

## CAPITAL PUNISHMENT FOR DRUG-RELATED OFFENCES: ETHICAL REFLECTIONS ON JUSTICE, HUMAN DIGNITY, AND GLOBAL REFORM IMPERATIVES

**METUONU, Iheanacho Chukwuemeka PhD**

Department of Humanities, General Studies and Bioethics, Faculty of Health Law and Humanities, University of Medical Sciences, Ondo, Ondo State, Nigeria  
Email: [imetuonu@unimed.edu.ng](mailto:imetuonu@unimed.edu.ng)

### Abstract

This paper interrogates the ethical legitimacy of capital punishment for drug-related offences, drawing on Saudi Arabia's recent surge in executions and Nigeria's historical military-era policies. Despite a growing global consensus favouring decriminalisation and harm reduction, some states continue to impose the death penalty for non-violent drug crimes—often targeting low-level offenders and foreign nationals. This persistence exposes a critical gap in aligning penal policy with evolving human rights norms and the ethical principles of proportionality, justice, and human dignity. The central inquiry asks whether such practices can be morally justified in light of national security arguments, and how these justifications hold against contemporary ethical standards and global reform movements. Employing a qualitative-analytical methodology, the study synthesises official execution records, human rights reports, and scholarly literature on legal ethics and comparative penal policy. Findings reveal that capital punishment for drug offences disproportionately affects vulnerable populations, operates within legal systems with limited procedural safeguards, and undermines state narratives of modernisation and openness. Moreover, deterrence claims lack strong empirical grounding. The study's significance lies in its call for a decisive shift toward restorative justice and the abolition of the death penalty for drug-related offences, advocating penal reform that reflects the imperatives of human dignity and international human rights standards.

**Keywords:** Capital Punishment; Drug-Related Offences; Human Dignity; Human Rights; Penal Reform.

### Introduction

Capital punishment remains one of the most enduringly polarising issues in global criminal justice and applied ethics. Although more than two-thirds of states worldwide have abolished the death penalty in law or practice, a small but determined group of jurisdictions continues to impose it with remarkable frequency, including for non-violent offences (Amnesty International, 2025). Saudi Arabia stands out among this group as one of the world's most prolific executioners. In early August 2025, the kingdom carried out 17 executions in just three days—15 for drug-related offences and two for terrorism-related charges—marking one of the fastest execution rates since March 2022 (CBS News, 2025; Channels Television, 2025). This surge forms part of a broader 2025 trend in which 239 executions have already been recorded,

with foreign nationals comprising a significant proportion of those executed and the year on track to surpass the 2024 record of 338 executions (France 24, 2025).

Such developments have provoked sustained criticism from human rights advocates, who point to systemic deficiencies in fair trial standards, lack of transparency in legal proceedings, and the disproportionate targeting of economically vulnerable migrants (Amnesty International, 2025; Egyptian Initiative for Personal Rights, 2025). These practices, they argue, are difficult to reconcile with the image of modernisation and openness that the Saudi government seeks to project under Vision 2030.

A parallel history emerges in Nigeria during the 1980s military regimes, when Decree No. 20 of 1984 made drug trafficking a capital offence punishable by death, often by firing squad. While justified by the government as a deterrent, the policy was widely criticised for its severity, procedural shortcomings, and incompatibility with emerging global human rights standards (Global Sentinel, 2025; Reuters, 2024; Wikipedia, n.d.). The Nigerian case demonstrates that the Saudi approach is not an isolated phenomenon but part of a recurring pattern in which states adopt extreme punitive measures to signal resolve in the so-called “war on drugs.”

The continued use of capital punishment for drug-related offences, despite the global shift toward decriminalisation and harm reduction, presents a profound ethical and policy dilemma. The question at the heart of this inquiry is whether such measures can ever be justified under contemporary principles of justice, proportionality, and human dignity, and how state narratives of deterrence and national security stand up to scrutiny within international human rights discourse.

This article argues that capital punishment for drug-related offences is ethically indefensible. It fails to meet the proportionality standard for punishment, lacks robust empirical support for deterrence claims, and disproportionately affects vulnerable and foreign populations. In doing so, it undermines both the moral legitimacy of the penal system and the credibility of state-led reform agendas.

## Objectives

This study seeks to:

1. **Critically analyse** the ethical implications of capital punishment for drug-related offences in Saudi Arabia and Nigeria.
2. **Evaluate** the legitimacy of state justifications—particularly deterrence and national security—against moral frameworks grounded in justice, proportionality, and respect for human dignity.
3. **Investigate** the socio-political dynamics that sustain such punitive approaches despite global reform pressures.
4. **Recommend** policy reforms that advance restorative justice and align national penal practices with international human rights standards.

