

NON-IMPLEMENTATION OF COURT ORDERS IN NIGERIA AND THE EROSION OF INMATES FUNDAMENTAL RIGHTS

John Alade Ayodele *

Abstract

The worth of any legal system is gauged not merely by the standard of its judgments but by the degree to which such judgments are enforced. In Nigeria, the continuous non-implementation of court orders, particularly in criminal justice administration, constitute a serious peril to the fortification of the fundamental rights of inmates. This article disparagingly scrutinises the circumstances of non-implementation of court orders and its consequences for the constitutional and statutory rights of inmates in Nigeria. Using the doctrinal research methodology, the study evaluates relevant provisions of the Constitution of the Federal Republic of Nigeria 1999 (as amended), related statutes, and judicial decisions to probe how failure to enforce court orders such as release orders, sentencing directives, and custodial instructions results in violations of the rights of inmates in relation to rights to personal liberty, human dignity, and fair treatment under the law. The article contends that non-implementation challenges the authority of the judiciary, embeds executive whimsicality, and prolongs unlawful detention and inhumane living conditions in correctional facilities. It further points out institutional, and legal factors answerable for non-compliance with court orders. The article concludes by recommending legal and institutional reforms aimed at strengthening judgment enforcement mechanisms, enhancing accountability of enforcement agencies, and ensuring effective protection of inmates' rights in line with the rule of law and international human rights standards.

Keywords: Court decisions, inmates' rights, institutional mechanisms, legal framework, prison conditions

* John Alade Ayodele, LL.M (LASU); Lecturer, General Studies Department, College of Applied Social Sciences, Lagos State University of Science and Technology, Ikorodu, Lagos State and Doctoral Law Student, Babcock University, Ilishan-Remo, Nigeria; Tel.: 08077667762; E-mail: john.ayodele96@yahoo.com, ayodeleja@lasustech.edu.ng, ayodele0266@pg.babcock.edu.ng

1. Introduction

Generally speaking, it takes all the complimentary efforts of all the key players in the justice system to have a just and humane society. This is to the effect that there ought to be laws made by the legislative arm of the government.¹ The laws made by the legislature are to be administered by the executive organ while the judiciary interprets those laws.² Thus, the administration of justice in any civilised and democratic society rests not on the ability of courts to adjudicate disputes and also on the unswerving implementation of their judgments/orders.³ Courts are the final mediators of legal rights and obligations, and their decisions are meant to be obeyed and implemented by all persons and authorities. However, in Nigeria, the tenacious non-implementation of court judgments has become an upsetting feature of the legal system, particularly within the criminal justice segment. This problem is most evident in cases involving convicted inmates, where court orders relating to sentencing, release, transfer, or custodial conditions are frequently ignored or delayed by enforcement agencies. For instance, in the case of *Zakaria Umar v Attorney-General of the Federation & 6 Ors*, the Federal High Court, sitting at the Federal Capital Territory Abuja, ordered the immediate release of Zakaria Umar who was allegedly been detained for about ten years. Reports indicated continued non-compliance with the release order, prompting contempt proceedings.⁴ Also, is the case of *Federal Republic of Nigeria v Omoyele Sowore*⁵ in which after the Federal High Court granted bail to the Defendant, operatives of the Department of State Services (DSS) reportedly refused to comply fully with the order and later rearrested him within or around the court premises shortly after his release. Further, in *Ali Bello v Abdulrasheed Bawa (EFCC Chairman)*,⁶ the Kogi State High Court committed the EFCC Chairman to prison for contempt after disobeying a court order relating to the unlawful arrest and detention of Ali Bello. Idris Okuneye (aka Bobrisky) was sentenced to six months imprisonment without option of bail for abusing the Nigerian Naira notes. He was housed in a privately arranged accommodation outside the walls of the Kirikiri correctional

¹ Constitution of the Federal Republic of Nigeria 1999, s 4

² *Ibid* ss. 5 & 6

³ *Delhi Court Bar Association & Anor v Government of NCT of Delhi & Anor W.P.* © No. 4770/2012 (Delhi High Court, 9 October 2013)

⁴ Suit No. FHC/ABJ/CS/437/2023, Judgment of the Federal High Court, Abuja delivered by Hon. Justice M. O. Olajuwon on 8 July 2024

⁵ Charge No. FHC/ABJ/CR/235/2019, Federal High Court, Abuja Judicial Division

⁶ Gbenga Odogun, 'Contempt: Again, Court Commits EFCC Boss, Bawa, to Prison' (Punch Newspapers) 3 February 2023 < <https://punchng.com> > accessed 15 May 2025

facilities which was in contradiction to court order.⁷ That said, in Nigeria many contempt committal orders against powerful officials are either not enforced promptly or are later suspended after partial compliance. Nonetheless the criminal status of inmates, they remain protected under the fundamental rights guaranteed by the 1999 Constitution of the Federal Republic of Nigeria (as amended) and other applicable laws. The failure to implement court judgments affecting them often results in unlawful detention, inhumane treatment, and a denial of access to justice.

Courts are key players in the criminal justice administration of any democratic and humane society. This is because apart from the significant roles of courts (which are also referred to as the judiciary) in the justice system, courts as the third organ of government are vested with judicial powers.⁸ The courts referred to are listed under section 6 (5) a-k of the Constitution of the Federal Republic of Nigeria, 1999. The essence of this article is to examine the non-implementation of court orders in Nigeria and the erosion of inmates' fundamental rights. In achieving the set objectives, the various relevant legal frameworks both at the local and international level will be deliberated upon. Also, the article will evaluate the institutional structures responsible for the enforcement of the decisions of courts in a criminal case and safeguarding the rights inmates. Furthermore, the article will identify and analysis the factors that hinder the implementation of such decisions of court and violation of inmate's rights. The implication of non-implementation of decisions of courts on the justice system, rule of law, and human rights will be assessed especially its effects on individual inmate, the broader community and the society in general before drawing a conclusion and making recommendations. It argues that such non-implementation undermines the rule of law, erodes judicial authority, and perpetuates systemic violations of human rights within Nigeria's correctional system.

2. Conceptual Clarifications

2.1 Inmates and Their Legal Status

An inmate is a person who either had been found guilty of an offence by a court of law and has sentenced accordingly or is kept in any detention facility pending the conclusion of the charges

⁷ Ismaeel Uthman et al, 'How Bobrisky Spent Jail Term in Kirikiri Special Cell' (2025) Punch Newspaper 28 September 2024 <<https://punchng.com/how-bobrisky-spent-jail-term-in-kirikiri-prison>> accessed 7 May 2025

⁸ *Ibid* s 6 (1) (2); see generally CFRN 1999, chapter vii (The Judicature)

against him as an awaiting trial inmate.⁹ While conviction lawfully restricts certain liberties, it does not extinguish all rights. Nigerian law recognises that inmates retain fundamental rights such as the right to dignity of the human person, freedom from torture or inhuman treatment, right to good food and portable water and the right not to be unlawfully detained beyond the terms of a lawful sentence. These rights are enforceable against the state and its agencies. According to Black Law Dictionary, an inmate is a person who is serving a time in prison. A person who has been apprehended by a law enforcement officer and is in custody, regardless of whether the person has yet been put in prison.¹⁰

In the case of *Edmund Okoro & Ors v Minister of Internal Affairs*,¹¹ the court held that a person becomes a prisoner on the date he was first admitted into prison. The definition of prison by Brayan,¹² presupposes that only a convicted person can be referred to as a prisoner. However, it should be noted that this definition may not be totally accepted because there are person within the prison wall referred to as awaiting trial who are yet to be convicted but whose case is still pending in court. The Nigerian Correctional Service Act, avoided the use of prison hence in its interpretation section,¹³ inmates is interpreted as any person lawfully committed to custody. By this interpretation, it can be safely concluded that inmates or prisoners include those who have been sentenced and those awaiting trial. Rock,¹⁴ sees a prisoner as a person who has been committed to the custody of a designated State agency and such person is effectively severed from the society.

