Please cite as: EASO, 'Article 15(a) QD' in *Country Guidance Nigeria*, Octubre 2021.

Article 15(a) QD

GUIDANCE NOTE
Last update: February 2019
*Minor updates added October 2021

Death penalty or execution

Death penalty is envisaged under both the Nigerian Criminal and Penal Code and the Sharia and it is reported that executions take place.

The following offences are punishable by death under the provisions of the Criminal and Penal Code of Nigeria: murder; treason; conspiracy to treason; treachery; fabricating false evidence leading to the conviction to death of an innocent person; aiding suicide of a child or ‘lunatic’; armed robbery (under the Robbery and Firearms Decree 1984). Death sentences can be executed either by hanging or by shooting (firing squad).

Under the various Sharia penal laws in the 12 Northern states, death penalty is applicable when convicted for one of the following offences: adultery; rape; ‘sodomy’; incest; witchcraft and juju offences. The execution of death sentences under Sharia law includes hanging, stoning and crucifixion. The latter two are applicable only to Muslims.

Death penalty is also applied by military courts.

Some profiles of applicants from Nigeria may be at risk of death penalty or execution. In such cases (for example, gay men or those accused of adultery in the Sharia-implementing states, members of IPOB and MASSOB), there could be a nexus to a Convention ground, and those individuals would qualify for refugee status.

In cases where there is no nexus to a Convention ground (for example, in some cases of individuals accused of ordinary crimes), the need for subsidiary protection under Article 15(a) QD should be examined.

Please note that exclusion considerations could be relevant.

Read more in the COMMON ANALYSIS

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