

PRE-TRIAL DETENTION & CIVIC SPACE ACCOUNTABILITY BRIEF (2025)

Unlawful Detention, Human Rights Violations, and Access to Justice in Nigeria

192 Individuals Released from Detention in 2025

**“Justice must begin at the point of arrest — not
after months in detention.”**

*Prepared by Headfort Foundation for Justice in commemoration of the International Day
Against Gross Human Rights Violations and the Dignity of Victims 2026.
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1. INTRODUCTION

This report is issued in commemoration of the International Day for the Right to the Truth Concerning Gross Human Rights Violations and the Dignity of Victims. It highlights systemic human rights violations within Nigeria's criminal justice system, particularly arbitrary arrest, prolonged pre-trial detention, and abuse of state power.

At Headfort Foundation for Justice, we provided legal representation that led to the **release of 192 individuals from detention in 2025**. This report draws from those cases to expose patterns of injustice and systemic failure.

Importantly, this is not only a justice issue — it is a **civic space issue**. These violations directly undermine Freedom of movement, Right to dignity, Freedom of expression and association, Protection from torture and degrading treatment

2. WHY THIS MATTERS FOR CIVIC SPACE

Pre-trial detention in Nigeria is increasingly used not as a tool of justice, but as a **tool of control**.

Our findings show that individuals — particularly young and economically vulnerable citizens — are arrested and detained for extended periods **without trial, without evidence, and without accountability**.

When detention becomes routine rather than exceptional:

- Citizens become afraid to speak out
- Civic participation declines
- Law enforcement operates with minimal accountability

In this context, detention becomes a **silent weapon against civil liberties**.

3. KEY FINDINGS FROM 192 CASES

A. Mass Detention Without Conviction

An analysis of the 192 cases reveals a deeply concerning pattern in the use of detention within the criminal justice system:

- **63% of cases were struck out for lack of prosecution**
- **15.6% were withdrawn**
- **13% resulted in acquittal**
- **Only 6.8% resulted in conviction**

These figures show that **over 75% of individuals detained should not have been in custody in the first place**. In the majority of cases, the state either failed to present sufficient evidence, abandoned the case, or could not sustain prosecution to a logical conclusion.

This trend points to systemic weaknesses, including:

- **Poor investigation processes**, where arrests are made without adequate evidence
- **Weak or incomplete charges**, often filed prematurely
- **Lack of prosecutorial diligence**, leading to delays and eventual case collapse

More critically, it reflects a justice system where **detention is routinely used as a default response rather than a measure of last resort**, contrary to both constitutional guarantees and the principles of the Administration of Criminal Justice Act.

For many individuals, this means that **detention itself becomes the punishment**, even before guilt is established. Months — and in some cases years — are lost in custody, disrupting livelihoods, separating families, and causing lasting psychological and social harm.

This raises a fundamental question about accountability:

If the majority of detained persons are not ultimately convicted, what justifies their loss of liberty in the first place?

B. Criminalization of Minor Conduct

The distribution of offences across the 192 cases further reveals a troubling trend in the use of the criminal justice system:

- **Minor offences:** 48.4%
- **Felonies/Capital offences:** 36.5%
- **Misdemeanours:** 13.5%
- **Sexual offences:** 1.0%
- **Civil matters turned criminal:** 0.6%

A significant finding is that **over 60% of cases involve minor or non-violent offences**. These are often low-level infractions that, in many jurisdictions, would not justify detention or would be resolved through non-custodial measures.

This pattern suggests that the criminal justice system is disproportionately focused on:

- **Petty and low-level offences**, rather than serious or violent crime

- **Economically vulnerable individuals**, who are less able to secure bail or legal representation
- **Survival-driven behaviours**, often linked to poverty and social exclusion

Rather than functioning as a mechanism for addressing serious criminality, the system appears to be criminalising poverty and vulnerability. Individuals engaged in minor or non-violent conduct are more likely to be arrested, detained, and processed through the system, while more serious crimes may not receive the same level of enforcement attention.

This raises critical concerns about equity, proportionality, and the purpose of detention. The overuse of custodial measures for minor offences contributes to:

- **Prison overcrowding**
- **Unnecessary strain on judicial resources**
- **Long-term socio-economic harm to individuals and families**

Ultimately, this trend undermines the principle that detention should be a measure of last resort, particularly for non-violent offences, and highlights the urgent need for decriminalisation, diversion programmes, and alternative justice approaches.