2.2 Court

A court is an agency set up by government to define and apply the law, to order its enforcement, and to settle dispute points on which individuals or groups do not agree.¹⁵ The judiciary is one of

⁹ Ojo Tajudeen Ibraheem, 'Behind the Prison Walls: Rights or No Rights' (2013) *International Journal* 2 (4) 782

¹⁰ Brayan. A. Garner, (ed), *Black's Law Dictionary* (9th edn, USA, West Publishing Co 2004) 1314

¹¹ Suit No. FCH/EN/CP/102/2000 (Unreported).

¹² Garner (n 10)

¹³ Nigerian Correctional Service Act 2019, s 46

¹⁴ G. Rock, Prisoners' Rights Handbook, Angus Love ed. Pennsylvania Institutional Law Project cited in Taiwo Ajala, 'Legal Capacity of Prisoners to Sue or be Sued: A Case for Expanding the Scope of Legal Disability' (2020) *Journal of Public and Private Law* 10 129

¹⁵ Charles F. Hemphil, (Jr.) et al 'Criminal Procedure: The Administration of Justice, Saint Monica, CA: Goodyear cited by S I Onimajesin, 'Criminal Justice System in Nigeria: An Appraisal' <www.unilorin.edu.ng>accessed 20 May 2025

the most important pillars of justice as such plays important role in the administration of justice. The judiciary is to decide on bail and remand, protect the rights of the accused and victim of crime, preside over the trial and plea processes, decide on guilt, hear appeals against conviction and sentence and to provide public arena so that justice can be seen to be done.¹⁶ Courts at all times are expected to do justice because it is the last hope of the ordinary man. The Supreme Court of Nigeria in the case of *Chief of Air Staff v Iyen*¹⁷ while commenting on the role of courts, quoted Lord Wright when the Court held that:

...I am not afraid of being accused of sloppiness of thought when I say that the guiding principle of a judge in deciding cases is to do justice that is justice according to law, but still justice. I have not found any satisfactory definition of justice. What is justice in any particular case is what appears to be just to the just man, in the same way as what is reasonable to the reasonable man

The Court went further to re-emphasis the words of Lord Denning in his book *The Family Story* when Their Lordship held that:

My root belief is that the proper role of a judge is to do Justice between the patties before him, if there is any rule of law which impairs the doing of justice, then it is the province of the judge to do all he legitimately can do to avoid that rule or even change it so as to do justice in the instant case before him. He need not wait for the legislature to intervene, because that can never be of any help in the instant case. I would emphasis however, the word ‘legitimately’; the judge is himself subject to the law and abide by it

¹⁶ Kathleen Daly, ‘Aims of the Criminal Justice System’ Griffith University <<https://www.griffith.edu.au>>...> accessed 5 June 2025

¹⁷ (2005)1 S.C. (pt.II) 165-166.

It is the duty of the court to adjudicate on cases before it and to give verdict which could be that of guilt or innocence. Courts in Nigeria operates at two levels. That is, the Federal courts and State courts. The Federal courts are:- Supreme Court, Court of Appeal, National Industrial Court, Federal High Court and Special Courts as may be provided for by an Act of the National Assembly such as the Code of Conduct Tribunal, National Industrial Court of Nigeria and Investment and Securities Tribunal. While at the state level, there exist:- State High Court, Sharia Court of Appeal, Customary Court of Appeal Magistrate Court, Upper Area Court, District court, Customary Court and area Court. All these courts have jurisdiction on criminal matters except District Court in the Northern part of Nigeria that has jurisdiction only on civil cases.¹⁸

Punishment is one of the criminal justice mechanisms¹⁹ provided for by law as compensation and reparation for victims, society and to serve as deterrent to likeminded persons. This could be custodial sentence such as imprisonment, fine, death penalty, and so on. Or non-custodial sentence such as parole, prohibition, community service, and restorative justice.²⁰ Once a court has delivered its judgment, be it in a civil case or a criminal case, it is the duty of the executive arm of government to implement such court judgment as pronounced by the court. However, where the court that gave such judgment is a court of first instance, the constitutionally guaranteed right to appeal may be activated.²¹ A pending appeal becomes the only legal instrument that can hinder or stop the implementation or execution of the judgment of the court. In a criminal case, irrespective of the nature or type of allegation(s) before the court and regardless of the punishment that a court may have imposed at the conclusion of the case, the constitutional rights of the inmate are to be protected and not to be trampled upon except to the extent of such permission by the law.²²

¹⁸ See generally, Chapter VII CFRN 1999

¹⁹ E R Leila et al., 'Protection of Prisoner's Rights in Prisons Through the Guidelines of the Rule of Law' (2017) *Journal of Politics and Law* 10(1) 71

²⁰ Nigerian Correctional Service Act 2019, s 37; Administration of Criminal Justice Act 2015, ss 453-468

²¹ CFRN 1999, Chap VII

²² *Ibid* ss 33 & 35

2.3 Court Judgments/Orders and Their Legal Effect

A court judgment/order is an official and authoritative decision of a court of competent jurisdiction, defining the rights and liabilities of parties before it.²³ Once delivered, a judgment is binding on the parties and all authorities to whom it is directed. In criminal matters, court judgments may include convictions, sentences, acquittals, release orders, or directives relating to the treatment or transfer of inmates. The compulsory nature of judgments is an essential element of judicial power and an indispensable constituent of the rule of law. The Apex Court in Nigeria has held in the case of *Contract Resources Nigeria Limited v Standard Trust Bank Limited*²⁴ that ‘the law is well established and therefore held as trite that the use of the words judgment or ruling both connote a decision of a court’.

2.4 Justice

Judicially, justice has been defined by the Supreme Court of Nigeria in the case of *Pam & Ano V. Mohammed & Ano*²⁵ when their Lordships held that:-

Justice, that elusive and generic expression, is the cynosure or fulcrum of the administration of justice because it is the aim of the administration of justice to obtain it. Justice, which means in its simplistic context, quality of being just, fair play and fairness, possessing an element of egalitarianism in its functional content, must be done in a case

Oputa, defined justice as the accumulation of all the virtues, which enables us as social individuals to live and behave honestly and transparently, respecting each other’s rights.²⁶ Justice has been described as the legal equality of human beings conceived and formulated around the dignity of the human person.²⁷ It can be defined as the quality of treating individuals according to their civic rights and in ways that they deserve to be treated by virtue of relevant conduct. It is

²³ H C Black, *Black’s Law Dictionary* (6th edn, West Publishing Co 1990) 841

²⁴ (2013) 2-3 SC (pt iv) 40, 54.

