



## Addressing the death penalty as a deterrent to capital offences in Nigeria

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### Abstract

Capital offence is a product of criminality in any society, be it developing or advanced society. High criminality ratio, especially the violent crimes lead to high rate of human rights violations, and ultimately resulting in capital convictions. The rate of death penalties arising from violent crimes has reached an alarming level in Nigeria. This primary objective of this article are to address the extent to which death penalty in the Nigeria criminal jurisprudence has curb violent crimes rate, human rights violations and suggests ways to minimize or stop commission of capital offences in Nigeria. This paper approaches the capital offence by doctrinal approach which includes statute books, textbooks, Internet sources, Newspaper publications and journals. The paper finds that the government and societal failures in their responsibilities paved the way for high rate of capital offences in Nigeria. There is the need to bring information regarding violent crimes, capital offences and death penalty in Nigeria to the attention of the international community, so that the Nigerian will take proactive action to stem the tide of death penalty or abolish same. This paper finds, amongst others that despite the death penalty imposed on capital offences, violent crimes have been on the rise. This paper recommends that the Government and other agents of socialisation become partners in progress with the Government in combating capital offences.

**Keywords:** death penalty, violent crimes, insecurity of lives, criminal code, poverty

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### Introduction

The article is divided into several sections ranging from introduction to defining keywords/concepts, to the legal framework and then, offences that attract death sentence, causes of rising in capital offences, the deterrent effect of death penalty in Nigeria, solution/recommendations. The issue of rising wave of capital offences is not new in Nigeria, but it now takes an alarming dimension. The worrisome nature of capital offences with wanton destruction of lives and consequential death penalty has become an issue of concern, topical and most threatening to citizens of Nigerian. It has become a matter of concern for Academics, Legal practitioners, Judges, security analysts and politicians. They have all criticised the rate of violent crimes in Nigeria. Death penalty is provided for in our local legislations to punish criminal convicts, yet capital offences have not abated or even minimised capital offences. For Nigeria to be reckoned with among comity of nations, violent crimes, capital offences must be checkmated. It is a known fact that a peaceful and stable country will attract foreign investments, attract donor agencies and tourists, but where capital offences is the order of the day with consequential death penalty, the economy of the country is doomed. There is no doubt that a discussion of this nature will draw the international community's attention to stem the tide of capital offences and death penalty in Nigeria; by so doing Nigerian Government will come alive to its responsibilities.

### Legal framework on death penalty in Nigeria

The legal framework upon which this research on death penalty is founded are

- a. Constitution Federal Republic of Nigeria 1999
- b. United Nation Declaration 1948
- c. Terrorism (Prevention) (Amendment) Act, 2013
- d. Criminal code Act cap 77 LFN 2004

The base of this article is death penalty, and so it is imperative to define the concept so that we maintain a focus throughout this paper.

### *Conceptual clarification of insecurity*

The term death penalty is defined the Blacks Law Revised ninth edition as “capital punishment; a penalty that makes a person or entity ineligible to participate in an activity that the person or entity previously participated in. The penalty is usually imposed because some type of misconduct; death sentence is the judgment that the court formally pronounces after finding a criminal defendant guilty; the punishment imposed on a criminal wrong doer.”

The person on a death row is usually confined to definite place, which means he can no longer participate in any event that living citizens participate. The death penalty when executed robs the convict his life and he can no longer engage in any vocation, training, eating and dancing which he previously participated. The capital convict is sent to the gallows where he is hung on the neck till he is dead.

### **Offences that attracts death penalty in Nigeria**

In Nigeria, capital offences are frequently committed through these channels below:

#### **A. Murder**

The criminal codes Act cap 77 LFN 2004 section 319 under 1 provides that any person who commits the offence of murder shall be sentenced to death. The Act went on to state how a person may be adjudged a murderer and the instances include:

1. If the offender intends to cause the death of the person killed or that of some other person
2. If the offender intends to do to the person killed, or to some other person some grievous harm
3. If the death is caused by some means of an act done in the cause of prosecution of an unlawful purpose, which act is of such a nature as to be likely to endanger human life.
4. If the offender intends to do grievous harm to some person for the purpose facilitating the commission of an offence which is such that the offender may be arrested without warrant, or for the purpose facilitating the flight of an offender who has committed or attempted to commit any such offence.
5. If death is caused by willfully stopping the breath of any person for either of the purpose afore listed.

