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CRIMINAL HOMICIDE IN WESTERN NIGERIA

1966-1972

BY LEIGH BIENEN¹

INTRODUCTION

This research began as an attempt to add a codicil to the work on homicide done by Paul Bohannon in the 1950s.² Although Bohannon looked at events in the colonial period, his appreciation of the way in which cultural norms are expressed in legal institutions is still relevant. The criminal code in Western Nigeria is almost entirely British; it is applied by Nigerian judges to Nigerian accused who are counselled by Nigerian lawyers. The crime of homicide is universal. How a man kills, whom he kills, his motive for killing, and why it is most often a man who kills another man, may all be primarily determined by culture. The precise influence of social and cultural factors upon criminal patterns is impossible to measure. Yet to ignore what cannot be isolated is to commit a gross, but it seems to me inescapable, error. Often it seemed what was possible to tabulate was the least important information, that the conclusions which could be substantiated were trivial or irrelevant. Homicide recommended itself as a crime serious enough to test the efficacy of the Western Nigerian criminal justice system. Yet there are few conclusions here about the nature of that system's authority. As elsewhere, in Western Nigeria the institutions of criminal justice seem to sit on the surface of the society. The criminal processes are unfamiliar to most people. Often after an accused is taken into custody it is difficult to find relatives or friends to inform about the progress of his case. At the moment of arrest, an accused steps into a totally strange, and largely foreign, world, one from which he may never return. What follows does not attempt to explain such subtle and difficult aspects of criminal law in Western Nigeria; it is an attempt to describe the way in which one particular serious crime was handled by Western Nigerian legal institutions during a specific period of time.

An analysis of homicide in Western Nigeria can claim completeness only for the courtroom stages of criminal proceedings. These are the only stages for which complete records exist. And even in the keeping of court records breaks and omissions must be assumed to have occurred. This study encompasses all homicide judgments for the period on file in the Ibadan High Court, the official repository for the state. Detailed analysis of several aspects of homicide based upon information obtained from these judgments is presented. An attempt is also made to describe procedures before and after trial. Such information is based on interviews with police, legal practitioners, prosecutors, and prison officers.

¹ B.A. (Honours) Cornell University, M.A. State U. of Iowa. The author wishes to thank the University of Ibadan Computing Center and the Rockefeller Foundation Office, U. of Ibadan for assistance at various stages of this research.

² P. Bohannon, *African homicide and suicide*, Princeton University Press, 1960. I also found valuable his more detailed study of traditional procedures among the Tiv, although there was little in that book about homicide: P. Bohannon, *Judgement and justice among the Tiv*, O.U.P., 1957.

SUMMARY OF FINDINGS

This study analysed 114 published judgments in homicide cases involving 205 accused. Fifty-seven per cent of the prosecutions were against more than one accused. Eighty-nine accused killed alone. Most accused killed for motives associated with political events and/or civil disorder. The homicides involving more than one accused were particularly likely to be associated with civil and political motives. These were also the trials most likely to result in acquittals. The findings with regard to homicides involving riots and civil disorder reflect the period covered, 1966-1972, a time of civil war, tax riots, and changeover to military rule. An analysis by crime, rather than individual accused, showed that the most common motives involved personal, domestic and sexual relations. However, within the category of personal homicides there are few homicides in response to verbal or personal insult and almost no cases of murder to avenge adultery or sexual honour. The absence of both of these homicide patterns is in striking contrast to what has been reported by others for the Sudan and Uganda. Also exceptional is the almost total absence of alcohol in the homicide situation. Less than 4% of all accused had been drinking prior to the homicide. Victims tended to be older than accused, and to be killed by family and relatives in the environs of their own homes. Most accused killed people in the same ethnic group as themselves. Most accused were male and killed other males; in only one case did a woman kill another woman. Twenty-one per cent of all accused showed symptoms of mental illness before, during or after homicide. Sixteen accused (8%) were acquitted for insanity. Acquittals other than on the ground of insanity accounted for the largest number of verdicts (51%); and 32% were found guilty of murder and received the mandatory death sentence. It is unlikely, however, that any but a small number of those convicted will actually be executed. During the entire seven-year period only 35 people were actually executed by prison authorities, and 12 were executed in a single year. The time which elapsed between crime and trial averaged two years; from the commission of the crime all the stages of appeal averages about 5 years. The homicide rate on the basis of police records is here calculated to be 4/100,000 per annum. Although the homicide rate is low,¹ homicide patterns in Western Nigeria are surprisingly similar to patterns reported in other very different societies.

BACKGROUND

Western State, the colonial Western Region less what is now Mid-West State, is a large, populous state in the southern part of the Nigerian federation. The land area is 30,000 sq. miles and the population is estimated at about 10.5 million.² Western State has more people than Kenya, Ghana or Uganda and about the same number as Tanzania. About 9.5 million of

¹ See, e.g., Appendix V, *Crimes of Violence*, Staff report to the National Commission on the Causes and Prevention of Violence, prepared by Mulvihill, Tumin and Curtis, Vol. 11, U.S. Govt. Printing Office, Washington, D.C., 1969 at 153. Homicide rates for American cities range from a high of 28.3/100,000 to a low of 2.5/100,000 per annum. The rate for Western Nigeria is about the same as that for Minneapolis, Minn., and Long Beach, Calif. One should be wary, however, of international comparisons.

² The 1973 census had just begun when this research was completed. The figures in this study refer to the 1963 census, which has been severely criticized. However, the figures for Western State are thought to be accurate and were all that were available at time of writing.

Nigeria's 11 million Yoruba live in the State; although the various Yoruba sub-cultures cannot be considered homogeneous, at least they share a common language and many other aspects of a common heritage.

Western State is also unusual, both in Nigeria and in comparison to other parts of Africa, in that it is both densely populated and highly urbanized. Ibadan, the state capital, is a crowded, sprawling city of one or two million.¹ In addition to Ibadan, there are 13 cities in Western State with populations of over 100,000, and some 70 towns with over 20,000 people. Yet, even Ibadan is not a modern city in the western style. Most Western State cities have the atmosphere of overgrown villages. Urbanization and urban homicide should not be associated with apartment living, with a high rate of industrialization and employment, or with a society containing a large middle class. People in the cities often live similarly to villagers: in family or kinship-based compounds, in old established neighbourhoods of adobe dwellings almost indistinguishable from the houses along the country roads. However, Ibadan also exhibits the phenomenon of large-scale migration of the young and able-bodied to the cities. Seeking salaried employment, young people, mostly men, come to the cities and live twelve or fifteen to a room supported by relatives or friends until they find work. In the most crowded sections population density in Ibadan is estimated at about 800 people per acre. The economy of the state, nonetheless, remains agricultural; about 75% of the people earn their living from farming. Cocoa is the single largest farm crop, and the nature of this crop partly explains Yoruba urbanization. Because cocoa only requires periodic tending, farmers can live in town and go to the farm only at harvest time. Other agricultural products include kola nuts, rice, cassava, tobacco, and citrus fruits. Manufacturing includes small limestone, iron and tin production and the small-scale manufacture of rubber, plastic, cement and textiles. Western State has the highest *per capita* income (140 Naira per annum or \$175 per annum) of any state in Nigeria except Lagos, with a great deal of income differential within the state. Illiteracy is in the neighbourhood of 80%. Religious affiliation is listed as 49% Christian, 43% Moslem and 8% other,² and most people would concurrently participate in traditional religious activities, such as Ifa divination. The land area is rain forest and high savanna, less dry than the near-desert of the Northern States and with less rain than the East.