²⁵ (2008) 5-6 SC (pt.I) pp.149-151.

²⁶ Chukwudifu A. Oputa, ‘Peace, Justice and Fair play in a Democratic Nigeria’ (Being a paper Delivered as a Birthday Lecture in Honour of His grace, Most Rev. (Dr.) John .O. Onaiyekan, C.O.N., The Catholic Archdiocese of Abuja, January, 2004) ed. By Okeke, O. in *Towards Functional Justice: seminar Papers of Justice Chukwudifu A.oputa* (Gold Press Limited Ibadan) 211

²⁷ Funso Daramola, *Basic Jurisprudence* (3rd Ed. Raymond Kunz Communications, Lagos Nigeria) 226

rights respecting treatment that is deserved by virtue of criminal conduct as judged by the rule of law. In essence therefore, doing justice implies holding offenders fully accountable for their offences, protect offenders' constitutional and legal rights and to take into cognisance, the relevant differences among offenders and offences.²⁸ Justice could be distributive justice which is about how available resources (reward distribution) or how burdens and other responsibilities (responsibility distribution) are shared or allocated among the people;²⁹ retributive justice, a type of justice system that adopts a backward-looking act of the offender by focusing on the moral duty to punish past wrong doings;³⁰ procedural justice which is about how people perceive the fairness and transparency of the processes that were used to make a decision, resolve dispute or how resources were allocated;³¹ restorative justice which focuses on the victim and the offender's need by bringing together these parties to collectively and mutually resolve the matter;³² corrective justice which is to the extent that a person that has caused wrongful harm to another person should be made to correct it;³³ or social justice, an aspect of human rights being referred to promoting fairness, equality, and equity in economic, educational and employment opportunities.³⁴

2.5 Rights of Inmates

Araromi³⁵ posited that right is a universal term that confers certain benefits on a person who possesses it. It can be inborn and naturally endowed by virtue of being a human or it can be derived by operation of law.³⁶ The rights that are naturally endowed by virtue of being a human are best referred to as human rights that are universal, absolute and fundamental moral claims

²⁸ John J. Dilulio, 'Rethinking the Criminal Justice System: Toward a New Paradigm in Performance Measures for the Criminal Justice System' (1992) <<https://books.google.com/about>> assessed 26 January 2026

²⁹ A Nameda et al., 'Distributive Justice and Development: Towards an Integrative Understanding of Reward and Responsibility Distributions' (2023) *Journal of Moral Education* 52(4)

³⁰ M T Cahill, 'Retributive Justice in the Real World' (2007) *Washington University Law Review* 85(4) 818

³¹ L Savigar-Shaw et al., 'Procedural Justice as a Reward to the Compliant: An Ethnography of Police-Citizen Interaction in Police Custody' (2022) *Taylor & Francis Online* 32(6)

³² A Zeman, 'Defining Restorative Justice: A Perspective from England and Wales's further Education Sector' (2024) *Contemporary Justice Review* 27(2-3)

³³ A Poama, 'Corrective Justice as a Principle of Criminal Law: A Prolegomenon' (2017) *National Library of Medicine* 12 (4)

³⁴ M Killen et al., 'Social and Racial Justice as Fundamental Goals from the Field of Human Development' (2022) *Human Development* 65 (5-6)

³⁵ Marcus Ayodeji Araromi, 'Prisoners' Rights Under the Nigerian Law: Legal Pathways to Progressive Realization and Protection' (2015) *Afe Babalola University Journal of Sustainable Development Law and Policy* 6(1) 170

³⁶ M Cranston, *What are Human Rights?* (Taplinger Publishing Co., 1973) 36

because they belong to all human beings, inalienable and basic to real living. These rights includes right to life, right to movement, and equality before the law, etc. These rights are needed for every human being to survive and have worldwide acceptance. It should be stated that human rights may appear in statutes and the constitution but it is for safeguard. Fundamental human rights on the other hand are rights which are unique to the life of the citizens of a country and are provided for in the constitution of that country.³⁷ The Supreme Court in the case of *Federal Republic of Nigeria & Anor. v Lord Chief Udensi Ifegwu*³⁸ held that:

Fundamental rights are inherent in man because they are part of man. If a hierarchical order of our laws is drawn, fundamental rights will not only take a pride of place but the first place

The Constitution of the Federal Republic of Nigeria, the United Nations Universal Declaration of Human Rights, the African Charter on Human and Peoples' rights, and other international laws provide for some rights to all persons including inmates. These laws also make provisions for instances whereby these rights may be restricted.³⁹ The rights of prisoners can be divided into two conceptions namely: prisoners' pre -conviction rights and prisoners' post-conviction rights.⁴⁰ By the provisions of section 33,⁴¹ every person has a right to life, and no one shall be deprived intentionally of his life except in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria. Based on the foregoing, a condemned criminal awaiting execution still maintains his right to life until he is properly executed by the due process of law.

³⁷ For example Chapter iv of the CFRN 1999, contain the fundamental human rights of Nigerians ; Shobhna Aggarwal 'Human Rights vs. Legal Rights vs. Fundamental Rights' <<https://blog.iplayers.in/human-r...>> accessed 28 January 2026

³⁸ (2003) 5 S C 25, 304.

³⁹ (1996) 6 NWLR (Pt 452) 42.

⁴⁰ S M Olokooba and O N Ademola, 'An Overview of the Rights of the Prisoners under the Nigerian Law' (2015) *Confluence Journal of Jurisprudence and International Law* 136

⁴¹ CFRN 1999; United Nations Universal Declaration of Human Rights 1948, art III; African Charter on Human and Peoples' Rights 1981, art IV

Dignity of human person is preserved in chapter IV⁴² to the extent that, no one should be subjected to torture, to inhuman or degrading treatment, nor be subjected to slavery or servitude, no one shall be required to perform forced or compulsory labour, save any labour required in the consequence of the sentence or order of a court among other exceptions. This right has been expanded by the United Nations Standard Minimum Rules for the Treatment of Prisoners⁴³ to include all accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation. The windows shall be large enough to enable the prisoners to read or work by natural light, and shall be so constructed that they can allow the entrance of fresh air whether or not there is artificial ventilation; artificial light shall be provided sufficient for the prisoners to read or work without injury to eyesight; the sanitary installations shall be adequate to enable every prisoner to comply with the needs of nature when necessary and in a clean and decent manner; adequate bathing and shower installations shall be provided so that every prisoner may be enabled and required to have a bath or shower, at a temperature suitable to the climate, as frequently as necessary for general hygiene according to season and geographical region, but at least once a week in a temperate climate; all parts of an institution regularly used by prisoners shall be properly maintained and kept scrupulously clean at all times. Every prisoner who is not allowed to wear his own clothing shall be provided with an outfit of clothing suitable for the climate and adequate to keep him in good health. Such clothing shall in no manner be degrading or humiliating.