## Literature Review

### Empirical literature on the death penalty and drug offences

A substantial empirical literature interrogates whether capital punishment reduces crime. Major comparative reviews conclude there is no robust, reproducible evidence that the death penalty produces superior deterrent effects compared with lesser sanctions (Hood & Hoyle, 2015; World Coalition Against the Death Penalty [WCADP], 2015). Studies focused specifically on drug offences reach similar judgments: where executions for drug crimes have been pursued, measurable and sustained declines in trafficking are seldom observed, and in some cases enforcement simply displaces activity geographically or into more covert networks (Gallahue & Lines, 2010; Oxford DPRU commentary, 2015). These empirical findings problematise one of the most commonly invoked utilitarian justifications for capital punishment.

Independent human-rights and harm-reduction organisations document how death-penalty use for drug offences frequently targets marginalised populations — foreign nationals, economically vulnerable couriers, and those with limited access to legal counsel — thereby raising concerns about selective enforcement and procedural fairness (Harm Reduction International, 2010; Amnesty International, 2025). Country-level reporting (e.g., Saudi Arabia's 2025 surge; Nigeria's Decree-era practices) corroborates patterns flagged by these international monitors: executions for drug-related offences often occur within contexts of limited transparency and constrained defence rights (Amnesty International, 2025; Global Sentinel, 2025; Reuters, 2024).

### Normative literature: utilitarian, retributive, and rights-based critiques

Three normative strands dominate the theoretical debate. Utilitarian defenders claim capital punishment can be justified if it maximises overall welfare (deterrence, incapacitation). However, empirical shortcomings weaken this defense (Hood & Hoyle, 2015). Retributivist arguments anchor punishment in moral desert — the idea that penalties should reflect the wrongness of the act (Kantian formulations) — but many philosophers and legal theorists contest whether non-violent drug trafficking merits the death penalty, arguing proportionality is breached when non-lethal crimes attract the ultimate sanction (Kant, 1797/1996; Schabas, 2010). Human-rights scholarship situates the debate within international law: the ICCPR and subsequent interpretations confine capital punishment to the “most serious crimes,” a narrow category generally read as encompassing intentional killing, not drug offences (United Nations, 1966; Donnelly, 2013). This rights-based line has become influential in abolitionist advocacy and international legal argumentation (Schabas, 2010).

### Policy-oriented and comparative literature

Policy analyses highlight a geopolitical and normative divide. Several states (and regional blocs) have moved toward abolition or moratoria, citing human-rights norms and rehabilitative strategies, while some jurisdictions retain or re-introduce capital sanctions for drugs as part of

punitive “war on drugs” campaigns (World Coalition, 2015; Harm Reduction International, 2010). Comparative case studies show punitive spikes often correlate with political signalling—regimes communicating toughness—rather than with evidence-based crime control (Gallahue & Lines, 2010). The Saudi 2025 executions and Nigeria’s 1980s policy are consistent with this pattern: punitive symbolism and political exigency often trump proportional, rights-respecting criminal policy (Amnesty International, 2025; Global Sentinel, 2025).

### Gaps and ongoing debates

Despite strong critiques, several gaps persist. First, longitudinal country-level causal studies isolating the effect of executions on drug trafficking (controlling for interdiction intensity, market structure, and demand-side variables) remain limited; many studies rely on cross-sectional or ecological inference and thus cannot fully settle causal claims about deterrence. Second, the literature on differential impacts—how the death penalty affects migrants and socio-economically marginalised groups differently—needs richer quantitative and qualitative grounding. Third, normative debates sometimes treat “capital punishment” monolithically; less explored are juridical nuances (e.g., differences in procedural safeguards, stages at which death sentences are imposed) that affect ethical appraisal. Finally, there is a relative scarcity of comparative work that links ethical theory directly to actionable reform proposals tailored to country-specific legal cultures (for example, translating rights-based norms into implementable transitional policies in countries with strong sovereignty claims).

This research addresses those gaps by (a) bringing ethical analysis into sustained dialogue with comparative case evidence (Saudi Arabia and Nigeria) rather than treating empirical and normative claims separately; (b) foregrounding equity impacts (foreign nationals and marginalised couriers) as a central ethical variable; and (c) emphasising policy translation — i.e., moving from critique to concrete restorative-justice alternatives and rights-aligned reform measures tailored to divergent legal contexts. By integrating normative theory, human-rights law, and careful case comparison, the study aims to supply both intellectual clarity and policy-relevant recommendations that are currently underdeveloped in the literature.

### Theoretical Framework

This study’s analytical foundation rests on three interlocking ethical perspectives—utilitarianism, retributivism, and human rights ethics—applied to the specific context of capital punishment for drug-related offences.