INCIDENCE OF HOMICIDE

Homicide cases which completed trial and resulted in judgments on file at the High court are not an accurate assessment of the incidence of homicide in the State. From 1966-1972 205 verdicts were handed down in 114 cases, or an average of 16 cases of homicide per year were decided. Such a figure would not include cases which did not get past preliminary inquiry. It would not include homicides in which there was insufficient evidence to make an

¹ Demographic estimates of the population of Ibadan run from a high of 2 million to a low of 1 million. It is impossible to know exactly how many people live in the city when migration is so heavy both in and out of the city, on a seasonal and annual basis. Currently, Lagos with over 2.5 million is thought to have usurped the title of largest city in Black Africa. For a detailed and scholarly examination of the phenomenon, unique in traditional Africa, of Yoruba urbanization, see A. Mabogunje, *Urbanization in Nigeria*, University of London Press, 1968.

² Statistical information throughout, unless otherwise indicated, is from Western State of Nigeria *Statistical Abstract*, Ministry of Economic Planning and Reconstruction, Statistics Division, Vol. XII, Ibadan, 1971. The figure for Ibadan urban density is from Mabogunje, *op. cit.*

arrest. It would not include cases in which there were no suspects or cases in which only a coroner's report was filed. It would not include cases where police investigation was not finished. It would not include cases of death which might be homicide but are listed only as unnatural deaths.

Official figures for homicides reported to the police are set out in Table 1.¹ All deaths due to murder and manslaughter, excluding road accident deaths, which were reported to police during the period are included in Table 1. The average number of murders in each year is 107. The average number of homicides in each year is 179. The high figure for 1966 is directly attributable to the deaths resulting from civil disorder in conjunction with the changeover to military rule. Excluding the year 1966, the average number of murders per year is 89; and the average number of homicides in a year is 152, excluding 1966. The figure for 1969 does not, however, seem to reflect deaths which occurred in the large-scale tax riots of that year. The manslaughter figure includes some few cases of manslaughter during road accidents.²

The police also keep a figure for "sudden and unnatural deaths", and this figure (see Table 2) is considerably higher than the reported homicide figure. Included in the sudden and unnatural death figure are all deaths in which post mortem examinations are performed, and all deaths for which a coroner's report is filed. Hence deaths due to suicide, deaths due to unexpected but natural illness, unexplained deaths, but not road accidents would be included. During the period studied, sudden and unnatural deaths averaged 548. The average is 537 when 1966 is excluded. While this figure does not reflect homicides, certainly some sudden and unnatural deaths are homicides in which no police investigation is carried on beyond the processing of the coroner's report.³

¹ The absence of records and statistics on a year-to-year basis is a serious difficulty for anyone doing research. Annual police statistics have not been published since 1966. Eight different series of law reports have published Western State cases since 1955. Not one of those series publishes all cases in a given year or on a year-to-year basis. There are no statistics available, even in unpublished form, on judicial administration. Federal Supreme Court judgments are just now beginning to catch up from a two-year backlog in reporting. In 1967 a decision was made to include all High Court judgments in the official files at the capital. However, it is not clear that all cases were sent in for the early years. The judgments varied greatly in the amount of detail they included. In one case the name of the accused was nowhere to be found.

² When a driver is prosecuted for "manslaughter-dangerous driving", he will appear on the police manslaughter files as an accused. However, if ten people were killed in the accident, the manslaughter figure would only include the one driver being prosecuted. Thus the manslaughter figure is somewhat magnified by the inclusion of a few cases of prosecutions against criminally negligent drivers. However, the manslaughter figure is not a figure for death due to road accidents. The number of victims of road accidents annually averaged 91 in Ibadan police district alone. A total of 135 deaths were recorded in Ibadan in 1972. Western Nigerians, like Americans, are more likely to be killed by motor vehicles than by relatives, or in riots, or by any other unnatural cause.

³ Ralph Tanner used something like the sudden and unnatural death figure in calculating the incidence of homicide in Uganda. His calculations are based upon a raw figure of 1267 homicides, a total which was reduced by police investigation to almost half, or 711 murders. Tanner computes homicide rates by district, and the figures range from a high of 195/100,000 per annum to a low of 3/100,000 per annum. A later commentator takes the figure of homicides reported to police and arrives at a figure of 17.8/100,000 per annum for Uganda as a whole, with highs of 43.9 and 33.3 for Karamoja and Kampala districts respectively, and a low of 5.4 for Kigezi District. The number of homicides in Uganda has always been thought to be high for Africa, and such regional discrepancies point out the hazards of quoting any figure for a country as a whole. See R. Tanner, *Homicide in Uganda*, 1964, Scandinavian Institute of African Studies, Uppsala, Sweden, 1970, 10ff. The later research, which uses data from the years 1965, 1966, 1967 and 1968, was done by M. Mushanga, Dept. of Sociology, Makerere and reported in M. Mushanga, "Criminal homicide in Western Uganda", Makerere University Monograph, April, 1972, 3.

Calculating upon the official police figures for homicide and a constant population of 10.5 million, the homicide rate per annum works out at 1.7/100,000. This figure is victim-based, derived from the number of homicide victims reported to the police and is extraordinarily low both for Africa and the rest of the world. If 1966 is removed, the figure is 1.4. Given the nature of the two figures the homicides reported to the police and the sudden and unnatural deaths I think a more accurate estimate of total homicide can be reached by adding half of the sudden and unnatural deaths to the reported homicide figure. This amalgam produces an estimated homicide figure of 4.2/100,000 per annum, still putting the Western Nigerian homicide rate among the lowest reported in the world. If 1966 is left out, the amalgamated figure is 3.9.

HOMICIDE LAW AND PROCEDURE IN WESTERN NIGERIA

The Nigerians have retained the British procedure of separate criminal jurisdiction. Criminal assizes sit at the various High Courts quarterly, in September, December, March and June. Unlawful homicide includes murder and manslaughter and the killing of any person unless such killing is authorized, justified or excused by law.¹ There are no degrees of murder. The rules of self-defence reproduce the substance of English law.² Provocation can reduce murder to manslaughter, and in considering provocation the standard is what would amount to provocation in the case of an ordinary reasonable man in the same standing in life and degree of civilization as the accused. Killing to avenge adultery without other provocation is never sufficient to reduce murder to manslaughter. However, since 1960, words alone can be sufficient provocation. The burden of rebutting a defence of provocation rests with the prosecution, and the court must consider the defence if the evidence suggests it, even in the absence of a suggestion by the accused. In murder cases a defence of provocation based upon a belief in witchcraft has never succeeded.³

¹ The relevant statutes on homicide are contained in ss. 306-329 of the Criminal Code, cap. 27. Excusable homicide includes killing in the course of suppressing a riot, as well as the usual excusable homicide of self defence. Joint and several responsibility is set out for murder and manslaughter where it is not clear by whose hand life was taken. Killing by fighting may be murder, manslaughter, or homicide in self defence, according to the circumstances. The relevant law is clearly set out in Brett and McClean, *The Criminal law and procedure of Lagos, Eastern Nigeria and Western Nigeria*, London, Sweet and Maxwell, 1963. A revised edition has been prepared.