Article 13(1) of African Charter on Human and People's Rights guaranteed right to participate freely in government of one's country either directly or through representatives.⁴⁴ This right includes the right to vote and be voted for. However, prisoners in Nigeria are yet to enjoy such right. In the case of *Hirst v. United Kingdom*⁴⁵ the court held that section 3(1) of Representatives of the people Act purported to take away the right to vote of an inmate constitute an infringement

⁴² CFRN 1999, s 34

⁴³ Adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977 (commonly known as the United Nations Convention against Torture)

⁴⁴ European Convention on Human's Right 2001, art 3 Pro 1

⁴⁵ (No. 2), App. No. 74025/01(2006)42 EHRR 41

of the Article 3 protocol 1 of the European Convention of Human's Right (ECHR). A person who has been sentenced to imprisonment by a court of first instance has the right to appeal against such judgment. And until such right is exhausted, even if he is a condemned prisoner, such execution cannot and should not take place. In the case of *Nafiu Bello v Attorney General Oyo State*⁴⁶ the Appellant was erroneously executed while his appeal was still pending in court.

The Nigerian Correctional service Act provides that at every institution there shall be available the services of at least one qualified medical officer who should have some knowledge of psychiatry. The medical services should be organised in close relationship to the general health administration of the community or nation. They shall include a psychiatric service for the diagnosis and, in proper cases, the treatment of states of mental abnormality.⁴⁷ Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances.⁴⁸

2.7 Prison/Correctional Centre:

This is a State or Federal facility for the confinement of those convicted for a criminal act and awaiting trial inmates.⁴⁹ It is place that serves as detention, imprisonment or incarceration aimed at promoting a reformation, rehabilitation and reintegration of inmates.⁵⁰ The purpose of correctional centre is primarily for security and confinement, holding inmates who are classified based on their gender, age and type offence, as a result of authority derived from statutory and judicial authorities. Correctional centres are divided into various categories depending on the level of risk associated with the inmates. One of such correctional centres is the maximum security correctional centres which is also known as category 'A' prison. It has the highest-security facilities. It is a custody level which in both design/construction as well as inmate classification, reflect the need to provide maximum external and internal control and supervision of inmates primarily through the

⁴⁶ (1986) 5 NWLR (pt. 45) 828.

⁴⁷ Nigerian Correctional Service Act 2019, s 23

⁴⁸ United Nations Convention on the Rights of the Child 1980, art 37 (c)

⁴⁹ Garner (n 10)

⁵⁰ NCSA 2019, s 34

use of high security parameters and extensive use of internal physical barriers, check points, advanced surveillance systems and advanced scanning system.⁵¹ Inmates accorded this status are deemed dangerous and present serious escape risks or pose serious threats to themselves, to other inmates, to staff, or the orderly running of the institution.⁵²

Inciardi⁵³ opined that such Maximum security correctional centres are usually walled fortresses of concrete and steel and house aggressive and incorrigible offenders. These individuals often include those convicted for serious offences, high profile criminals or those considered a significant threat to public safety.⁵⁴ Supervision of inmates in this class of prison is direct and constant. The next type of correctional centres are the medium security correctional centres. This is a custody level in which design/construction as well as inmate classification reflect the need to provide maximum external and internal control and supervision of inmates. Inmates accorded this status may present an escape risk or pose a threat to other inmates, staff, or the orderly running of the institution. Supervision remains constant and direct.⁵⁵

The minimum security correctional centre is another classification of correctional centres.⁵⁶ This is also a custody level in which both the design/construction as well as inmate classification reflects the goal of returning to the inmate a greater sense of personal responsibility and autonomy while still providing for supervision and monitoring of behaviour and activity.⁵⁷ Inmates within this security level are not considered a serious risk to the safety of staff, inmates or to the public. Program participation is mandated and geared toward their potential reintegration into the community.⁵⁸ Additional access to the community is limited and under constant direct staff supervision. Pre-release correctional centres other classification of correctional centres. Pre-release is a custody level in which both design/construction as well as inmate classification reflect the goal of restoring to the inmate maximum responsibility and control of their own behaviour and actions

⁵¹ K K Cheche et al, 'Reducing Overcrowding in Nigerian Prisons: A Correctional Architectural Approach, Case Studies of Afikpo, Okigwe and Owerri Correctional Facilities' (2020) *African Scholar of Journal of Environmental Design and Construction Management* 19 (4) 195

⁵² A Simwa, 'Types of Prison in Nigeria' (2019) <<https://www.legit.ng/1216925-ni...>> accessed 3 November 2025; Cheche et al (n 50) 194

⁵³ J A Inciardi, *Criminal Justice* (5th ed Harcourt Brace College Publishers 1984) 530

⁵⁴ Simwa (n 51)

⁵⁵ *Ibid*

⁵⁶ *Ibid*

⁵⁷ *Ibid*

⁵⁸ *Ibid*

prior to their release.⁵⁹ Direct supervision of these inmates is not required, but intermittent observation may be appropriate under certain conditions. Inmates within this level may be permitted to access the community unescorted, to participate in programs like work release and educational release.⁶⁰

3. Legal Frameworks for the Protection of Inmates' Rights in Nigeria

The court in the case of *Abdulkareem v Lagos State Govt.*⁶¹ held that nature of rights has to be elevated and special class of rights. These rights are recognised by all humane countries world over and provided for in their laws. The legal frameworks for this discourse shall be based on both local and international laws. They are: the Nigerian Correctional Service Act, 2019, the Constitution of the Federal Republic of Nigeria 1999 (as amended), the United Nation Universal Declaration of Human Rights, African Charter on Human and Peoples' Rights, First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977

3.1 Constitution of the Federal Republic of Nigeria 1999 (as amended)

This is the ground norm of the law in Nigeria. This is based on the provisions of section 1 which proclaimed its supremacy. The said constitution in chapter four provides for some fundamental human rights. These rights are also applicable to prisoners. As precisely put by Uwaifo, JCA (as he then was) in the case of *Peter Nemi v Attorney General of Lagos State and Ors*⁶² that prisoners still have their rights intact, except those deprived by law. He stated further that even a condemned criminal awaiting execution still maintains his rights until properly executed by the due process of law. Some of these rights as stated in *Abdulkareem's* case⁶³ includes right to dignity of human persons,⁶⁴ under this law, no one should be subjected to torture, to inhuman or degrading treatment, nor be subjected to slavery or servitude, no one shall be required to perform

⁵⁹ L Morgenbesser et al, 'Review of Pre-release Program Literature in Adult Institutional Corrections' (1980) <<https://www.ojp.gov/abstracts/re...>> accessed 7 November 2024

⁶⁰ *Ibid*

⁶¹ (2016) 15 NWLR (PT 1535) 177, 185.

⁶² (1993-1994) All NLR 342, 42.

⁶³ *Abdulkareem* (n 60)

⁶⁴ CFRN 1999, s 34

forced or compulsory labour, save any labour required in the consequence of the sentence or order of a court among other exceptions,⁶⁵ right to fair hearing⁶⁶ for inmates awaiting trial.