If death occurs following any other the circumstances listed on the criminal code, a convict will face death sentence without option of fine. In *Okoko & another v. the state* (1964) 1 All NLR 423, the plea of Alibi by the two appellants were rejected and subsequently convicted of the murder charge and sentenced to death.

In Nigeria unlawful killings occur in the following ways;

#### **1. Bandits' killings.**

Amnesty International reported that between January 2020 to June 2020, 1126 persons had been killed in Nigeria via bandit attacks. Nigeria has acquired the notoriety of banditry and naked display of criminality to the point that the Nigerian Government now negotiate with criminals to appease them because the Government is helpless and confused. Bandits kill and abduct citizens at will. Almost daily, people are ambushed and killed by bandits; even the security forces are also victims of banditry. The number of Nigerian soldiers who had lost their lives to bandits in 2020 is alarming, forcing 236 soldiers to resign from the armed force voluntarily. Painfully as it were, 24 soldiers were ambushed and killed by bandits along Gamboa Maiduguri in Borno state Nigeria while about nine soldiers were yet to be located after the attack.

#### **2. Kidnapping**

The Black's Law Dictionary revised ninth edition defines kidnapping, thus:

a. 'at common law, the crime of forcibly abducting a person from his or her own country and sending the person to another.' This offence amounts to false imprisonment aggravated by moving the victim to another country. The crime of seizing and taking away a person by force or fraud. Fage and Alabi defined kidnapping thus: "forceful or fraudulent abduction of an individual or a group of the individual for a reason ranging from economic, political and religious to (struggle for) self-determination."

The crime of kidnapping attracts death sentence if the kidnapped person dies as a result of kidnapping. See the Lagos state kidnapping prohibition law 2017 s 2 (2)

#### **3. Ritual killings in Nigeria: ritual killing is another source of frequent unlawful killing.**

Numerous lives have been lost in Nigeria through various violent crimes of killings. In June 2020, five persons were killed by suspected ritual killers in the Akinyele Local Government Area of Oyo State. The desire to get rich speedily via diabolical means was believed to have prompted the youths into ritual killings.

Ritual killers killed one 29-year-old pregnant woman, Azeezat Shomuyiwa, by smashing her head with a stone. One Barakat Bello was also raped and killed. A five-year-old boy, Tirimisiyu Mujeed, was gruesomely murdered by ritual speculators. Grace Oshiangwu, a female student of Oke Ogun Polytechnic, Saki was also killed; a 42-year-old woman, Mrs Olusayo Fagbemi was also killed in cold blood. The Oyo State Commissioner of Police, in the person of Mr Nwachukwu Enwonwu expressed sadness over the several killings in the state in June 2020 alone. The Police commissioner decided to relocate his office to *moniya* where these killings had become frequent, to be more proactive in handling these crimes.

#### **4. Unlawful killings by suspected Fulani herdsmen**

Thisday newspaper reported via a document titled 'Working Document Fulani Militias Terror' that between 2017 and 2nd May 2020, Fulani herdsmen had carried out 654 attacks, gruesomely murdered two thousand five hundred and thirty-nine (2,539) persons and kidnapped three hundred and fifty-three (353) people in Nigeria. Such mob attacks also attract death sentence if prosecuted and convicted

### 5. Offence also attracting death penalty is a murder caused by domestic violence.

It was reported recently that a young man of 28 years of age named Ifeanyi Njoku, at the instruction of a native doctor, killed his fiancée—a lady of 24 years of age named precious Okeke, for ritual purposes. He strangled the lady, kept the corpse in his flat and slept with decomposing corpse for six days in compliance with the instruction of the witch doctor for money rituals financial affluence. He was arrested by the security guards at Badore, in the Ajah area of the state of Lagos state and handed over to the police at the Lamgbasa Police Station.