² A difference between the Nigerian and pre-1957 English law is in the unlawful purpose doctrine. To be murder in England, killing in prosecution of an unlawful purpose must be done in the act of committing a felony involving violence. In Nigeria it is sufficient if death is caused by an act done in prosecution of any unlawful purpose, not necessarily a felony. However, in Nigeria (and this appears to contradict the first distinction) the unlawful purpose must have caused an act of such a nature as to be likely to endanger human life. This last proviso was not necessary in England: See Brett and McClean, *op. cit.* 683, s. 1840. There is also a distinction between English and Nigerian law with regard to killing in defence of property. English law distinguishes between defence of property against forcible felony and defence with respect to a misdemeanour. In Nigeria the distinction is similar to that in the U.S., namely, between defending a dwelling house and other property. Only in defending a home is harm to the trespasser justified.

³ A clear account of the difficulties presented in the various defences offered in killing involving allegations of witchcraft is set out in R. B. Seidman, "Witch murder and *mens rea*: a problem of society under radical social change," (1955) 28 M.L.R. 46. The author shows how each defence (self-defence, insanity, mistake, provocation) fails, leaving the courts enforcing a norm which is at odds with what the greater part of traditionally oriented society believes.

Any departure from the detailed procedures laid down in the Criminal Procedure Act or from the rules of evidence set out in the Federal Evidence Act will be fatal to conviction on appeal to the Western State Court of Appeal or the Federal Supreme Court. The Nigerian Criminal Code was modelled on the Queensland Code and follows the British common law tradition with few variations.¹ At present there are no federal trial courts. There is talk, however, of setting up federal high courts and of having parallel state and federal jurisdiction at the trial level.

Other important differences exist between the law of homicide and police practices in Western Nigeria and England. Aiding a suicide and attempting suicide are crimes in Western Nigeria, although attempting suicide is no longer a crime in Britain. In Western Nigeria abortion is a felony, so is concealment of birth and the unlawful possession of a human head. The death sentence in Western Nigeria is mandatory upon conviction of murder, with exceptions only for pregnant women or youths under seventeen. In Nigeria the ratio of police officers to the public is about 1 : 2200. The Western State police numbered a little under 5,000 in 1972. In Britain the ratio is approximately 1 : 550. There are no private police forces in Nigeria, nor are police equipped with cars or many of the other electronic and mechanical aids taken for granted in Europe and the U.S. Post-mortem examinations are required by law in the event of any suspicious death; they are not, however, very elaborate in medical terms. In Western Nigeria the number of homicides is also increased by the fact that many people wounded by assault die before, or without receiving, medical attention.

Procedures with regard to exculpation on the ground of insanity are also different in Western Nigeria from those in Britain.² The verdict in Nigeria is "Not Guilty by Reason of Insanity". A few older cases used the verdict "Guilty but Insane", but they are rare. That verdict is not used any longer in Nigeria. The burden of proof rests with the defence and is only as high as in civil cases. Assessed by British standards, Nigerian judges do not often grant the defence.³ There are eight psychiatrists in the State, but in practice all legal questions of insanity are referred to the three staff psychiatrists at Aro

¹ The Queensland Code was the model for the Penal Code of East and Central Africa also. The Penal Code of the North (of Nigeria) was drafted from the Sudan Penal Code and differs from the Criminal Code Act in several important aspects. The Western State Criminal Code is identical, word for word, with the Federal Criminal Code, which is in effect everywhere where the Criminal Code of the North does not operate. Parallel citation of the Western State Code is a formality; the State Attorney-General can technically only prosecute under the Western State Code.

² S.28 of the Criminal Code sets out the law on criminal insanity: "A person is not criminally responsible for an act or omission if at the time of doing the act or making the omission he is in such a state of mental disease or natural mental infirmity as to deprive him of the capacity to understand what he is doing, or of capacity to control his actions, or of capacity to know that he ought not to do the act or make the omission." The legal point most often at issue in the judgments was whether or not the accused could be judged insane *at the time of the act*, given that the expert testimony usually referred to some time after the crime. Delays or the total absence of expert testimony made it impossible to distinguish between killing by an insane person, insanity caused by or after killing, and insanity which developed in custody after the crime. Nigerian judges were also reluctant to ante-date evidence of insanity after the crime.

³ In Wolfgang's study of homicide in Philadelphia the proportion of offenders declared criminally insane was very small, i.e. 2.7%. This compares with about 33% of homicide offenders declared criminally insane in Britain. Wolfgang also notes that of those available for trial, typically around 4% are reported insane. The figure of 16 acquittals out of 205 offenders, or 8%, is high in comparison with other reported figures he has noted. See M. Wolfgang, *Patterns in criminal homicide*, University of Pennsylvania Press, Philadelphia, 1958, 312 ff. for U.S. figures and reported British figures.

Hospital for Nervous Diseases, the state mental institution in Abeokuta. Often months or as long as a year will elapse between the crime and a visit by a psychiatrist to the accused. Prison authorities are required to report signs of mental illness among prisoners in custody, but there is not a high degree of sophistication regarding the detection of such symptoms. In most cases the question of insanity is raised by the court-appointed counsel at the beginning of trial. In this study almost half of those accused who showed symptoms indicating mental illness had no expert medical testimony regarding insanity presented in their defence.¹

Anyone visiting courts in a foreign country is immediately struck by the differences of court ritual. To an American, Nigerian courts seem very British: the wigs, the robes, the deferential address to My Lord, the continued references to British authorities. Nor are these matters of style insignificant. Nigerian law is largely British, even after more than a decade of Independence. The older lawyers and most of the judges were trained in Britain. Also, in the criminal law the matter of language cannot be over-emphasised. In Western Nigeria the language of proceedings is English. The Criminal Code is in English. Most accused, however, are not fluent in English, and thus they cannot easily follow presentation of evidence at their own trials. I have seen trials where the court clerk translated testimony into Yoruba, and then an interpreter translated the translation into a third language for the accused. Often, in an attempt to speed up this process, the translation becomes so hurried that the accused cannot keep up with testimony. The High Court judge must write the record by hand, and this also necessarily slows testimony. In most cases only a single translation, from English to Yoruba, is required. Police interrogation and investigation are not usually conducted in English. The Nigerian law on confessions says that although it is desirable that a statement be taken in the accused's language, a statement is not invalidated if it is not in the accused's language.²

Given the double handicap of an unfamiliar and formal procedure and that proceedings are conducted in a foreign language, the accused can participate and often understand very little of what goes on at his trial. His fate is largely determined by the quality of his lawyer, who will be assigned by the court in capital cases if the accused cannot afford private counsel. The quality of counsel may vary greatly at the trial level. As a general rule, court-appointed counsel are not paid at a competitive rate, and there is little financial incentive for busy practitioners to take indigent cases. At the Court of Appeal, however, and at the Federal Supreme Court, all indigent capital cases are assigned to one distinguished member of the bar for a designated period. Thus the quality of counsel on appeal is high.

The Code refers to jury trials, but in practice there have never been, nor are there likely to be, jury trials in Western State. The one Nigerian state where there have been some jury trials is Lagos, but juries will, in all likelihood, be abolished there in the near future. In all trials used for this study matters of fact as well as law were decided by the judge alone. The absence

¹ A detailed analysis of 44 cases involving accused who showed signs of mental illness will be presented separately.