3.2 The Administration of Criminal Justice Act (ACJA) 2015

The Administration of Criminal Justice Act (ACJA) 2015 and corresponding state laws were enacted to promote efficient criminal justice administration, protect the rights of suspects, defendants and inmates, and reduce delays (for instance, sections 6-8 deals with the rights of an arrested person, section 33 remand proceedings and sections 306, 396, 382-388 are aimed at reducing delay in trial).⁶⁷ The ACJA contains provisions aimed at preventing unlawful detention and ensuring compliance with court orders, including provisions on sentencing, custodial management, and periodic review of detention.

3.3 Nigerian Correctional Service Act, 2019

This law is made up of 47 sections repealed the Prisons Act Cap P29 Laws of the Federation of Nigeria 2004 and became operational on the 31st day of July, 2019. It is the principal law that makes provisions for the administration of prisons and non-custodial measures in Nigeria and related matters.⁶⁸ The Act changed the name from Prison service to Correctional Service.⁶⁹ It also makes provisions for custodial and non-custodial services.⁷⁰ The very first objective of the Act are to ensure compliance with international human rights standards and good correctional services.⁷¹ The functions of the custodial service includes taking custody of all persons legally interned, providing safe, secure and humane custody for inmates.⁷² Section 12 (2) (c) provides that where an inmate sentenced to death has exhausted all legal procedures for appeal and a

⁶⁵ *Ibid* s 34

⁶⁶ *Ibid* s 36

⁶⁷ Administration of Criminal Justice Act, 2015

⁶⁸ NCSA 2019, preamble

⁶⁹ *Ibid* s 1

⁷⁰ *Ibid*

⁷¹ The other objectives which includes providing enabling platform for the implementation of non-custodial measures, promotion of reformation, rehabilitation and reintegration of offenders and to establish institutional, systemic and sustainable mechanisms to address high numbers of persons awaiting trial

⁷² NCSA 2019, s 10

period of 10 years has elapsed without the execution of the sentence; the Chief Judge may commute the sentence of death to life imprisonment.⁷³

The Correctional Service shall provide opportunities for education, training vocational training, as well as training in modern farming techniques and animal husbandry for inmates. Correctional Service shall establish and run, in designated Custodial Centres, industrial centres equipped with modern facilities for the enhancement of vocational skills training for inmates aimed at facilitating their reintegration into society.⁷⁴ The improvement of inmates' recreation, requires engaging more artisans and technological skill worker as a way of ensuring that inmates are positively engaged which will in turn lead to positive rehabilitation and reintegration.⁷⁵ This study considers these functions as laudable but onerous in nature considering the dilapidated structures adorning the various correctional centres across Nigeria, including shortage and under developed manpower. Currently, correctional centres serve as breeding grounds for criminal and some inmates who are serving jail term still commit crime against the society despite being in jail.⁷⁶

By the provisions of the NCSA 2019, the Correctional Service is mandated to provide opportunities for inmates to be educated, engaged in vocational training including training in modern farming techniques and animal husbandry.⁷⁷ The act went further to state that Correctional Service shall establish and manage industrial centres equipped with modern facilities for the enhancement of vocational skills training for inmates with the aim of reintegrating them into the society.⁷⁸ Monies generated from the vocational training shall serve

⁷³ *Ibid*

⁷⁴ *Ibid* s 14(1 &2)

⁷⁵ E L Numa, 'Welfare in Area of Rehabilitation in Nigerian Correctional Centres: a Study of Ikoyi Custodial Center' (2025) *African Journal of Criminology and Justice Studies* 14(2)

⁷⁶ In 2025, a client walked up to the researcher herein to narrate how he received a call in the early hours of the day and during the 2025 fasting period. He was threatened to send Three Million Naira or the door will be broken and he will be killed, video of the entrance of his house was event sent to him showing hands with guns. He complied and on tracking the phone number used, it showed that the owner of the phone was actually an inmate at the Kirikiri Correctional Centre in Lagos. Further investigation showed that the criminal act was planned in that facility and executed there. Also, the case against Fred Ajudua for defrauding Mr. Bamaiyi while in custody is another example

⁷⁷ *Ibid* s14 (1)

⁷⁸ *Ibid* s 14 (2)

as earning for the inmates, aftercare and other support services towards the rehabilitation of inmates.⁷⁹

3.4 United Nations Universal Declaration of Human Rights

The concern of the United Nations with the promotion and protection of universal respect for, and observance of, human rights and fundamental freedoms is an expression of the ever-increasing interest of the international community in ensuring that the rights and freedoms shall be enjoyed by all human beings, everywhere.⁸⁰ The Universal Declaration of Human Rights was adopted and proclaimed by the General Assembly of the United Nations on the 10th day of December, 1948. In the preamble to the declaration, the General Assembly reiterate the recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world. Article II of the declaration provides that every person shall be entitled to all the rights and freedoms set forth in the declaration. Article five provides that no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

In 2015, the United Nations General Assembly adopted expanded rules, known as the “Nelson Mandela Rules”, in honour of arguably the most celebrated prisoner of the twentieth century. The Rules are based on an obligation to treat all prisoners with respect for their inherent dignity and value as human beings, and to prohibit torture and other forms of ill-treatment. The Rules are based on an obligation to treat all prisoners with respect for their inherent dignity and value as human beings, and to prohibit torture and other forms of ill-treatment. They offer detailed guidance on a wide variety of issues ranging from disciplinary measures to medical services. For example, they prohibit the reduction of a prisoner’s food or water, as well as the use of instruments of restraint that are inherently degrading or painful, such as chains or irons.⁸¹ The Rules restrict the use of solitary confinement as a measure of last resort, to be used only in exceptional circumstances. Mandela found solitary confinement to be “the most forbidding aspect of prison life. There was no end and no beginning; there’s only one’s own mind, which can begin to play tricks”.

⁷⁹ *Ibid* s 14 (3)

⁸⁰ The United Nations and Human Rights’ office of Public Information, United Nations, New York, 1978

⁸¹ A Gilmour ‘The Nelson Mandela Rules: Protecting the Rights of Persons Deprived of Liberty’ <<https://www.un.org/un-chronicle>> accessed 24 February 2026

3.5 African Charter on Human and Peoples' Rights

In 1981 the Organisation of African Union in her 18th Conference of State and Government proclaimed the African Charter of Human and People's Rights. Article V of the said Charter provides for the right to dignity inherent in a human being. And prohibited all forms of exploitation and degradation of particularly slavery, slave trade, torture, cruel, inhuman or punishment and treatment.

