

2.18. State response towards human rights violations

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2.18.1. Justice system

Nigeria’s legal system is a mix of English common law, law in northern states, and traditional law.807 The highest court is the Supreme Court, which consists of the chief justice and a number of justices not exceeding 21.808 The subordinate courts consist of the Court of Appeal, the Federal High Court, state High Courts, Sharia Court of Appeal, Customary Court of Appeal, and state court system similar in structure to federal system.809 Sharia courts are only located in the 12 Northern states where sharia law is applied (Bauchi, Borno, Gombe, Jigawa, Kaduna, Kano, Katsina, Kebbi, Niger, Sokoto, Yobe, and Zamfara).810 Most southern states use the provisions of the Criminal Code Act as their state law.811 In the 12 Northern states where sharia law is applied, the Sharia Penal Code is applied.812

Judicial independence is constitutionally and legally enshrined, and while the judiciary has some degree of independence and professionalism, political interference, corruption, and lack of equipment and training remain key problems.813 Sources indicated that the judiciary was susceptible to pressure from the executive and legislative branches,814 and business interests.815

Corruption is a serious problem in Nigeria’s justice system.816 A July 2024 report by UN Office on Drugs and Crime (UNODC) on corruption in Nigeria indicated that the largest cash bribes paid to public officials were for judges and magistrates, with an average of 31 000 Naira (17 Euros), followed by customs or immigration officials (17 800 Naira or 10 Euros), and members of the armed forces (16 600 Naira or 9 Euros).817 According to the same source, bribes in Nigeria are usually requested by public officials either explicitly, indirectly, or through third parties who convey the expectation of a bribe.818 Bribes are also offered voluntarily to ‘expedite’ a process or to express ‘appreciation if they feel that [it] would help them get the required services faster’.819 Nigerian newspaper The Guardian reported that it is common practice for judicial workers to solicit a ‘gratification’ at different points of the judicial case, from filing a case to the assignment to a judge.820 The same source reported that ‘[h]ardly a court clerk or registrar locates a file for a litigant, or lawyer without being gratified’, and that judicial clerks are reported to deliberately delay the filing of cases or misplace files and exhibits with the aim of extorting parties, as well as to solicit bribes under the false pretext of acting on behalf of judges.821 In an effort to

combat bribery in the justice system, in October 2024, President Tinubu signed legislation to increase judicial officers' salaries by 300 %.822

A 2025 poll by the Africa Polling Institute (API) indicated that 79 % of respondents have 'little to no trust' in the judicial system.823 Similarly, a 2025 nationwide survey of 1 357 Nigerians published by the Human and Environmental Development Agenda (HEDA), an NGO that promotes human rights and conducts research on human development issues, indicated that corruption, inaccessibility to the justice system, and political interference in the judiciary are 'widespread', and that only 12 % of the respondents rated the judiciary as 'highly accessible'. 824

Federal and state authorities are accused of disregarding due process.825 In some cases, people are detained without being informed of the charges against them or allowing them access to counsel, and those who are detained by the military under terrorism charges are not accorded the right to legal representation, due process, or be heard by a judicial authority.826 The prolonged pretrial detention of suspects sometimes continue even after courts have ordered their release on bail.827 Also, some individuals whose cases are dismissed by the courts reportedly remain in detention without clear legal justification.828

Sharia courts accord less weight to the testimony of women and non-Muslims, and to prove adultery or fornication, some sharia courts allow different evidentiary requirements for women and men defendants.829 Similarly, Akinwale Victor Ishola, researcher at the Department of Peace, Security and Humanitarian Studies at the University of Ibadan, indicated that 'gender inequality under Sharia law impacts women's rights and social status adversely, hindering progress towards gender equality and women's empowerment in Northern Nigeria'.830

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