

**INAUGURAL ADDRESS ON THE PRESIDENTIAL ADVISORY
COMMITTEE ON THE PREROGATIVE OF MERCY (PACPM) BY THE
SECRETARY TO THE GOVERNMENT OF THE FEDERATION HELD ON
28TH AUGUST, 2018.**

Protocol

It is with great pleasure that I welcome you all to this inaugural meeting of the Presidential Advisory Committee on the Prerogative of Mercy (PACPM).

Prerogative of Mercy is the right and power of a sovereign state president, or other supreme authority to commute a death sentence, to change the mode of execution, or to pardon an offender. The foundation of Presidential Pardon and Prerogative of Mercy may be traced to the Holy Books from where different nations have adopted them in their Constitutions. In some cases prerogative of mercy is for those offenders who have been too severely punished; or wrongly convicted (even though probably guilty) by reason of some technical or procedural error; or convicted on the right facts under the wrong law; and whose plight is discovered too late for redress in any judicial court of appeal.

The 1999 Constitution as amended, states in section 175 (1) that the President may;

- (a) Grant any person concerned with or convicted of any offence created by an Act of the National Assembly a pardon, either free or subject to lawful conditions;
- (b) Grant to any person a respite, either for an indefinite or for a specified period, of the execution of any punishment imposed on that person for such an offence;
- (c) substitute a less severe form of punishment for any punishment imposed on that person for such an offence; or (d) remit the whole or any part of any punishment imposed on that person for such an offence or of any penalty or forfeiture otherwise due to the State on account of such an offence.

The powers of the President under subsection (1) of this section shall be exercised by him after consultation with the Council of State. The

President, acting in accordance with the advice of the Council of State, may exercise his power under subsection (1) of:-this section in relation to persons concerned with offences against the army, naval or air force law or convicted or sentenced by a court martial. In the same Constitution section 212, the same prerogative of Mercy was provided for offences created by any Law of a State.

The implication of Presidential pardon or prerogative of mercy granted a citizen is to wipe out not only the sentence or penalty but the conviction and all its consequences and from the time it is granted leaves the person pardoned in exactly the same position as if he had never been convicted

Pardon is an act of grace, proceeding from the power entrusted with the execution of the laws, which exempts the individuals, on whom it is bestowed, from the punishment the law inflicts for a crime he has committed. It is the private, though official act of the executive. This is why it can never be a subject of litigation in any court, because of its discretionary nature.

The Presidential Advisory Committee on Prerogative of Mercy (PACPM) is an administrative Committee established to assist the President in the discharge of his responsibility of granting pardon to deserving inmates and ex-convicts as provided for under section 175 of the 1999 Constitution of the Federal Republic of Nigeria.

Your job is very necessary for this will support the dispensation of justice and the decongestion of prisons across the country. These your inauguration today and subsequent meeting will fast track the process of visiting the prisons and identifying those who needed to be pardoned and those to be granted clemency or have their sentences overturned.

I therefore, wish you well in this odious assignment and very fruitful deliberations. Thank you and God bless.

I hereby inaugurate the Committee.

SGF