4. Institutional Mechanisms for Implementing Court Judgment

The machinery for criminal justice administration itself consists principally of rules of criminal law⁸² which lays down the basic rights and corresponding obligations of members of the state, criminal procedure⁸³ and the law of evidence which set down the processes and machineries for the enforcement of the laws provided for under the criminal law.⁸⁴ The criminal justice system of Nigeria like that of most countries, commences with the violation of a criminal law, subsequent arrest, trial and punishment of the offender or his discharge and acquitted if found not guilty,⁸⁵ it relates to the happenings in a criminal case whether before during and after the trial and in Nigeria, it operates at multiple levels of government which Includes Federal, State and Local Governments because Nigeria operates a federal system of government. Criminal justice system is a system of law enforcement, lawyers, corrections and probation that is involved with the apprehension, prosecution, defence, sentencing, incarceration, and supervision of individuals who are suspected aof breaking those laws.⁸⁶

For the purpose of this work and based on the definitions cited above, criminal justice system can be defined as a process in which the conglomerate of joint efforts by one or more government institutions such as the police, prosecution, judicial officers and prisons including other

⁸² The criminal law of Nigeria is made up of the Criminal Code applicable in the Southern part, penal Code applicable in the Northern part and other legislations that create offences

⁸³ The criminal procedural law of Nigeria is made up of the Criminal Procedure Act applicable in the Southern part of Nigeria and Criminal Procedure Code applicable in the Northern part

⁸⁴ John A M Agbonika, 'Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian Viewpoint' (2014) *Journal of Law, Policy and Globalization* 26 130

⁸⁵ Peter Ademuyiwa Anyebe, 'Sentencing in Criminal Cases in Nigeria and the Case for Paradigmatic Shifts' <www.nials-nigeria.org> accessed on 22 January 2026

⁸⁶ Okechukwu I. Eme and Chukuma I Okoh, 'The Police and criminal Justice System in Africa: Agenda for Reform' (2009) *International Journal of Development and Management Review* 4(1) 179; M. Wilson, 'Criminal Justice Social Worker in the United States: Adapting to New Challenges' <www.worldcat.org>title>oclc> accessed on 21 March 2026

government agencies whose duty it is to maintain law and order in the society work jointly in ensuring the obedience of laws. Individuals such as defence attorney and private institutions responsible in one way or the other in the maintenance of law and order and its enforcement, prosecution and rehabilitation of offender including the community as a whole are all part of the criminal justice system. The criminal justice system of Nigeria like that of most countries, commences with the violation of a criminal law, subsequent arrest, trial and punishment of the offender or his discharge and acquitted if found not guilty,⁸⁷ it relates to the happenings in a criminal case whether before during and after the trial and in Nigeria, it operates at multiple levels of government which Includes federal, State and Local Governments because Nigeria operates a federal system of government. Criminal justice system is a system of law enforcement, lawyers, corrections and probation that is involved with the apprehension, prosecution, defence, sentencing, incarceration, and supervision of individuals who are suspected of breaking those laws.⁸⁸ Every criminal justice system is piloted by some institutional bodies. These institutions are:

4.1 The Police: The Nigeria Police Force is a creation of section 3 of the Police Act⁸⁹ with the general duty of the prevention and detection of crime, the protection of life and freedom of every person in Nigeria as provided for in the Constitution, the African Carter on Human and Peoples' Rights, and any other law, the protection of lives and property of all persons in Nigeria, enforcement of all rules and regulations in Nigeria, and shall perform such duties within or outside Nigeria as may be required of them.⁹⁰ The police shall be responsible for promoting and protecting the fundamental human rights of persons in police custody as guaranteed by the constitution.⁹¹ A suspect shall be accorded humane treatment, having regard to his right of dignity of his person and shall not be subjected to any form of torture, cruel, inhuman or degrading treatment.⁹² The Nigeria Police is a national and unified force hence its organisation and administration are the responsibility of the Federal Government;⁹³ as such, the Nigeria Police

⁸⁸ *Ibid*

⁸⁹ The Nigeria Police Act, 2020

⁹⁰ *Ibid* s 4

⁹¹ *Ibid* s 5(1)

⁹² *Ibid* s 37(1)(a&b)

⁹³ Obi N. I. Ebbe, 'World Factbook of Criminal Justice Systems' Bureau of Justice Statistics, <<https://bjs.ojp.gov/wfbcjsnig>> accessed 21 March 2026

is responsible to the Federal Government of Nigeria and the citizens of Nigeria and they are the biggest, most viable and important sub-system of the Nigerian criminal justice system.⁹⁴

It should be noted that some institutions apart from the Police, have been empowered by statute to investigate, arrest and prosecute the commissioning of certain offences. These institutions include the Economic and Financial Crime Commission,⁹⁵ Independent Corrupt practices and Other Related offences Commission,⁹⁶ etc. These institutions are capable just like the Police, to set in motion the criminal justice system.

4.2 Prosecution: Prosecution is a criminal proceeding in which an accused person is tried.⁹⁷ While a prosecutor is a legal officer who represents the State of Federal Government in criminal proceedings.⁹⁸ In Nigeria, the police and both the State and Federal Ministries of Justice are the sole authorities saddled with the responsibility of prosecuting criminal cases.⁹⁹

4.3 Courts: Courts are vested with judicial powers and as such, they are referred to as the judiciary. The courts this section referred to are listed under S.6 (5) a-k of the Constitution of the Federal Republic of Nigeria, 1999. A court is an agency set up by government to define and apply the law, to order its enforcement, and to settle dispute points on which individuals or groups do not agree.¹⁰⁰ The judiciary is one of the most important pillars of justice as such plays important role in the administration of criminal justice system. The judiciary is to decide on bail and remand, protect the rights of the accused and victim of crime, preside over the trial and plea process, decide on guilt, hear appeals against conviction and sentence and to provide public arena so that justice can be seen to be done.¹⁰¹

4.4 Correctional Centre: Correction or prison as it may be called, is a conventional institution which forms part of the criminal justice system of a country. As one of the pillars of criminal

⁹⁴ Onimajesin (n 14) 197

⁹⁵ Economic and Financial Crimes Commission (Establishment) Act 2004, ss 1 and 6; Corrupt Practices and Other Related Offences Act 2000

⁹⁶ ICPC Act 2000

⁹⁷ Garner (n 10)1341

⁹⁸ *Ibid*

⁹⁹ Fola Arthur-Worrey, F., *The prosecutor in Public Prosecutions* Lagos State Ministry of Justice Law Review Series, 2000, 12

¹⁰⁰ Hemphil (n 114)

¹⁰¹ Daly (n 15)

justice system, it is made up of two components. They are the institutional based corrections and the community based corrections.¹⁰² Institutional based corrections are the common and sole type of prisons in Nigeria. They are made up of prisons and remind centres where those who have been found guilty and sentenced to imprisonment serve their prison terms as prisoners and those on remand whose cases are still pending before the Court kept there as Awaiting Trial. Prisons are used to hold people on remind during pre-trial period and is used to hold people who have been sentenced to term of imprisonment. The prison system according to Adebisi and Oyewo¹⁰³ is the stomach of the state. This is because the institution is expected to serve as the melting point for the activities of the security agencies.¹⁰⁴

5. Nature and Forms of Non-Implementation of Court Orders

Disobedience to court orders in Nigeria are exhibited in several ways. Security agencies frequently fail to conform to court orders granting bail. They cite national security concerns or administrative delays as a cover up for their disobedience for example the case of El Zakazaky¹⁰⁵ and that of Dasuki Sambo.¹⁰⁶ Also, detainees who are held without trial and whom the court has granted order for release are sometimes kept in indefinite detention. Furthermore, there are instances whereby there are selective implementation of court orders especially in high -profile cases.¹⁰⁷ These acts show a general problem rooted in executive outplay and weak enforcement apparatuses.