C. Prolonged Pre-Trial Detention

An analysis of detention timelines across the 192 cases reveals the extent to which individuals are held in custody before their cases are resolved:

- **Less than 1 month:** 35.9%
- **1–3 months:** 29.7%
- **4–6 months:** 17.2%
- **6–12 months:** 12.5%
- **1–3 years and above:** 4.7%

While approximately 65% of detainees spent up to three months in custody, a significant proportion — **over 30% — were held for more than three months**, often without trial or meaningful progress in their cases. For a justice system guided by the principle of timely trial, these timelines are deeply concerning.

Prolonged pre-trial detention reflects systemic inefficiencies, including:

- **Delays in investigation and case preparation**
- **Frequent adjournments and court congestion**
- **Limited access to legal representation at early stages**

In many cases, individuals remain in detention simply because their cases are not actively being prosecuted.

Beyond the legal implications, the human cost is severe. Extended detention often results in:

- **Loss of income and livelihoods**
- **Family separation and economic hardship**
- **Psychological trauma and social stigma**

For those detained for one year or more, the impact is particularly devastating. Even where cases are eventually struck out or dismissed, the time spent in custody represents irrecoverable harm.

This raises a critical concern:

When individuals spend months or years in detention without conviction, the process itself becomes the punishment. Such practices undermine the constitutional guarantee of a fair hearing within a reasonable time and highlight the urgent need for faster case processing, regular judicial review of detention and expanded use of bail and non-custodial measures

D. Gendered Impact

The data shows a significant gender disparity in pre-trial detention:

- **93.8% male**
- **6.2% female**

This indicates that men—particularly young men—are disproportionately affected by arrest and detention practices within the criminal justice system. This pattern is not incidental. It reflects systemic issues such as:

- **Police profiling**, where young men are more likely to be perceived as potential offenders
- **Targeted enforcement practices**, especially in low-income or urban communities
- **Higher exposure to public spaces**, increasing the likelihood of police encounters

As a result, young men are more vulnerable to:

- **Arbitrary arrest** without sufficient evidence
- **Prolonged detention**, especially where they lack access to legal representation or resources to secure bail
- **Abusive policing practices**, including harassment and coercion

While women may be less represented in detention, this does not necessarily indicate greater protection, but rather highlights gendered patterns in policing and criminalisation.

This imbalance raises important questions about fairness, equality before the law, and policing practices, and underscores the need for:

- **Bias-aware policing reforms**
- **Stronger safeguards against profiling**
- **Targeted legal aid interventions for vulnerable groups**

Ultimately, the data reveals that young men from marginalized backgrounds are at heightened risk of losing their liberty, not necessarily because of criminality, but because of systemic bias and structural inequality within the justice system.

4. LEGAL & CONSTITUTIONAL VIOLATIONS

The findings from this report reveal a consistent pattern of **detention beyond legally permitted limits**, as well as serious procedural delays within the criminal justice system.

Under Nigerian law, a person arrested should be brought before a court within **24 to 48 hours**. However, the data shows that 86% of the individuals in the 192 cases processed were held far longer than this period without being formally charged or tried. In several cases, detainees remained in custody for months and even years before their matters were addressed.

These prolonged detentions are often caused by:

- **Delays in arraignment**, where individuals are not brought promptly before a court
- **Slow or incomplete investigations**, leading to weak or unprepared cases
- **Limited or delayed access to legal representation**, leaving detainees unable to challenge their detention

As a result, several fundamental legal rights are violated, including:

- **The right to personal liberty** (Section 35 of the 1999 Constitution), which protects individuals from unlawful detention
- **The right to a fair hearing within a reasonable time**, which ensures that justice is not delayed indefinitely
- **Provisions of the Administration of Criminal Justice Act (ACJA)**, particularly those governing remand and timely prosecution

Another major concern is the underutilisation of non-custodial measures. In many cases where detention could have been avoided, alternatives such as bail, alternative dispute resolution (ADR) and Diversion programmes are either not considered or not effectively implemented.

This over-reliance on detention places unnecessary pressure on correctional facilities, contributes to overcrowding, and results in avoidable violations of human rights.

5. HUMAN RIGHTS VIOLATIONS IDENTIFIED

The findings from this report reveal clear violations of fundamental human rights arising from unlawful and prolonged detention practices. These violations affect not only legal rights but also the dignity and lived experiences of those detained.

A. Violation of Freedom of Movement

The detention of individuals—often without sufficient evidence or timely trial—directly restricts their **freedom of movement**. Many detainees were held for extended periods despite weak or abandoned cases, meaning their liberty was taken without lawful justification.

B. Violation of Freedom of Expression and Communication

Detained individuals often have **limited or no access to communication tools**, including phones, restricting their ability to speak freely, contact family members, or seek help. This isolation further weakens their ability to defend themselves and exercise their rights.