² A valid confession can be orally translated and transcribed by a police officer and then read over and consented to by the accused. If, however, the prisoner makes his statement through an interpreter, the interpreter must then testify in court before the confession will be admitted into evidence. The police officer taking the confession must also sign it. For Nigerian law on confessions see: The Evidence Act, ss. 27-32; also *R. v. Omokaro* 7 W.A.C.A. 146; *R. v. Prater* (1960) 1 All E.R. 298 (need for corroboration); and *R. v. Kanu* (1952) 14 W.A.C.A. 30.

of juries is not a minor technicality. Many important tenets of British common law which have been imported into Nigeria rest upon the foundation of the right of an accused to a jury trial. In the absence of a jury these tenets come to mean something very different. For example, a judge will regard a confession or an alibi differently from a jury.

Jurisdiction over homicide cases rests solidly within the received British law. In 1958, customary criminal law was abolished altogether, but since the advent of British authority customary tribunals have never had jurisdiction over homicide. Nor do magistrates' courts have jurisdiction over homicide except in the preliminary inquiry. Before a homicide case is sent for trial to the High Court there must be a preliminary hearing at a magistrate's court to determine if there is sufficient evidence to bring a prosecution. There is no upper limit to the jurisdiction of the High Court in criminal or civil matters. Homicide cases routinely go through preliminary inquiry at the magistrates' court level and are tried at the High Court. Appeal lies first to the Western State Court of Appeal, a three-judge court and currently the only State court of appeal in the Federation, and then to the Federal Supreme Court, a five-judge court, three members of which normally sit in a trial. The present system of High Courts and magistrates' courts was established in 1933 and reorganized in 1955. The Western State Court of Appeal was established in 1967.

Routine homicide prosecutions follow this typical pattern. Arrest occurs often at the scene of the crime or immediately afterwards. Village and traditional leaders have no role here, except that they often channel information to the police. Within 24 hours the accused must, by law, be brought before a magistrate and charged. Homicide cases will initially be investigated by the Provincial Crime Branch of the Western State Police. About half of all homicide cases are then turned over to the State Criminal Investigation Branch for investigation. In capital cases, that is, all cases in which murder is charged, bail cannot be granted except by a High Court judge. After being charged the accused will be remanded until the preliminary inquiry. The preliminary inquiry may take a few days or one day. There is, however, always a delay after arraignment while the police gather their evidence. There are also usually repeated scheduling delays caused by overcrowded lists. The magistrates' courts are the most overburdened of all courts in the judicial system. Over a year is likely to pass before the preliminary inquiry is completed; then the case will be scheduled for the next assizes. At the stage of preliminary inquiry, the prosecution will be handled by the police. The accused, unless he is exceptional and can afford private counsel, will not be represented or have access to legal advice other than that offered by the magistrate. Both the magistrate and the police are required to caution the accused that he need not incriminate himself, but well over a year goes by before most accused meet with counsel. At the initial hearing before the High Court the accused will be assigned counsel if he is without representation. At the end of the preliminary inquiry the police will pass on their files to the civil-service Director of Public Prosecutions. One of 35 state counsel in that office will thereafter handle the prosecution. The Director of Public Prosecutions has some discretion as to the charge and whether to prosecute.

Upon completion of trial the accused will either be discharged, remanded in prison while awaiting appeal, or be remanded at Aro Hospital as insane. An appeal against the death sentence is virtually automatic. However, in capital cases there is no power to extend the time for appeal.¹ When an

¹ Supreme Court Act No. 12 of 1960, s. 31 (4).

accused wants to plead Guilty, the judge will enter a plea of Not Guilty even though there is nothing to stop a conviction. If a conviction is upheld at the Court of Appeal, again almost automatically appeal will be filed at the Federal Supreme Court. After conviction in the High Court appeal to the other two courts generally takes from 2-3 years. The Federal Supreme Court usually travels to all states in the federation, staying at each state long enough to hear the accumulated appeal cases. If the Supreme Court also sustains the conviction, sentence will be forwarded to the Committee for the Prerogative of Mercy. This committee might well take another year to decide whether or not a reprieve should be granted. Usually it is 4-5 years before all appeals are exhausted. Recently the Chief Justice announced that all criminal cases not brought to trial in six months would be dismissed. However, a decree has not yet been enacted. The Committee for the Prerogative of Mercy has been meeting less frequently since the military government came to power. The Committee recommends sentence to the Governor, who may grant a pardon, as may the Head of State. Execution is by hanging. Neither the time nor the fact of execution will be made public. The number of prison executions in recent years has been very small, only one in each of the years 1970 and 1972, and four in 1971. The public executions recently featured in the international press involved armed robbers who are tried, sentenced, and executed under a specially constituted Armed Robbery Tribunal. Even these executions have not numbered more than 25 in Western State.

PREVIOUS STUDIES OF HOMICIDE

Three studies of homicide had used Nigerian material prior to 1972. Dr. T. Asuni, the present head of Aro Hospital, studied 53 persons accused of homicide in Western State during 1963-1966. Most of this group had been referred to Aro for a psychiatric report.¹ A later study of criminal homicide in all Nigeria was sponsored by the University of Ibadan.² This study analysed 200 homicide cases decided by the Federal Supreme Court from 1953-1963. And in the 1950s Bohannan used colonial records of homicide for his essay "Homicide Among the Tiv".³

In addition to this earlier work reference will be made to three more recent studies of homicide in independent Africa: C. F. Lobban has studied homicide in the Sudan, and R. E. S. Tanner and Musa Mushanga have worked on homicide in Uganda.⁴

RESEARCH METHOD

On January 1, 1973, a total of 698 criminal judgments from eight judicial

¹ T. Asuni, "Homicide in Western Nigeria", (1969), 115 *British J. of Psychiatry*, 1105-13.

² A. Emovon and T. Lambo, "A survey of criminal homicide in Nigeria", undated mimeograph, Behavioural Science Research Unit, University of Ibadan, Ibadan, Nigeria. See also T. Lambo, in 108 (1962), *Journal of Mental Science*, 256.

³ Bohannan, *African homicide and suicide*.

⁴ C. F. Lobban, "Law and anthropology in the Sudan: an analysis of homicide cases in the Sudan", *African Studies Seminar Series No. 13*, Sudan Research Unit, University of Khartoum, February, 1972 (Ph.D. Thesis in Anthropology, Northwestern University, 1973). R. E. S. Tanner, *Homicide in Uganda 1964*, Scandinavian Institute for African Studies, Uppsala, Sweden, 1970. M. Mushanga, "Criminal homicide in Western Uganda", M.A. Thesis, Makerere University, Kampala, Uganda, 1972.

divisions were on file in the State capital.¹ Completeness can be claimed only as regards the available records. All 698 judgments were examined to compile the group of 114 homicide cases involving 205 accused. In addition, I noted that there were 90 judgments in cases involving manslaughter and dangerous driving. These 114 cases are not an infallible record for the period.² In addition 208 Court of Appeal judgments were examined, and 38 of the 114 cases had been decided by the Court of Appeal. Fifteen had been reported as decided by the Federal Supreme Court.³ Some 700 criminal judgments yielded 204 homicide judgments, or about 28% of all criminal decisions were in homicide cases. If cases involving motor vehicles are removed, homicide decisions account for about 19% of all criminal cases. Prosecutions which were dismissed on the ground that there was no case to be answered were not included, although they were reported and filed. An additional 41 accused would have been in the group if those cases had been included.