¹⁰² Conduct of Further Study on Operations and Linkages of the 5 Pillars of Justicet <www.ombudsman.gov.ph>2013/02>... accessed 4 February 2026

¹⁰³ Kolawole Shittu Adebisi and Oyetunde Oluseye Oyewo, 'Prisons and Security Challenges in a Democratic Nigeria' (2015) *Research on Humanities and Social Sciences* 5 (6) 2226

¹⁰⁴ Benjamin Okorie-Ajah, 'Criminal Justice Administration and Panic of Prison Correction in Nigeria' (2018) *Journal of Law and Judicial System* 1 (2) 4

¹⁰⁵ Taiwo Ojoye, 'Is FG's Reason for Disobedience to Court Orders Justified' (Punch Newspaper 7 June 2017) <<https://punchng.com>> accessed 16 May 2026

¹⁰⁶ Ayodele Oluwagbemi, 'FG, Dasuki;s Lawyer Disagree over Disobedience of Bail Orders' (Punch Newspaper 16 February 2016) <<https://punchng.com>> accessed 16 May 2026

¹⁰⁷ A Maina, the Chairman of the Pension Reforms Task Team was indicted for looting over One Hundred and Ninety Seven Billion Naira. He pleaded guilty to a three count charge and was sentenced to two years imprisonment on each count charge with an option of Two Hundred and Fifty Thousand Naira on each court fine, he paid Seven Hundred and Fifty Thousand Naira and worked home a free man. J ogunye, 'In Defense of Plea Bargaining' (2013) <<http://www.premiumtimesng.com>> accessed 16 May 2026; In 2013, the court sentenced John Yakubu Yusuf, a former assistant director in the Federal Civil Service who was tried for stealing over Thirty Two Billion Naira to two years imprisonment with an option of Two Hundred and Fifty Thousand Naira fine. This judgment was based on the plea bargain agreement reached between the EFCC and the

6. Instances of Non-implementation of court Orders and violation of Inmates' rights.

Contempt of court is an actions that violates the provisions of section 287 of the Constitution that mandates obedience to court's orders. Non-implementation of court orders highlight a disregard for the rule of law and the separation of powers. Despite the above constitutional provisions, disobedience to court orders persist. For instance, in 2023, the court orders made against the Department of State Service in Godwin Emefiele's case were disobeyed¹⁰⁸, detention of Nnamdi Kanu (IPOB Leader) before his eventual conviction, notwithstanding multiple court orders, including a Federal High Court decision for his release or bail, the Department of State Services (DSS) continued to hold the IPOB leader.¹⁰⁹ The detention of Ibraheem El-Zakzaky (The Shiite leader) who was held in custody by the government for several years, defying a Federal Court order granting him bail is another example.¹¹⁰ Also, the detention of the former National Security Adviser Col. Sambo Dasuki (rtd) who was denied release by the Federal Government even though bail orders from multiple courts were given.¹¹¹ The case of Labinjo is another instance. He was detained by the Nigerian Navy despite a valid court orders releasing him.¹¹² So is the refusal of DSS to release the 5 Buhari must go protesters despite court order.¹¹³ In November 2022, courts held the Inspector General of Police (IGP) and other service chiefs in

defendant. Premium Times Nigeria, 'Director Jailed 2yrs for Stealing N33bn Pension Fund Freed on N2500.00 Fine' <<https://dailypost.ng/2022/04/13>> accessed 16 May 2026. On appeal, the Supreme in year 2022, upheld the judgment of the Court of Appeal by sentencing John Yakubu Yusuf to six years jail term and to refund the sum of Twenty Two Billion, Nine Hundred Million Naira to the Federal Government. F Oyeyemi, 'Supreme Court Affirms Six-Years Jail Term for Ex-pension Director, Yusuf, Orders N22.9b refund' <<https://dailypost.ng/2022/04/13>> accessed 16 May 2026.

¹⁰⁸ Ayodele Oluwafemi, 'Finally, DSS Brings Emefiele to Court over 'illegal Possession of Firearms' The Cable July 25, 2023 <<https://www.thecable.ng/breakingfinally-dss-brings-emefiele-to-court-over-illegal-possession-of-firearms/amp>> 20 March 2026

¹⁰⁹ Bolanle Olabimtan, 'FG Files seven-Count Amended Charge Against Nnamdi Kanu' The Cable 11 November 2022 <<https://www.thecable.ng/fg-files-seven-count-amendedcharge-against-nnamdi-kanu/amp>> accessed 20 March 2026

¹¹⁰ Sahara Reporters, 'The Many Court Orders Violated By Nigerian Government on El-Zakzaky, Wife's Release' Sahara Reporters 29 June 2021<<http://saharareporters.com/2021/07/29/many-court-ordersviolated-nigerian-government-el-zakazaky-wife-release>> accessed 20 March 2026

¹¹¹ Femi Falana, 'Nigerian Court Lacks Power to Detain Sowore, Dasuki Agisnt Court Orders by Femi Falana' Sahara Reporters January 5, 2020. Available at <<https://saharareporters.com/2020/01/05/nigerian-government-lacks-powerdetain-sowore-dasuki-against-court-orders-femi-falana>> accessed 20 March 2026

¹¹² Femi Owolabi, 'After A Year, Navy Releases Labinjo From 'Underground Cell' to EFCC' The Cable 1 December 2019 <<https://www.thecable.ng/after-a-year-navy-releases-capt-labinjo-from-underground-cell-toefcc/amp>> accessed 19 March 2026

¹¹³ Ameh Ejekwonyilo, "Court Orders Release of Five 'Buhari-Must-Go Protesters Arrested at Dunamis Church By DSS" Premium Times July 26 2021 <<https://www.premiumtimesng.com/news/top-news/475821-court-orders-release-of-five-buhari-must-go-protestersarrested-at-dunamis-church-by-sss.html?tztc=1> > accessed 18 March 2026

contempt for failing to comply with court directives regarding illegal retirements and property seizures.¹¹⁴ Also, the police for over eight months ignored a 2017 Federal High Court order to unseal the Peace Corps of Nigeria headquarters after it was unlawfully occupied.¹¹⁵ The suspension of the Chief Judge of Osun State by the Governor of Osun State, Ademola Adeleke despite the existence of a valid and subsisting interim order of injunction against her removal is another reckless disobedience to court order.¹¹⁶

7. Implications of Disobedience to Court Orders on the rights of Inmates

When court gives an order for release of an inmate and such order is ignored with impunity, the continued detention of that inmate becomes unlawfully. Thereby violating constitutionally guaranteed right to liberty.¹¹⁷ Another implication is that it is one of the causes of congestion in the various correctional centres. Oshodi¹¹⁸ observed that the Nigerian prisons generally are one of the worst in the world; the prisons are overcrowded with both convicted criminals and awaiting trial inmates confined together. As at January 2026, inmates in all the correctional facilities in Nigeria stood at 81,710 out of which awaiting trial inmates stood at 53, 790.¹¹⁹ It is the opinion of this study that persons waiting trial but detained in a correctional centre should not be referred to as 'awaiting trial inmate'. This is because of the presumption of innocence as enshrined in the Constitution. This study opines that pre-trial detainees will be apt as the nomenclature of such detainees. Refusal to obey court orders will also lead to undermining the judicial process itself. It renders legal remedies useless and depresses inmates from seeking judicial redress. Equally, Protracted and illegal incarceration has enormous emotional effects on inmates such as depression and anxiety. It also disturbs family structures and reintegration prospects, which might breed recidivism.

