

2.1.2. Death penalty

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In Nigeria, the death penalty is a ‘lawful punishment’ nationwide,90 including for offences that do not meet the threshold of ‘most serious crimes’ under international law. Although no executions have been carried out since 2016, courts across the country still regularly issue death sentences.91 In 2023, Nigerian courts issued over 246 new death sentences, raising the total number of individuals on death row to more than 3 413.92 According to a representative of the Nigeria Correctional Service (NCoS), as of 15 April 2024, Nigeria had a total of 3 504 inmates on death row, comprising 73 females and 3 431 males.93

In May 2024, the Nigerian Senate introduced a bill to increase the maximum penalty for drug trafficking, replacing life imprisonment with the death penalty. The proposed amendment, which has not yet become law,94 was forwarded to the House of Representatives for further consideration. The bill faced opposition from various stakeholders, including some legislators, the United Nations Office on Drugs and Crime (UNODC) country representative, as well as activists and legal professionals.95 Such proposal has reignited debate over the continued use of the death penalty in the country, with some authorities questioning the sustainability of retaining capital punishment. The Nigeria Correctional Service, for instance, raised concerns about the financial and logistical burden of maintaining over 3 500 death row inmates nationwide. Further, although legal provisions allow for commutation of sentences by governors or chief judges after extended incarceration, inconsistencies in application have left many inmates in legal limbo.96

The African Commission on Human and Peoples’ Rights (ACHPR) has issued various resolutions urging States Parties to the African Charter – including Nigeria – to implement a *moratorium* on executions as a step towards abolishing the death penalty. Its most recent resolution was adopted in November 2024.97 The EU and the UN have also called on Nigeria to impose a *moratorium* on the death penalty.98

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