In 114 cases, 130 victims were killed, as some accused killed more than one victim. The analysis of data regarding victims, however, uses the base figure of 114 victims throughout. Technically, a prosecution is customarily brought only for the killing of one victim, and the judgments only gave particulars for one victim. The information here tabulated was all gathered from the trial judgments. In addition, I was able to obtain police files for a few cases and counsel's files for a few cases. This study, then, is not as complete a study of accused as could be made if police files on all accused had been available. Those files included information not usually reproduced in the judgment and also had transcripts of confessions. Ideally a study of homicide-accused would be made from police files, a study of victims from arrest files and coroner's reports, and a study of legal issues from defence files and from the judgments. Here only judgments were available. The analysis of data regarding accused is on the basis of 205 accused; the analysis of victims is based upon 114 victims of homicide; legal issues and matters of judicial processing are presented in terms of 114 cases.

DATA REGARDING 205 ACCUSED

Table 3 shows the Sex of Accused. Of 205 accused, 89 killed alone. The remaining killed in groups of between two and nine, and one group of 18

¹ During the period studied new High Courts were established. Thus the number of High Courts sitting in 1966 would not be the same as the number of High Courts sitting in 1972. Comparisons between judicial divisions should be read cautiously. Courts were sitting in Ibadan, Abeokuta, Akure, and Oshogbo throughout the period. In addition to the 8 High Courts included in this study, two new High Courts, at Ife and Ilesha, have recently been established. Judgments from these two courts are not included, as they were not on file on January 1, 1973, although those courts had already handed down decisions at that date. The situation is made more confusing by the fact that judicial divisions do not coincide with administrative districts, nor do police districts coincide with either. The 8 judicial divisions represented here are: Akure, Ibadan, Oshogbo, Abeokuta, Ijebu-Ode, Ado-Ekiti, Oyo, and Ondo.

² For questions concerning judicial administration the figures for 1968, 1969 and 1970 are the most reliable. A delay of several months, or even a year, can occur before the typescript of the judgment arrives at the Ibadan High Court Library. The number of cases for the earlier years is small and includes some cases charged prior to 1966. 1966 was when all judgments began to be put on permanent file. Previous to 1966 only selected judgments were kept on file.

³ The number of appeals decided should be qualified. Previous to 1967 all cases were appealed to the F.S.C., as there was no Western State Court of Appeal. The F.S.C. has also recently changed its method of reporting, and there was a backlog of about two years in reported F.S.C. judgments. Thus some Court of Appeal judgments would have also been decided by the F.S.C., but not all W.S.C.A. decisions would have been decided by the F.S.C. Also, some F.S.C. cases would have been the subject of appeals directly to that court.

was involved in a single homicide. Over half (57%) of all homicide prosecutions were against more than one accused. The high proportion of men agrees with data from Uganda, Sudan, and U.S.¹ In Western Nigeria the proportion of men to women in the population, according to the 1963 census, is almost exactly 50%-50%. It is also striking here that in only one case did a woman kill another woman. Many judgments did not give the age of the accused; for those where such information was stated the highest proportion was from the 30 to 40 age group, followed by the second largest number in the 20 to 30 group. Victims were often a decade or a generation older than accused. This must be understood in conjunction with the fact that over 7 million of the state's 10 million are under 35; and over 5 million, or half of the population, are under 25. Thus, for the limited information available the average age of the accused is surprisingly high. The accused resided more often in villages (40%) than in large cities (30%). Village and countryside together accounted for over half of all the accused's residences.

The three largest occupational groups for accused persons were: small farmer, self-employed; farm labourer; and driver. The driver category was perhaps made artificially high by a single case involving the prosecution of several members of a motor drivers' union. There is a striking absence of any representation of the higher status occupations. Only 33 of the accused were non-farm salaried workers; and 20 of these were drivers. Other salaried workers accounted for 13 accused, with soldiers (8) having the second largest representation. There were no civil servants, teachers, secretaries, clerks, or professionals among the accused who came to trial in 1966-1972; yet there are almost a million salaried and professional employees.

The choice of weapon by the accused is set out in Table 4. A machete is the farming implement commonly available both in the countryside and in towns where it is used as an all-purpose cutting tool. The number of killings involving guns is large, given that strict gun control has been in operation since the end of the civil war. The private purchase of small arms is prohibited by law, and possession of handguns is not allowed even with a licence. Weapons do remain in private hands, however, as an aftermath of the war, and there is no restriction on the possession of rifles and long-barrelled guns. Many of the homicides involving the use of a gun employed a long-barrelled, front-loading "dane" gun commonly used to hunt small animals. Only five accused killed by poisoning, and these included two cases of accidental poisoning with medication from a chemist. Two of the other poisonings involved abortifacients. Yet it is popularly believed that death by homicidal poisoning is frequent. Certainly, any number of vegetable and herbal poisons are well known and would be readily available from a herbalist or the bush. Post-mortem examinations do not as a matter of routine look for poison. The drinking of poisonous insecticide to commit suicide is frequently reported in the coroner's reports, so there does not seem to be a cultural aversion to poison.

The relationship of accused to victim is reported in Table 5. All family and kinship relations account for 19% of the total. Acquaintances are the single largest group. The category acquaintance is high partly because almost any village killing would involve the killing of someone known to the accused; and often, in the homicides associated with political motives, violence was

¹ Mushanga reports that men account for 89% of all accused. See M. Mushanga, "Criminal homicide in Western Uganda", *op. cit.* at p. 2. Lobban reports that 58 of 360 homicide accused in her group were women (16%). Tanner does not report the sex of accused, only of victims. Wolfgang reports 82% men in his sample of 621 offenders.

directed against those in authority, also persons known to the accused. An analysis done on the basis of cases shows that marital and kinship relations account for the single largest group (32%).¹ Homicides involving sexual jealousy were not a frequent pattern in Western Nigeria. The killing of spouses accounted for only 13 cases; and four additional cases involved the killing of lovers and former lovers. The category "strangers" is not a "don't know" category. "No Relationship Prior to Crime" appeared in 26 cases involving 57 accused. A substantial number of the homicides involving strangers were group homicides involving robbery or other crime, and killings by the insane account for some of that group.

Ethnicity of Accused (see Table 6) was recorded on the basis of the name of the accused. Ethnicity would not customarily be recorded in the judgment, although it was always recorded in the confession. The five Yoruba groups represent ethnic groupings based upon long standing traditional and regional loyalties. While this kind of coding has hazards, it was the only way to distinguish between the various Yoruba who made up over 90% of the accused. While judicial divisions did not exactly coincide with the residences of various Yoruba sub-groups,² some recognizable patterns were distinguishable among judicial divisions. Akure had a disproportionately large share of the homicides involving land disputes; and Akure also had the largest number of personally motivated homicides: twice as many as the next three districts. Ibadan, as expected, had a large share of the killings involving political matters (37%). Published demographic data do not show the distribution of Yoruba sub-groups within the state, but the classification of Oyo Yoruba, which is the largest single category both for accused and victims, would also be the largest single group within the state.³

The most striking finding from the ethnic data is that most homicides involved members of a single ethnic group. Members of one ethnic group were far more likely to kill members of the same ethnic group than they were likely to kill outside that group. This holds true within Yoruba sub-groups and for tribal distinctions.⁴ Table 7 shows the pattern of inter-ethnic conflict, in percentage terms, on a base of 205 accused. Table 7 shows with what frequency an accused would kill outside his own ethnic group. It does not show how frequently victims were likely to be killed by members of their own ethnic group.