### 6. Mob killing attract death penalty.

For instance the killers of the Deborah Samuel, a 200 level student of the Home Economics department at the Shehu Shagari College of Education, if arrested and prosecuted and convicted will receive death penalty under the Nigeria Criminal Code Act cap 77 LFN 2004 . The deceased was alleged to have purportedly blasphemed Prophet Mohammad, the founder of the Islamic religion and the irate Muslim male students of the college attacked her and murdered her and set her body ablaze. There is no provision in the criminal code for jungle justice and extra judicial killing against a person for purported blasphemy. Even if the punishment for blasphemy is death penalty, due process of law must be followed to arrive at the death sentence. It is a clear breach of the deceased right to life under the Nigeria constitution.

*“Every person has a right to life and no one shall be intentionally deprived of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria”*

Section 34 (1) provides that: *“No person shall be subjected to torture or to inhuman or degrading treatment*

The Universal Declaration on Human Rights 1948 guaranteed the person's right to life under articles 3 and 5 of the instrument. Article 3 provides "that everyone has a right to life, liberty and security of person."

It is obvious that if the Nigerian Constitution and the Universal Declaration on Human Rights were to be followed, it will therefore be correct to say that Deborah Samuel lost her right to life, and so her killers have committed capital offence. Although death penalty had been abolished in some member countries of the UN, but it is still in force in Nigeria where the perpetrators of the heinous act are numerous.

### *Why do people commit capital related offences?*

The following factors have been identified as leading persons into capital related offences

a. Frustration

b. Desire for urgent wealth

c. Delay in executing capital offence convicts in Nigeria

1. **Frustration:** there is a school of thought that the economic doldrums of Nigeria has led many citizens into frustration, despondency and despair. People killed fellow citizens at slightest provocation and in some instances people kill others and use them for ritual purposes. If not for frustration, what could propel a human being to kill his fiancée and slept with the decomposing corpse for six days before he was eventually arrested by the law enforcement agents. In the reported case of Ifeanyi Njoku, the murderer, at the instruction of a native doctor, killed his fiancée—a lady of 24 years of age named precious Okeke, for ritual purposes. He strangled the lady, kept the corpse in his flat and slept with decomposing corpse for six days. He was intending to carry out ritual purpose. The murderer was obviously frustrated by the harsh economic situation of Nigeria and was lured into ritual killing. Luck however, ran against him and he was apprehended.
2. **Desire for urgent wealth:** Many youths in Nigeria commit capital offences because of their quest for sudden wealth. Many have taken to ritual killings to actualize sudden wealth. In the reported case of Ifeanyi Njoku, he also killed his fiancée to actualize his quest for sudden wealth, which is also borne out of his feeling of frustration. Frustration and inordinate desire for wealth are twin evil winds that blow no one any good.
3. **Delay in executing capital offence convicts in Nigeria:** In Nigeria, Governors of state are often reluctant to sign death warrant for the execution of persons convicted of capital offences. Many youths are not scared of committing capital offences since those who have been convicted of similar offences have remain in prison custody for years without being executed. How can the potential criminal be scared of committing similar offences when those convicted are eating free food in the prison unexecuted for years? A survey in the Nigerian prisons showed that about two thousand, two hundred and seventy seven (2,277) death penalty convicts who have not been executed. The Public Relations Officer, Nigeria Prisons service, Mr. Francis Enobore, a Deputy Comptroller of Prisons, confirmed the report that prison inmates awaiting execution across the country has hit 2,277 according to findings. It was reported that as at December 2016, the condemned inmates' population stood at 1,440. Between December 2016 and February 2018, an additional 837 suspected criminals had been sentenced to death. The current population of inmates on death row is two thousand, two hundred and seventy seven (2,277), See the New Telegraph Newspaper, 2<sup>nd</sup> February, 2018. Mr. Francis Enobore called upon the Governors of the affected states to endorse death warrants for eventual execution of those whose appeals had been concluded. One can rightly argue that since the already convicted were not killed, then the intending capital offence criminal has nothing to fear since he will also be kept in custody unexecuted.

