practice,
1. Calls on the Federal Government of Nigeria and State Governments in Nigeria to abolish the death penalty; calls on the Federal Government of Nigeria and State Governments in Nigeria, pending abolition, to declare an immediate moratorium on all executions as provided by UN General Assembly resolution 62/149 and commute without delay all death sentences to terms of imprisonment;
 2. Urges the Federal Government of Nigeria and State Governments in Nigeria to remove all provisions in both federal and state legislation which provide for death

penalty for people under the age of 18 at the time of the alleged crime;

3. Calls on the Federal Government of Nigeria to ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the UN Convention against Torture;
4. Urges the State Governments in Nigeria to remove all provisions which provide for mandatory death sentences;
5. Calls on the EU Council, Commission and Member States to provide technical support to them to review legislation which provides for death penalty, with a view to abolishing the death penalty,
6. Instructs its President to forward the present resolution to the Commission, the Council, the Member States, the Federal Government of Nigeria and African Union.