C. Violation of Human Dignity

A significant number of detainees are subjected to **inhumane conditions**, including overcrowded prison facilities, poor sanitation, and inadequate access to healthcare. In addition, many experience **torture, ill-treatment, or degrading conditions**, which violate their inherent dignity as human beings.

D. Abuse of State Power and Liberty

The widespread use of detention as a default measure—rather than a last resort—reflects a **systemic abuse of state power**. Individuals are deprived of their liberty not because of proven guilt, but due to systemic inefficiencies, weak investigations, and lack of accountability.

Our findings show that pre-trial detention in Nigeria is not merely a justice issue. It is a civic space issue. When over 70% of detained persons are never convicted, detention becomes a tool of repression rather than justice.

6. REFORM & ACCOUNTABILITY DEMANDS

The findings from this report highlight urgent gaps within the criminal justice system that require immediate and sustained reforms. The following recommendations are aimed at addressing systemic failures, protecting human rights, and strengthening accountability.

A. End Arbitrary Detention

There is a need to ensure that detention is used strictly within the limits of the law. Law enforcement agencies must comply with the constitutional requirement that individuals should not be held beyond 24–48 hours without being charged to court. Where there is no sufficient evidence to prosecute, individuals should be released immediately. Detention must no longer be used as a default response, but only as a lawful and necessary measure.

B. Mandatory Prosecutorial Accountability

A significant number of cases collapse due to poor prosecution. There must be clear consequences for lack of diligence, including sanctions where cases are struck out due to prosecutorial failure. In addition, prosecution agencies should adopt transparent reporting systems to track performance and accountability. An independent oversight mechanism should also be established to monitor police detention practices and ensure that allegations of torture, abuse, and misconduct are properly investigated and addressed.

C. Bail is a Right, Not a Privilege

Access to bail remains a major barrier for many detainees, particularly those from low-income backgrounds. Bail systems should be made more accessible and less dependent on financial conditions, especially for minor and non-violent offences. The introduction of non-monetary bail options, such as recognizance or community guarantees, is essential. Additionally, low-risk detainees should be granted automatic bail within 48 hours to prevent unnecessary detention.

D. Judicial Efficiency

Delays in the justice system contribute significantly to prolonged detention. There is a need to establish fast-track court processes for minor and non-violent offences. Courts should conduct regular (e.g., monthly) reviews of detainees, particularly those on remand, to ensure that no one is held unnecessarily. The timelines set out under the Administration of Criminal Justice Act (ACJA) must be strictly enforced to prevent avoidable delays.

E. Decriminalisation and Diversion

Many individuals are detained for minor offences that do not warrant imprisonment. There is a need to decriminalise petty offences, such as loitering or minor theft, which are often linked to poverty. Instead of detention, the system should expand the use of alternative measures, including community service, restorative justice programmes, and police-led diversion schemes. These approaches reduce overcrowding and promote rehabilitation rather than punishment.

F. Strengthening Legal Aid and NGO Intervention

Early access to legal representation is critical in preventing unlawful detention. Legal aid services should be expanded to ensure that individuals can access a lawyer at the point of arrest, not just during trial. There is

also a need to institutionalise court duty solicitor schemes, where lawyers are present in courts to provide immediate support to unrepresented detainees. Partnerships with civil society organizations should be strengthened to improve access to justice for vulnerable populations.

This report underscores a critical shift in how unlawful detention should be understood—not as a minor administrative error, but as a serious violation of fundamental human rights.

When individuals are detained without sufficient evidence, held beyond lawful time limits, or kept in custody without diligent prosecution, the harm caused goes far beyond procedural failure. It results in the loss of liberty, disruption of lives, economic hardship, and psychological trauma. For many, even if they are eventually released, the time spent in detention can never be recovered.

By describing unlawful detention as a gross human rights violation, this report calls attention to the severity and systemic nature of the problem. It emphasizes that these practices are not isolated mistakes but reflect deeper structural issues within the justice system that require urgent reform and accountability.

The statement also highlights an important principle: Justice must begin at the point of arrest, not after prolonged detention.

This means that:

- Law enforcement must act within the law from the moment of arrest
- Individuals must be informed of their rights and given access to legal representation immediately
- Investigations must be conducted promptly and professionally
- Decisions about detention must be justified, lawful, and necessary

Justice is not achieved simply because a person is eventually released or acquitted. If that person has already spent months or years in detention without justification, the system has already failed them.

Ultimately, this report is a call to the Nigerian government to recognize the human cost of unlawful detention, strengthen accountability across law enforcement and prosecution and ensure that the justice system protects rights from the very beginning of the process