One note of caution remains: inter-ethnic killings may well be (a) those most likely to be committed with stealth and hence may not result in arrests,

¹ Tanner's study indicates that women are overwhelmingly likely to be killed by relatives and family, and particularly by members of their immediate families. Wolfgang's figures agree with this. Men, Tanner reports, are more likely to be killed by friends and acquaintances as sexual rivals and thieves. Lobban comments that homicides concerning sexual jealousy, a common pattern in the North of the Sudan, account for many of the killings of acquaintances in her study. See Tanner, *op. cit.* Table 40 and commentary on p. 51. Lobban, *op. cit.*, p. 10. Wolfgang, *op. cit.*, Table 24, p. 207.

² Oyo Yoruba includes Ibadan, Oyo and Oshun in the Central and Northwestern part of the state. Ekiti refers to the people of the Northeastern parts. Egba Yoruba are those from the Southwest, near the Dahomey border. Ijebus are from the area above Lagos; Ijesha would be the Northeastern area between Oshun and Ekiti.

³ Table 6 must also be read in conjunction with the available census data. The ethnic breakdown in the 1963 census is: Yoruba, 9 million (92%); Urhobo and Edo, 139,000 (1.4%); Ibo, 134,000 (1.4%); Hausa and Fulani, 64,000 (0.7%); with the remainder distributed among the smaller ethnic groups (Tiv, Nupe, Ibibio, non-Africans and other Africans).

⁴ Lobban's data also seem to confirm this finding. In the Sudan inter-ethnic homicide accounted for a far smaller proportion of the total than was expected. Tanner's study finds 90 inter-tribal homicides for 280 intra-tribal homicides, in a country where tribal differences are marked by language differences as well as cultural differences.

and (b) those less likely to be prosecuted in times of civil disorder. In 1966 there was clearly a significant amount of inter-tribal killing in Western State. At the same time the magnitude of the killing did not reach anything like the magnitude of killings in the North in May and October of 1966. Ibo soldiers were known to have been killed in Ibadan in July, 1966, at the end of the second *coup*, and there were no prosecutions for these killings. The only conclusion that can be drawn from this study is: for homicides which came to trial the amount of inter-ethnic killing is strikingly small.

The degree of violence of the homicide was measured by multiple blows or shots (over five or six) and by the presence of mutilation, dismembering or decapitation. Decapitation occurred in six homicides, with several more accused attempting to decapitate their victims. Decapitation is the common method of killing animals for sacrifice, and there may be some sense in which to kill, traditionally, means to decapitate. In almost all cases there was sufficient detail to code for excessive violence.

More than half of all accused killed with excessive violence. Those killings which involved more than one accused were more likely to involve excessive violence. However, a significant number of accused acting alone (31%) killed with excessive violence. The measure of violence is not in itself as interesting as it is in relation to other variables. Of those homicides committed with excessive violence, 60% occurred at night. The place of crime and degree of violence showed that city crimes were more violent than crimes committed in the village or countryside. An examination of weapons used in relation to the degree of violence showed that violent homicides were overwhelmingly likely to be committed with matchets. Political homicides were most likely to be associated with excessive violence; the next largest group were the personally motivated homicides. The other broad categories of motive (see Table 9) are likely not to be associated with excessive violence. When men killed men it was likely to be with excessive violence. When women killed men, they were as likely as not to do so with excessive violence.

The places at which the homicides occurred are set out in Table 8. This again may represent patterns of prosecution and detection. Village and countryside together accounted for twice as many of the cases as large city and small city combined. Perhaps the explanation for this is partly that the arrest of suspects is easier in the rural areas. This may only reflect the fact that in a village suspects are more likely to be caught or the police more likely to be summoned. The bush in Western Nigeria does not have the same connotation of wilderness as the bush in East Africa. Yorubaland is everywhere densely populated. Land which looks like impenetrable rain forest from the roadside is a network of farm plots beyond the scrub. People thread through tiny paths to tend crops, and everyone knows when a stranger is about. The notion of vast, uninhabited countryside is inappropriate to Western Nigeria.

The largest single category of motives for homicide was that concerned with political disputes and the breakdown of civil order (see Table 9). The period under observation, however, is an extraordinary one, and generalizations for all Nigeria, or for other years, cannot be put forward.¹ Not only was 1966 the year in which military rule commenced, but 1969 was a year when tax rioting took place throughout the state (the *Agbekoya* riots). These

¹ Apart from colonial police records the only internal comparisons I have seen are in A. Milner, *The Nigerian penal system*, Sweet and Maxwell, London, 1972, cap. 1, "Crime in Nigeria". Colonial police records seem to show a homicide rate in the North which is much higher than that in the West or in the East.

years also included the years of the civil war, when civil tensions were extraordinarily high. The 1968-69 killings in connection with *Agbekoya* would not primarily be inter-ethnic; however, at that time there were large numbers of homicides associated with politics for which prosecutions were never brought.¹ While motives associated with politics account for the largest proportion of motives among all accused, most homicides in this category involved the prosecution of more than one accused. When the figures are corrected for cases involving multiple accused, such homicides account for only 15% of 114 cases. Personal and domestic motives account for 31% of the 114 cases.

An unusual finding is the absence of alcohol as a factor in the homicide situation in Western Nigeria. Of 205 accused only two had been drinking prior to crime, and only five victims were killed in a situation where both accused and victim had been drinking prior to the homicide. This is in strong contrast with information reported for the Sudan, Uganda, and the U.S.²

Finally, the High Court verdicts with regard to accused are set out in Table 10. Death sentences were given to 65 men and one woman; five women were acquitted as insane; four women were discharged.

ANALYSIS OF 114 CASES

Table 11 sets out court verdicts by case. A comparison of Table 10 and Table 11 points out the characteristics of homicides involving more than one accused. In homicides involving personal motives, 94% of accused killed alone; in homicides involving political motives 7% of accused killed alone. In homicides involving disputes over land and property, 21% of accused killed alone. Men in groups of three did not kill women.

Noteworthy among the dispositions is the high number of acquittals. A cross-tabulation of motive and disposition shows that the greater proportion of those involved in political and civil homicides were acquitted and discharged. Only 16% of those prosecuted in homicides involving political motives were found guilty of murder, and 10% were found guilty of manslaughter; 40% of all other accused were found guilty of murder. This difference can be explained partly by the fact that those homicides involving political motives would be the most difficult to prosecute. Witnesses would be afraid to testify; accused would be unlikely to confess. Of the 63 who confessed, 35 later repudiated their confessions, and the court rejected the confessions as evidence in five cases. In ten instances the court threw out evidence from an identification parade. About half of all homicides for personal motives resulted in verdicts of guilty of murder; about 30% of

¹ It has been conservatively estimated that over 160 homicides occurred in Western State during the *Agbekoya* rioting. In 1969, 27 accused were charged with homicide and later came to trial in 14 cases. The official police toll of deaths from October 1965—January 1966 was 153. The group of accused studied here included 41 prosecuted in 1966 and 1965; they were tried in 22 cases. The number of cases of homicides charged in 1969 was about one third below the average for 1966, 1967, and 1968. For estimates of deaths during the *Agbekoya* incident, see C. E. F. Beer, "The farmer and the state in Western Nigeria: the role of farmers' organizations and co-operatives", Ph.D. Thesis, Political Science Dept., University of Ibadan, 1971, 393. For the 1965-1966 figures see Robin Luckham, *The Nigerian military*, Cambridge University Press, 1970, 219.