¹¹⁴ Peter Dada, 'Stop Double standards, Obey Court Order, Retired Officers Tell IGP' (2023) Punch Newspaper 15 February 2023 <<https://punchng.com>> accessed 21 March 2026

¹¹⁵ Chinedu Asadu, 'CSOs Petitioned Reps Over Police' Refusal' to Reopen Peace Corps Headquarters' (2018) The Cable <<https://www.thecable.ng>> accessed 19 March 2026

¹¹⁶ Bola Bamigbola, 'Osun Assembly Suspends Chief Judge, Adeleke Appoints Replacement' (2023) Punch Newspaper 17 November 2023 <<https://punchng.com>> accessed 18 May 2026

¹¹⁷ CFRN 1999, s 35

¹¹⁸ J E Oshodi, 'Nigerian prisoners: an open letter to Mr President' (2010) Next Newspaper, pp4. Cited in Benjamin Okorie-Ajah (n 103) 4

¹¹⁹ Vanguard News 'Total Inmates Population in Nigeria Now 81,710-NBS' (2026) Vanguard 15 January 2026 <<https://www.vanguardngr.com>> 14 January 2026

South Africa as a Model for Compliance with Court Orders and Protection of Inmates' Rights

South Africa offers a suitable comparative models for conversing the non-implementation of court orders and the erosion of inmates' rights in Nigeria. This is because the constitutional culture, judicial independence, and solid enforcement of human rights standards make it an appropriate model for best practices in obedience to judicial decisions.¹²⁰ Disobeying a court order in South Africa is a serious issue charges for contempt of court such as fines, imprisonment, or other enforcement actions.¹²¹ Unlike Nigeria, where compliance with court orders is on most occasions selective, especially in politically sensitive or high-profile matters, the criminal justice system of South Africa strongly emphasis supremacy of the constitution and the binding nature of court judgments. By the provision of section 165(5) of the Constitution of the Republic of South Africa 1996, an order or decision issued by a court is binding all persons and organs of state to which it applies. This constitutional provision emphasises the authority of the judiciary and discourages executive disobedience to court orders. South African courts have reliably demonstrated willingness to compel state authorities to obey judicial orders, especially where human rights are threatened. In the case of *Minister of Health v Treatment Action Campaign (No 2)*¹²², the Court held that the government of South Africa was under a constitutionally bound to implement measures ordered by the court concerning access to healthcare. The decision remains a leading authority on state accountability and judicial enforcement against governmental non-compliance.

Additionally, South Africa has developed robust jurisprudence on the rights of inmates and detained persons. Thus, section 35(2)¹²³ guarantees the right to conditions of detention consistent with human dignity, including adequate accommodation, nutrition, reading materials, and medical treatment detained and sentenced persons. The recognition of inmate rights by the constitution has reinforced judicial oversight of correctional institutions and reduced arbitrary treatment of inmates. In *Lee v Minister of Correctional Services*,¹²⁴ the Constitutional Court held

¹²⁰ Sufian Hemed Bukurura, 'Emerging Trends in the Protection of Prisoners' Rights in Southern Africa' (2002) African Human Rights Law Journal 2(1) <<https://www.ahrlj.up.ac.za>> accessed 17 May 2026

¹²¹ Elijah, 'the Consequences of Disobeying a Court Order in South Africa' (2026) Pravda.co.za <<https://pravda.co.za>> accessed 17 May 2026

¹²² 2002 (5) SA 721 (CC).

¹²³ Constitution of the Republic of South Africa 1996

¹²⁴ 2013 (2) SA 144 (CC).

the state liable for negligence arising from prison conditions that exposed an inmate to tuberculosis infection. The court emphasised that correctional authorities owe inmates a duty of care and must maintain humane custodial conditions. Similarly, the court affirmed in *August & anor. v Electoral Commission*,¹²⁵ that prisoners retain constitutional rights despite incarceration, including the right to vote.

Although the Supreme Court in Nigeria reiterated the rights of inmates in Nemi's case,¹²⁶ the South African experience contrasts sharply with several Nigerian instances where court orders concerning inmates, bail, release, transfer, or custodial welfare have allegedly been ignored or delayed. Such noncompliance weakens public confidence in the judicial system, undermines the rule of law, and contributes to the erosion of inmates' constitutional guaranteed protections under the Administration of Criminal Justice Act 2015, the Nigerian Correctional Service Act 2029 and the Constitution of the Federal Republic of Nigeria 1999 (as amended). Therefore, South Africa offers treasured lessons for Nigeria in strengthening institutional respect for judicial authority. These lessons include constitutional enforcement of court orders, judicial activism in defence of fundamental rights, accountability of public officials through contempt proceedings, and recognition that incarceration does not extinguish human dignity. For Nigeria to improve its administration of criminal justice, greater commitment must be shown toward prompt implementation of court orders, especially those relating to inmates and awaiting trial persons. Adopting best practices similar to those of South Africa would enhance judicial credibility, protect constitutional rights, and reinforce the principle equality of all men and authority before that law and that no man or authority is above the law.

8. Conclusion

The non-implementation of court orders in Nigeria signifies a grave challenge to the protection of the fundamental rights of inmates and the reliability of the justice system. While courts continue to make pronouncements and deliver judgments in accordance with the law, the neglect, refusal and failure to enforce these decisions renders justice unproductive and deceptive for many inmates. This article has established that non-implementation leads to unlawful detention, inhuman treatment, and a weakening of judicial authority. Guaranteeing truthful obedience with

¹²⁵ 1999 4 BCLR 363 (CC).

¹²⁶ Nemi (n 60)

court judgments is therefore indispensable not only for safeguarding inmates' rights but also for upholding the rule of law and public confidence in Nigeria's legal system.

9. Recommendations

1. To address the problem of non-implementation of court judgments/orders and protect inmates' rights, some reforms in the criminal justice administration are required. There should be stronger enforcement mechanisms and clearer sanctions against officials who willfully disobey court orders.
2. Improved synergy between the judiciary, correctional services, and prosecuting authorities is indispensable to safeguard well-timed enforcement of judgments. Steady audits of correctional facilities should be conducted to identify and release overstayed inmates. Legal aid services should also be strengthened to enable inmates to enforce their rights effectively.
3. This study further recommends that a commission be established to oversee the activities of the correctional facilities in Nigeria (monitoring and evaluation). The composition it is recommended, should among others include human right activists, retired judges, retired police officers and retired Correctional Service officers and other law enforcement agencies to enhance accountability.
4. Also, training and workshops should be frequently conducted for Correctional Officers, where the provisions of the NCSA, 2019 and other law on the rights of inmates will be discussed.
5. Further, this study recommends that there should be stricter enforcement of contempt proceedings against defaulting officials so as to serve as deterrence to like-minded officers. Also, judicial activism and public interest litigation should be encouraged.
6. Finally, it is recommended that The National Assembly should make laws that explicitly make willful non-implementation to court orders by public officials a criminal act.