## **B. Treason**

section 37 (1) of the Criminal code Act of Nigeria provides as follows: “any person who levies war against the state, in order to intimidate or overawe the president or the Governor, is guilty of treason, and is liable to the punishment of death.” . Also the Criminal law further provides that Any person conspiring with any other person , either within or without Nigeria, to levy war against the state with the intent to cause such levying of war as would be treason if committed by a citizen of Nigeria, is guilty of treason and is liable to the punishment of death

## **C. Treachery**

Treachery is a serious capital offense which also attracts death penalty. The code provide as follows: if, with the intent to help the enemy in any war in which Nigeria may be engaged, any person does, or attempt to do, any act which is designed, or likely to the naval, military or air operation of the enemy to impede such operation of the armed forces of Nigeria, or to endanger life, he shall be guilty of felony and shall be convicted to death.

## **D. Armed robbery**

Armed robbery has become a common capital offence in Nigeria following the economic hardship. Many youths have taken to armed robbery as a means of survival or as a way of life, notwithstanding that it attracts death penalty on conviction. The statute provides as follows: any person who commits the offence of armed robbery is liable on conviction to punishment by death (see section 2 ( b) Robbery and Firearm ( special provision) 2004.

## **E. Unlawful trial by ordeal resulting in death**

This is another offence under the code which attracts death sentence upon conviction. The law provides that where a person directs or subjects another person to trial by ordeal and death results in the process, the person who directs or carries out the trial shall be liable to punishment by death on conviction-section 37 (1) of the Criminal code Act cap 77 Laws of the Federation of Nigeria 2004.

It is therefore evident from the instances enunciated above that death penalty; also called capital punishment in the legal parlance is an essential part of Nigeria criminal jurisprudence and has remained so till date. It has for a long time been a major source of debate and controversy among Legal practitioners, Judges, Political scientists, sociologists, religious bodies and moral thinkers concerning the continued retention of death penalty in Nigeria criminal jurisprudence. This debate also cut across most common law jurisdictions. Some schools of thought hold the view that capital punishment is anachronistic and inhuman and should be expunged from our laws, while some schools of thought argue that it should continue to remain in our statute books to checkmate capital offenders. Some advance countries of the world has taken a second consideration at the death penalty and came to the conclusion to abolish death penalty, notably Britain.

Before delving into the argument whether or not to abolish death sentence, we shall consider the purpose of criminal jurisprudence and see where capital punishment falls.

## **The objective of criminal punishment**

There is no doubt that there is a high wave of criminality in Nigeria and this is where the judiciary is vested with the statutory responsibility of administration of justice. The Nigerian citizens are greatly disturbed at the rate of insecurity of lives and properties, to the point citizens are afraid to travel by the road means of transportation for long distances. They are more disturbed to embark on Night journey as they previously do. The judiciary, in the administration of justice, imposes various degrees of punishment on convicts based on the circumstances of each case.

## **A. Pay back rule**

There is no doubt that the objective of prosecuting a suspect is to be tried by the court of competent jurisdiction and punish the offender if found guilty of the charge preferred against him. There are instance where the court imposes canning under section 77 of the penal code for an offence and in some case the magistrate will impose community service on the convict. This punishment in *personam* is meant to make the convict suffer physical punishment and feel the pain on his body. Sentence of canning and cutting grasses and farm work, which the court at its discretion imposes, are meant for retribution. To make the offence suffer physical pain is way of paying him back in his own coin. It is meant to assuage the feelings of the victim of pain which the victim received from the offender; although death penalty is also a part of the payback rule, by the court killing the convict who has previously killed someone intentionally. He who killed will himself be killed. The argument is to pay back the offender in the same manner in which he had exhibited wickedness on another citizen.