**Utilitarianism** contends that the morality of an action is determined by its capacity to maximise overall well-being and minimise harm (Bentham, 1789/1996). In criminal justice, this translates to policies that effectively deter crime and enhance social security without inflicting unnecessary suffering. If capital punishment does not demonstrably reduce drug-related crimes more effectively than less severe alternatives, its utilitarian justification collapses.

**Retributivism** argues that wrongdoers deserve to be punished in proportion to their moral culpability (Kant, 1797/1996). However, applying the death penalty to non-violent drug offences, particularly against low-level couriers or coerced individuals, risks exceeding proportionality and undermining the legitimacy of the justice system.

**Human rights ethics** is grounded in the inherent dignity and inalienable rights of all persons (Donnelly, 2013; United Nations, 1948). The right to life, enshrined in the International Covenant on Civil and Political Rights (United Nations, 1966), restricts the death penalty to the “most serious crimes,” generally understood to mean intentional killing. Drug trafficking falls outside this threshold, making such executions a breach of international law and a violation of the inviolability of life.

Historically, these ethical frameworks have shaped debates on state sovereignty versus universal moral standards. While sovereignty grants states discretion in penal policy, international human rights norms increasingly constrain that discretion, particularly regarding capital punishment for non-lethal offences (Schabas, 2010).

### **Ethical Illegitimacy of Deterrence Claims**

From a utilitarian perspective, deterrence is a core rationale for capital punishment. Yet, studies show no consistent evidence that the death penalty exerts a stronger deterrent effect than long-term imprisonment (Hood & Hoyle, 2015; World Coalition Against the Death Penalty [WCADP], 2015). The Saudi surge in executions in August 2025—17 in just three days—has not correlated with measurable reductions in drug trafficking (Amnesty International, 2025). Likewise, Nigeria’s executions under Decree No. 20 of 1984 failed to produce long-term decreases in drug-related crime (Global Sentinel, 2025).

### **Disproportionality and Targeting of Vulnerable Groups**

Retributivist ethics requires proportionate punishment, yet many individuals executed for drug crimes are economically disadvantaged, foreign nationals, or coerced participants (Harm Reduction International, 2010). In Saudi Arabia, human rights organisations report that trial processes for such offences often lack transparency and fail to meet international fair trial standards (Amnesty International, 2025; Egyptian Initiative for Personal Rights, 2025). This indicates not only disproportionality in sentencing but also systemic inequality in application.

### **Counterarguments and Sovereignty Claims**

Proponents often invoke sovereignty, cultural norms, and national security to defend the death penalty for drug crimes. In Saudi Arabia, officials frame executions as necessary to protect society from the destabilising effects of narcotics (CBS News, 2025). Nigerian military authorities in the 1980s justified their death penalty decree as an essential tool to combat a perceived drug crisis (Reuters, 2024). However, these arguments falter against international obligations, such as the ICCPR and the African Charter on Human and Peoples’ Rights (African Union, 1981), both of which emphasise life’s sanctity and proportional justice. Moreover, deterrence remains unproven, undermining the utilitarian defence.

## Case Studies

### Saudi Arabia (2025)

Saudi Arabia's execution campaign in 2025 reflects both a continuation of historical punitive trends and a contradiction of its Vision 2030 reform narrative. Between January and August 2025, 239 executions were recorded—15 in early August for drug offences alone (France 24, 2025). Many executed were foreign nationals from economically vulnerable backgrounds. Reports indicate that trials often lacked legal representation and transparency (Amnesty International, 2025).

### Nigeria (1984–1986)

Nigeria's Decree No. 20 of 1984, enacted under General Buhari's military regime, mandated death by firing squad for drug trafficking. Despite its severity, drug trafficking persisted, and international criticism was fierce, particularly regarding fair trial violations and the targeting of low-level offenders (Global Sentinel, 2025; Wikipedia, n.d.). By the late 1980s, the policy was widely regarded as a failure both ethically and pragmatically.

## Methodology

### Approach

This study adopts a qualitative-analytical approach underpinned by three major ethical frameworks—utilitarianism, retributivism, and human rights ethics—as identified in the literature review (Bentham, 1789/1996; Kant, 1797/1996; Donnelly, 2013). These frameworks provide the normative lens through which the moral legitimacy of capital punishment for drug-related offences is evaluated. The analysis is further guided by international human rights law, particularly the *Universal Declaration of Human Rights* (United Nations, 1948), the *International Covenant on Civil and Political Rights* (United Nations, 1966), and the *African Charter on Human and Peoples' Rights* (African Union, 1981).

### Research Design

The study employs a comparative case study design focusing on Saudi Arabia and Nigeria as primary sites of inquiry. Saudi Arabia represents a contemporary, high-frequency execution context, while Nigeria provides a historical precedent during its 1980s military regimes. This design enables the identification of recurring justifications, policy continuities, and differences across distinct legal, cultural, and political settings (Yin, 2018).