² Lobban reports that about 18% of all homicides among men in the North of the Sudan result from situations involving alcohol. Tanner reports that alcohol was a factor in 38% of the killings of men and 29% of the killings of women. Wolfgang reports that alcohol was a factor in 64% of the 588 homicide cases he studied. See Lobban, *op. cit.*, 11; Tanner, *op. cit.*, 42 and Table 33; Wolfgang, *op. cit.*, 134 ff. and Table 14.

homicides involving disputes over land resulted in the verdict of guilty of murder. The high proportion of insanity acquittals from the judicial division where the State mental hospital is located is also interesting. Thirty-one per cent of all insanity acquittals were handed down by the Abeokuta High Court, although only 6% of all accused were from Abeokuta Judicial Division.

According to the appeal records on file (see note p. 66, n. 3) the Western State Court of Appeal affirmed the death sentence in 25 cases, overturned 16 death sentences and entered acquittals, and ordered retrial in one case out of the 114. The Federal Supreme Court affirmed the death sentence in 15 cases; and six of those 15 were not included in the cases taken on appeal to the Western State Court of Appeal. For the remainder of the Guilty verdicts, they either had not been heard yet, or their judgments were not yet on file at the State capital. Thus, according to the available records, the death sentence was affirmed on appeal for 31 accused and set aside in 16 cases.

In general, convictions were processed more quickly than acquittals. Table 12 shows the length of time between crime and judgment. Insanity acquittals were, not surprisingly, the slowest; manslaughter verdicts were handed down more quickly than murder verdicts; all but three manslaughter verdicts were handed down in 18 months or less. It is difficult to explain why acquittals other than insanity took so long. Of all those accused whose verdicts took from 2 to 4 years, 52% were acquitted; for those in the 18-24 months category, 63% were acquitted. The greatest number of acquittals were in the 18-24 months category; the greatest number of guilty verdicts were in the 12-18 months category.

DATA REGARDING 114 VICTIMS

A total of 130 victims were killed by 205 accused in 114 cases. Nine cases involved the killing of more than one victim. The analysis of victims, however, is based upon the number 114, the number of victims for whom death was proved as an aspect of the prosecution. Table 13 sets out the sex of victims; men were killed by other men in most instances.

In the age groupings, the largest single category was 30-50 years (33%) followed by 20-30 years (22%). Children and youths under 20 accounted for 8%, and ages were unknown in 21%. The occupations of victims showed children and housewives accounting for the largest single known category. The category housewife is misleading, however, since (a) all women would list themselves as housewives and (b) almost all women would be traders or farmers in addition to being housewives. The second largest occupational category is farmers and farm labourers. As in the data for the accused, the small representation of the higher economic and social classes is noteworthy. Some political homicides, such as the killing of the Shoun of Ogbomoso, exhibit victims of high social status; but traditional and unskilled occupations also predominate among victims.

Victims are more likely to be killed by family and relatives than by anyone else. Table 14 indicates the bias introduced by cases involving more than one accused in Table 5. Acquaintances are still in second place; and the number of victims killed by strangers is higher than might be expected given the large number of homicides committed in the villages and countryside.

The ethnic groups of victims (Table 15) show a change in the ranking of ethnic groups and in the margins between groups. Urhobo and Edo share

third place as victims, where they rank fifth as accused. Ijesha Yoruba tie for fourth rank as victims; they were seventh rank as accused. A cross-tabulation of ethnicity of victim and accused demonstrates that victims are overwhelmingly likely to be killed by members of their own ethnic group.¹ The majority of victims were not killed with excessive violence (39%). Victims were more likely to be killed in the environs of their own house than anywhere else (Table 16). The second category, public square or market, would be accounted for by many of the political homicides and by the killings by deranged persons. A cross-tabulation of site of homicide with degree of violence showed a high degree of violence associated with victims killed in and around their own houses (54% killed with excessive violence). No other site was associated with more than 50% excessive violence. The analysis of the sites at which homicides occurred showed that 80% of all men victims and 94% of all women victims were killed in the environs of their own houses. A cross-tabulation of sex of victims and relationship of victims to accused showed that over 80% of all men who were killed by men were killed by men with whom they did not have a personal or family relation. In contrast 70% of all women were killed by men with whom they had a sexual or family relationship. When men were killed by women, the victims had a family or sexual relationship to the accused in 54% of the instances.

CONCLUSION

An increase in legal aid to accused, particularly in the two-year pre-trial period, is badly needed in Western Nigeria. The data for Abeokuta, taken in conjunction with other information, point to the prejudicial and discriminatory nature of expert testimony in cases involving questions of insanity at present. The absence of juries has modified many aspects of British criminal procedure and common law. Since there seems to be almost no likelihood that jury trials will be established in Western State, it might be judicious to revise the code where it specifically refers to jury trials and adjust certain procedures to accommodate to the lack of jury trials. Given the small number of convicted homicide offenders who are actually executed, is the mandatory death penalty an anachronism? The death penalty must be applied discriminatorily, and indeed it is clearly not mandatory, given that so few actually receive the sentence. Anthropological research might well be turned towards explanations of why homicides seem to be predominantly intra-ethnic, given long standing animosities between ethnic groups. And no one familiar with the Western Nigerian courts needs to be informed that it is at the level of the magistrates' courts that judicial reorganization is most needed. This study did not even attempt to look at prisons, and it will be difficult to report any reliable data on the incidence of homicide until police statistics are again published regularly. The results offered here are very small in comparison with the amount of research which would have to be done to approach an understanding of homicide in Western Nigeria.

¹ The difference between the analysis regarding victims and the figures presented in Table 7 is that the victim figures are calculated on a base of 114 victims. The percentages of victims are: 83% of all Ijebu Yoruba victims were killed by other Ijebu Yoruba; 75% of Egba Yoruba victims were killed by Egba Yorubas; 67% of Oyo Yoruba victims were killed by Oyo Yoruba; 53% of Ekiti Yoruba victims were killed by Ekiti Yorubas; 50% of Ijesha Yoruba victims were killed by other Ijesha Yoruba; 38% of Ibo victims were killed by other Ibos; No Hausa victims were killed by other Hausa.

APPENDIX

TABLE 1
Homicide Reported to Police, 1966-1972

	1966	1967	1968	1969	1970	1971	1972
Murder	215	92	78	76	102	102	84
Manslaughter	127	83	69	72	42	51	59
TOTAL HOMICIDE ..	342	175	147	148	144	153	143

Source: Police Headquarters, Eleiyele, Ibadan.