## **B. Withdrawal from circulation**

The purpose of criminal penal punishment is meant to keep the offender out of circulation so that the law abiding citizens will have peace and safety because the supposed criminal is imprisoned. It is believed that when a convict is given a life sentence, the danger the armed robber constitute is removed and people are free from his menace. No wonder in the case of *R v. Adbesin* (1940) 6 W.A.C.A 197, two armed robbers were convicted for armed robbery and burglary and sentenced to ten years and eight years imprisonment respectively. On appeal to

quash the conviction, the appellate court noted with dismay that the imprisonment would not keep the convicts out of circulation long enough; hence the appellate court reviewed the sentence to fifteen years and twelve years respectively. The appellate court was of the view that a long sentence would protect the public better than that previously imposed term by the trial court. The best way therefore to withdraw the criminal permanently and keep them away from the society is to impose capital punishment so that they would not have the opportunity to commit any crime again as their bodies would decompose on the soil and becomes manure. In some cases where life sentence is imposed on convicts, when they are released by stroke of luck, they come out weak, fragile and useless to themselves and useless to the society and they cannot be active enough to constitute dangers to the society anymore. It is further argued that if a capital offender is removed via death sentence, the number of criminals have been reduced by one. The more they are condemned to death and executed, the less the number of criminals reduces and the better for the society. Capital offenders are more of toxins to the society than being real human beings.

### **C. The deterrent syndrome**

In many instances the purpose of punishing the capital offender is to serve as deterrent to the other potential criminals. The idea is that if a potential capital offender sees that a previous murderer or armed robber was sentenced to death by hanging or firing squad, the criminal may have a rethink and thus refrain from capital or violent crime. The extent to which the deterrent syndrome is true and effective is arguable, and is a subject of debate among academics, lawyers and judges and social thinkers.

### **Capital punishment and its deterrent effects in Nigeria as a case study**

There is no doubt that several Nigerian citizens had been sentenced to death and executed for various offences after being tried and convicted by a court of competent jurisdiction. The executions had in some cases been made public particularly those executions by firing squad. The following were those executed to death for committing capital offences:

1. Ken Saro-wiwa: he was from the south-south Nigeria. He protested against Shell oil company devastation of Ogoni land, turned the beautiful environment into garbage of pollution, made the environment unfit for agriculture and general human habitations. His protest led Shell, in 1993, to leave the area for along. This was the period of General Sani Abacha military dictatorship, and the then military arrested Ken Saro-Wiwa and accused him of killing four leaders of Ogoni land. He was executed by hanging on the 10<sup>th</sup> November 1995 at a prime age of 54.
2. Chima Ejiofor, Daniel Nsofor, Osarenmwinda Aiguokhan and Richard Igagu were in 2013 executed by hanging in Edo state Nigeria. However the Attorney general of Edo state, Henry Idahagbon had spoken against execution of persons for whatever offences. He also condemned corporal punishment, noting that it has not served any deterrent effect.
3. Babatunde Folorunsho: he was a notorious armed robber who reigned between 1970 and 1971 before was captured by the Nigeria police, prosecuted and was convicted and sentenced to death by firing squad by Justice James Agboola Ojomo in 1971. Convicted and sentenced to death by fired alongside Babatunde Folorunsho were Joseph Ilobo and Williams Alders Oyazimo, a naval sub lieutenant. Oyazimo until his execution protested vehemently that he was innocent of the crime for which he was executed.
4. Ishola Oyenusi was a known armed robber with a gang in the 1970s that killed his victims mercilessly and made away with properties of his victims. His arrest was elusive and police officer believed he was invisible. Oyenusi boasted that he was incapable of being killed by bullets. However by twist of faith he was eventually arrested and prosecuted, convicted by a military tribunal and sentenced to death by firing squad at the Lagos bar beach on the 8<sup>th</sup> day of September 1971.
5. Lawrence Anini and Monday Osunbor: These were armed robbers that would not be forgotten in a hurry in the history of criminality in Nigeria. The duo operated in the defunct Bendel state (now Edo and delta states) and its environs, robbed individuals, banks and in some instances, they would throw their loots to market women as a show off of their devilish kindness. On Saturday, March 28, 1987, the two dare devil armed robbers were executed by firing squad in Benin City Nigeria.

The list of those sentenced to death and executed are so many and the scope of this work cannot accommodate such volume.

### **Death sentence and execution of convict: The Nigerian perspective on deterrence**

We shall take a look at the rate of execution of convicts and those awaiting execution.

1. In Nigeria, Persons convicted and sentenced to death were 656 in 2014
2. In Nigeria, Persons convicted and sentenced to death were 527 in 2016
3. Persons on death row in Nigeria prison are 1979 as at 2016
4. In Nigeria Persons on death row in ten Nigerian prisons are 2755 in 2020.