### Ethical Considerations

While the research did not involve human participants, ethical responsibility was maintained in three ways:

1. **Accuracy and Transparency** – All data sources are fully cited and traceable to publicly accessible records.

2. **Respect for Sensitivity** – Execution cases were presented without sensationalism, focusing on policy and ethical analysis rather than personal details of individuals.
3. **Avoidance of Harm** – The study refrains from publishing identifying details of living persons potentially at risk due to political sensitivity in the jurisdictions studied.

By combining a rigorous ethical framework with a comparative qualitative design, this methodology enables a nuanced and context-sensitive assessment of whether capital punishment for drug-related offences can be ethically justified under contemporary moral and legal standards.

## Findings and Discussion

### Utilitarianism and the Absence of Deterrent Benefit

From a utilitarian standpoint, punishment should maximize societal welfare by preventing crime effectively. However, empirical research consistently indicates that capital punishment—especially for drug-related offences—fails to offer a superior deterrent effect compared to alternatives like life imprisonment (World Coalition, 2015) ([WCADP](#)). Further, deterrence claims have often been challenged due to methodological limitations and ambiguous statistical outcomes (DPRU research, University of Oxford). Public opinion surveys reinforce this: only a minority in Indonesia cited deterrence of drug trafficking as a rationale for supporting the death penalty (18%)—far fewer than those motivated by retribution (36%) ([Ibhmasyarakat.org](#)).

In our comparative cases, neither Saudi Arabia's execution surge nor Nigeria's 1980s executions led to sustained reductions in drug trafficking. This aligns with broader literature showing no reliable link between capital punishment and crime decreases (Hood & Hoyle, 2015).

### Retributivism and Disproportionate Punishments

Retributivist ethics mandate that punishment be proportionate to the moral gravity of the offence (Kant, 1797/1996). Here, applying the death penalty to non-violent actors—often low-level couriers or coerced participants—seems manifestly disproportionate. International reports document that many individuals executed for drug offences were economically marginalized, with little agency in drug networks (IHRA, 2010).

### Human Rights Ethics and Violation of Life's Inviolability

Human rights frameworks affirm that capital punishment must be limited to the “most serious crimes,” typically involving intentional killing (ICCPR Art. 6(2)). The death penalty for drug-related offences sits outside this threshold, thus conflicting with international law (ESCR Safeguards). Saudi Arabia's and Nigeria's applications involve irregular trial processes and opaque legal procedures, further exacerbating ethical breaches under human rights standards.

### Interpretation of Results

Our findings align with the central thesis: capital punishment for drug-related offences fails on ethical grounds across all frameworks. Deterrence claims lack evidence; retributive justice is

not served; human rights are violated. Practically, these executions erode political legitimacy, exacerbate inequalities, and convey moral incoherence.

### Comparison with Existing Literature

The findings confirm a prevalent scholarly consensus: the death penalty for non-violent drug crimes is both ethically and practically indefensible (Hood & Hoyle, 2015; Schabas, 2010). They also parallel arguments that punitive rhetoric often functions as political posturing rather than evidence-based policy (Gallahue & Lines, 2010).

### Conclusion and Recommendations

This study has shown that capital punishment for drug-related offences in both Saudi Arabia and Nigeria is ethically indefensible under utilitarianism, retributivism, and human rights ethics. The evidence demonstrates that such executions do not deliver superior deterrence compared to alternative sanctions, disproportionately target vulnerable and foreign populations, and breach the proportionality and due process standards mandated by international human rights law. In Saudi Arabia, the 2025 surge in executions contradicts reformist narratives and entrenches systemic inequalities, while Nigeria's 1980s military-era policy stands as a historical case of severity without sustained benefit. These findings answer the research question decisively: the death penalty for non-violent drug crimes cannot be morally or legally justified under contemporary global norms. Policy reform should therefore pursue a coherent framework anchored in three pillars: (1) Abolition of the death penalty for drug-related offences in line with Article 6(2) of the ICCPR and the African Charter on Human and Peoples' Rights; (2) Adoption of restorative justice and harm reduction strategies, including treatment, rehabilitation, and reintegration programmes for offenders; and (3) Strengthening of procedural safeguards to ensure fair trial rights, transparency, and the protection of vulnerable groups. International and regional bodies should increase diplomatic and technical support for countries transitioning away from capital punishment, while civil society actors must sustain advocacy that frames abolition as both a legal obligation and a moral imperative. By integrating these measures, states can align their penal policies with the imperatives of justice, proportionality, and human dignity, reinforcing their legitimacy in the international community and moving decisively toward humane, evidence-based drug control policies.

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