TABLE 2
Sudden and Unnatural Deaths, 1966-1972

	1966	1967	1968	1969	1970	1971	1972
Ibadan	283	211	229	279	291	219	371
All Western State ..	615	474	453	506	570	518	702

Source: Police Headquarters, Eleiyele, Ibadan.

TABLE 3
Sex of Accused
 N = 205

				<i>Percentage</i>
Men .. .. .	..	..	193	94
Women .. .. .	..	..	12	6
			205	100
Accused				
Men Killed Men .. .. .	..	..	157	77
Men Killed Women .. .. .	..	..	36	17.5
Women Killed Men .. .. .	..	..	11	5
Women Killed Women .. .. .	..	..	1	0.5
			205	100.0

TABLE 4
Weapon Used by Accused

N = 205

					<i>Percentage</i>
Matchet	..	..	..	67	33
Gun	..	..	..	38	19
Cudgel	..	..	..	28	14
Knife	..	..	..	15	7
Hands, Feet, Fists	..	..	..	15	7
Stick	..	..	..	14	7
Axe	..	..	..	6	3
Fire	..	..	..	5	2
Poison	..	..	..	5	2
Other, No Answer	..	..	..	12	6
				205	100

TABLE 5
Relationship of Accused to Victim

N = 205

						<i>Percentage</i>	
Spouses, Former Spouses	15	7
Child Kills Parent	7	3
Brothers	4	2
Other Family and Kinship (includes In-Laws and Polygamous Kin)	14	7
Lovers, Former Lovers	4	2
Economic or Business Relation (Co-workers, Tenant-Landlord, Buyer-Seller)	20	10
Acquaintances, Friends	81	40
Strangers	57	28
No Answer	3	1
						205	100

TABLE 6
Ethnicity of Accused

N = 205

					<i>Percentage</i>
Oyo Yoruba	..	..	..	92	45
Ekiti Yoruba	..	..	..	24	12
Ijebu Yoruba	..	..	..	16	8
Egba Yoruba	..	..	..	11	5
Urhobo or Edo	..	..	..	10	5
Ibo	..	..	..	8	4
Ijesha Yoruba	..	..	..	7	3
Hausa	..	..	..	5	2
No Answer	..	..	..	32	16
				205	100

TABLE 7
Ethnicity of Accused and Victims, Percentages By Row
 N = 205

<i>Accused</i>		<i>Ijebu Yor.</i>	<i>Hausa</i>	<i>Ibo</i>	<i>Egba Yor.</i>	<i>Oyo Yor.</i>	<i>Ekiti Yor.</i>	<i>Ijesha Yor.</i>	<i>Urhobo or Edo</i>	<i>No Answer</i>
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	
Ijebu Yoruba	(1)	81.3	—	—	6.3	6.3	6.3	—	—	—
Hausa	(2)	—	—	—	—	80.0	—	—	—	20.0
Ibo	(3)	12.5	—	37.5	—	12.5	12.5	12.5	—	12.5
Egba Yoruba	(4)	—	—	9.1	45.5	18.2	18.2	—	—	9.1
Oyo Yoruba	(5)	—	—	—	17.4	55.4	6.5	1.1	5.4	14.1
Ekiti Yoruba	(6)	—	—	—	8.3	16.7	45.8	16.7	8.3	4.2
Ijesha Yoruba	(7)	—	—	—	—	14.3	28.6	42.9	14.3	—
Urhobo or Edo	(8)	—	—	20.0	—	10.0	—	—	50.0	20.0
No Answer	(9)	6.5	9.7	6.5	3.2	25.8	22.6	3.2	—	22.6

TABLE 8
Place of Crime
 N = 114

		<i>Percentage</i>
Large City (over 100,000)	.. 24	21
Small City (20,000-100,000)	.. 11	10
Village .. .. .	.. 38	33
Countryside or Bush	.. 30	26
No Answer	.. 11	10
	114	100

TABLE 9
Homicide by Motive
 N = 205

		<i>Percentage</i>
Associated with Civil Disorder, Political Motives	.. 68	33
Dispute Over Land or Property .. .. .	.. 38	19
Quarrel Over Personal, Domestic, or Sexual Relations..	25	12
Allegations of Witchcraft .. .. .	.. 11	5
Associated with Robbery or Other Crime	.. 16	8
Accused States No Quarrel Between Self and Victim	.. 33	16
Other Motives, Including Accident	.. 10	5
No Answer .. .. .	.. 4	2
	205	100

TABLE 10
High Court Verdict, By Accused
 N = 205

					<i>Percentage</i>
Guilty of Murder—Mandatory Death Sentence..	..	66			32
Murder Reduced to Manslaughter	.. ..	9			4
Guilty of Manslaughter	.. ..	10			5
Not Guilty By Reason of Insanity	.. ..	16			8
Acquitted and Discharged	.. ..	104			51
				205	100

TABLE 11
High Court Verdict, By Case
 N = 114

					<i>Percentage</i>
Guilty of Murder—Death Sentence	.. ..	45			40
Murder Reduced to Manslaughter	.. ..	5			4
Guilty of Manslaughter	.. ..	9			8
Not Guilty By Reason of Insanity	.. ..	16			14
Acquitted and Discharged	.. ..	39			34
				114	100

TABLE 12
Time Between High Court Judgment and Crime
 N = 114

					<i>Percentage</i>
Under 6 Months	.. ..	3			3
6-12 Months	.. ..	24			21
12-18 Months	.. ..	20			17
18-24 Months	.. ..	21			18
24-48 Months	.. ..	18			16
Over 4 Years	.. ..	4			4
No Answer	.. ..	24			21
				114	100

TABLE 13
Sex of Victims
 N = 114

					<i>Percentage</i>	
Men	..	..	..	82	72	
Women	..	..	..	32	28	
					114	100
Men Killed by Men	..	..	..	71	62	
Men Killed by Women	..	..	..	11	10	
Women Killed by Men	..	..	..	31	27	
Women Killed by Women	..	..	..	1	1	
					114	100

TABLE 14
Relationship of Victim to Accused
 N = 114

					<i>Percentage</i>	
Marital and Kinship	..	..	..	37	32	
Lovers, Former Lovers	..	..	..	4	4	
Known to Accused	..	..	..	31	27	
Business or Economic Relation- ship	..	..	..	13	11	
Strangers	..	..	..	26	23	
No Answer	..	..	..	3	3	
					114	100

TABLE 15
Ethnicity of Victim
 N = 114

					<i>Percentage</i>	
Oyo Yoruba	..	..	..	43	38	
Ekiti Yoruba	..	..	..	14	13	
Urhobo or Edo	..	..	..	8	7	
Ijebu Yoruba	..	..	..	7	6	
Egba Yoruba	..	..	..	7	6	
Ijesha Yoruba	..	..	..	7	6	
Ibo	..	..	..	5	4	
Hausa	..	..	..	1	1	
No Answer	..	..	..	22	19	
					114	100

TABLE 16
Site of Homicide
 N = 114

						<i>Percentage</i>
In or Around Victim's House	..	..	38			33
Public Square or Market	..	..	15			13
In or Around House of Accused	..	..	10			9
Roadside	..	..	10			9
Field	..	..	10			9
Woods	..	..	8			7
In or Around House of 3rd Party	..	..	8			7
Other	..	..	7			6
No Answer	..	..	8			7
			114			100