Death penalty is the legitimate killing of a person by the state in compliance with the extant law prescribing such offences and punishment. Numerous persons have been executed either by hanging or by firing squad in Nigeria in respect of offences carrying capital punishment, already listed in previous headings in this article. The report

above reveals that there has been a rise in death sentence. In 2014 Persons convicted and sentenced to death were 656. In 2016 the figure was 527. In the same 2016 persons awaiting execution rose astronomically to one thousand nine hundred and seventy nine (1,979). The figure soared to 2755 in 2020 for the persons awaiting execution after convictions.

From the analysis above one could see that despite executions of convicts of capital offences, the number of new capital continues to rise. Between 2016 and 2020 there had been a steady rise in capital or violent offences in Nigeria. More cases of domestic violence leading to death of couples and other capital offences continue to flood the courts. Could we now say with sincerity of purpose that the commission of capital offences is on the decline or on the rise? The answer is that it is on the rise. What then is the deterrent effect of death penalty if despite killing the convicts; more people annually are still committing capital related offences of varying magnitude? Armed robbery and ritual killings and kidnapping are daily reported in the voice and print media in Nigeria. The Nigerian prison or correctional service and custodian centres across the country are filled with those facing trial for various violent offences. Death penalty seems to have failed in deterring potential criminals. People are no longer afraid of death, and it is either success through crime or death in criminality these days because of serious economic hardship ravaging Nigerians; hence many youths prefer to venture in criminality and be caught and be killed, than continuing wallowing in hopeless poverty. This is why crime of capital or violent nature continues to rise with little or no hope decline.

It is safe to add at this juncture that capita offence enshrined in various statute books were meant, not just to punish the offender, but also to deter future crime of such nature. Could it be said that armed robbery has decreased because some armed convicts had been executed? Obviously no is the answer. The philosophy behind killing the capital offender is to pacify the society whom the criminal has been terrorizing before the criminal was eventually caught.

Today in Nigeria, kidnapping has become a profession and new entrants are springing up. Despite that death penalty is prescribed if the victim dies as a result of kidnap, many youths are still venturing into it because it is very lucrative, as hundreds of millions of Naira can be realized via ransom for freedom of the victims. Death penalty may be scaring on its own but daring youths who battle for survival daily in Nigeria still take the risk and are rarely caught by the law enforcement agents. Many youths believe that death is a necessary end and it must come to a person from one way or the order. If they die by capital conviction they accept their fate and if they succeed, the gullible Nigerian society will crown them with chieftaincy titles and begin to worship capital offence criminals.

Several human right advocate have frowned at death penalty, likened it to another homicide by the government itself. Death penalty is perceived in some quarters as spilling a blood to pay for a previous spilled blood. Two wrongs cannot make a right a school of thought argued. It is argued that the state cannot use a statute to perpetuate human assassination or commit another murder; otherwise the state becomes a murderer itself. No wonder a notable writer, Signor Zanadeli had this to say: "the death penalty initiates in its essence one of the most atrocious crimes with which a man can stain his hands, that of extinguishing the life of a fellow man, it does so with a cold deliberation which prolongs and enhances the agony of its victim." What the learned author implied was that, death penalty is like a confused man who does not know what to do but resort to retaliation as a punitive measure to solve a lingering problem. Capital punishment has never in the history of mankind solved or stopped capital or violent offences. When a criminal knows that he would be killed if caught, he may becomes more cruel and deadly in dealing with his victims as against when he knows he would not be killed when apprehended. He is likely to be modest in dealing with his victims.

### **Solution to curb capital offences in Nigeria**

From the analysis above, death penalty does not seem to have a meaningful impact or does not have impact at all in deterring capital offenders. Similarly abolishing death penalty will also not stop the wave of capital offences in Nigeria. The country Nigeria needs to look for alternative ways to minimize violent and capital offences as currently ravaging country. We should start to explore the society, the family, the media, the church and the mosque, the school and government.

The family is the first place of contact of the child with the outside world after being born. The family is the first character molder of a person. Children learn from the examples shown by their parents and sibling and other extended family relatives. If the family unit fails in its responsibility in giving direction to the child, the child will grow up to become a deviant, a vagabond and will grow into adulthood as a menace to the society. If such a child drops out of primary school early in life without parental guidance, the child grows up wayward and may find him among motor park touts. It is from such unholy groups that stealing starts, snatching of bags along the way, and from this process the child and his gang will graduate to armed robbery gangs. At this stage of violent criminality, both the family of the child and the society at large become vulnerable to violent criminal gang of the now grown up non-nurtured adult. It is therefore suggested that family should give time to nurture their children with good moral and cultural background. The popular saying is: 'train up a child in the way he should go and when he grows up he would not depart from it. The family unit must live up to its responsibilities in bringing up morally upright children. A well-educated child and gainfully employed adult is unlikely to engage in capital offences. The solution is not in capital punishment. As you execute two criminals, new ones will emerge, so we should start with good orientation at the family level to mould the citizens.

The school is an institution of learning. Learning includes formal and informal learning. Moral and character molding is part of the responsibility of the educational institutions anywhere in the world. In the Nigerian situation, schools operate defectively: teachers are not regularly paid leading to incessant industrial strikes which keep the youths out of schools for months. The resultant effect is that the youths began to get involved in anti-social behaviours due to idleness created by unsteady educational system. As the youths engage in protests on campuses against lacking of infrastructure, the police are draft to disperse them using tear gas and sometime using live ammunitions. The youths become battle ready for the law enforcement agents, and throw stones at the police, sometimes killed policemen. This is the foundation or genesis of violent crimes and capital offences that our youths commit in the society. The government should take a holistic overhaul of the educational system. Teachers should be adequately remunerated and other incentives should be provided to get them committed in their job of molding characters. The government should also fund the school system adequately with rich facilities to keep students away from protests. There should be bursary for indigent students to access funds to finance their studies. When a student gets frustrated in his studies due to lack of funds, he may be lured into armed robbery and other violent crimes.

It is also advocated that the entire mission institutions, taken by the government, ranging from primary to post primary schools should be returned to the missionaries. It is also a good idea if the government partners with missionaries in the administration of all educational institutions in Nigeria; by so doing the missionaries would become teachers and moral and spiritual instructors on the students. Moral and spiritual values need to be impacted on the youths to keep their minds away from crimes. If this suggestion is pursued with commitment, the crime waves will generally reduce in no distant time and Nigeria will be safe place for all inhabitants.

It is a positive argument that violent crimes and capital offences are common features in a period of economic recession and it is less in a booming economy. In a period of economic meltdown like Nigeria is presently experiencing, youths are massively unemployed, inflation is raving the citizens, majority of whom are unemployed or under employed. In the natural instinct of human survival, many Nigerians especially the youths can no longer tolerate the economic hard ship occasioned by hyper inflation, hunger, unemployment and starvation. These unpalatable situations compel the youths to take to kidnappings, ritual killings, and armed robbery. Some youths become political party thugs, hire killers and the likes. It behooves on the government to formulate policies that would bring down prices through increased productivity, boost in the Gross Domestic Product (GDP) and creation of job opportunities. Merely executing capital offenders cannot stop criminality and has never stopped capital crimes in Nigeria. Merely killing the capital offenders and overlooking the causes of crimes is like chasing shadows and living the substances. A policy on youth empowerment must urgently be pursued to assist the youths become gainfully employed and keep their mind away from crimes.

Education in Nigeria should be made free and compulsory at all levels whereby youths will be trained on vocational skills and professional occupation free of charge. By this programme, youths will become happy and qualitatively engaged. They will contribute to the development of the country rather attacking the entire system.

### Conclusion

The wave of violent crime in Nigeria cannot be stopped or reduced by passing death sentence, neither will abolishing of death penalty stop capital crimes. We have to look inward and check ourselves and find out the causes of capital crimes in our own peculiar environment and then proffer solutions as appropriate. We submit that if the solutions suggested in this article are implemented with sincerity of purpose, capital crimes will surely decrease even though it may not be erase completely.

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