



ENFORCEMENT OF FUNDAMENTAL RIGHTS IN JUDICIAL PROCEEDINGS: AN APPRAISAL OF NIGERIAN JUDICIAL ATTITUDES

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Abstract

*The constitutional guarantee of fundamental rights in Nigeria has, since 1999, been accompanied by a procedural architecture, the Fundamental Rights (Enforcement Procedure) Rules 2009, designed to make redress accessible, expeditious, and substantively meaningful. This article examines how that architecture actually functions, tracing the historical evolution of rights enforcement in Nigeria, its constitutional and procedural mechanisms, the remedies available to a successful applicant, and, centrally, the attitude of Nigerian courts to the vindication of these rights. Drawing on recent appellate, Supreme Court, and ECOWAS Community Court authority, including the Supreme Court's landmark resolution of the joint applications controversy in *Total Exploration & Production (NIG) Ltd v Okwu & Ors* (2024) LPELR-62623(SC) and the ECOWAS Court's unpaid awards to Agba Jalingo and Glory Okolie, the article argues that Nigerian judicial attitudes to rights enforcement are incrementally progressive but unevenly applied, and that the domestic gains are increasingly undermined by the executive's persistent non-compliance with regional judgments. The article closes with an institutionally differentiated reform agenda addressed to the National Assembly, the Chief Justice, the superior courts, and the executive.*

Keywords: *fundamental rights enforcement, Nigeria, FREP Rules 2009, judicial attitudes, joint applications, ECOWAS Court compliance, access to justice*

1. Introduction

A constitution that guarantees rights without securing their enforcement offers little more than an aspiration. Chapter IV of the Constitution of the Federal Republic of Nigeria 1999 (as amended) sets out, in sections 33 to 46, an elaborate catalogue of civil and political rights, and section 46 itself confers on any person who alleges a contravention a direct right of access to a High Court for redress.¹ The Fundamental Rights (Enforcement Procedure) Rules 2009, made pursuant to section 46(3) by the Honourable Justice Idris Legbo Kutigi, then Chief Justice of Nigeria, on 11 November 2009, were

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¹Constitution of the Federal Republic of Nigeria 1999 (as amended), ss 33–46.



intended to translate this guarantee into a workable and liberal procedure, replacing the restrictive 1979 Rules that had constrained rights litigation for three decades.²

This article asks a narrower and more practically consequential question than whether the enforcement framework is adequate on paper: how have Nigerian courts, and the regional tribunal to which Nigerians increasingly turn, actually approached fundamental rights enforcement, and what does the case law reveal about the trajectory of that approach? Part 2 traces the historical and constitutional foundations. Part 3 sets out the mechanisms and jurisdictional framework. Part 4 considers the remedies available to a successful litigant. Part 5, the analytical centre of the article, examines judicial attitudes, from the early activism of the Fawehinmi era to the Supreme Court's 2024 resolution of the joint applications controversy, and confronts the growing problem of non-compliance with ECOWAS Court judgments. Part 6 identifies the structural impediments that blunt the practical force of the framework and sets out an institutionally differentiated reform agenda.

2. Historical and Constitutional Foundations

The protection of fundamental rights in Nigeria is the product of a long historical process shaped by colonial administration, nationalist agitation, constitutional engineering, and successive periods of military rule. Under the Clifford, Richards, and Macpherson Constitutions, no meaningful guarantee of civil liberties existed in favour of Nigerians.³ The Minorities Commission of 1957, chaired by Sir Henry Willink, recommended the entrenchment of fundamental rights in the independence constitution as a safeguard for minorities,⁴ and Chapter III of the Independence Constitution of 1960 duly contained the first formal entrenchment of rights in Nigeria's legal history.⁵

The military era subjected these guarantees to systematic curtailment, a tension vividly illustrated by *Lakanmi v Attorney-General of the Western State*, in which the Supreme Court's decision striking down a punitive decree was met with the promulgation of the Federal Military Government (Supremacy and Enforcement of Powers) Decree No 28 of 1970.⁶ The 1979 Constitution introduced the first dedicated procedural framework for rights enforcement, and its accumulated shortcomings, procedural rigidity, narrow standing, institutional inertia, necessitated the wholesale reform that

²Fundamental Rights (Enforcement Procedure) Rules 2009 (hereinafter FREP Rules 2009); E S Nwauche, 'The Nigerian Fundamental Rights (Enforcement Procedure) Rules 2009: A Fitting Response to Problems in the Enforcement of Human Rights in Nigeria?' (2010) 10(2) African Human Rights Law Journal 424, 428–432.

³B O Nwabueze, *Constitutionalism in the Emergent States* (C Hurst & Co, London, 1973) 42–68; G O Okafor, 'Nigeria's Constitutional Development and Constitutionalism' (2022) 9(1) Social Science and Law Journal of Policy Review and Development Strategies 1, 5–9.

⁴Report of the Commission Appointed to Enquire into the Fears of Minorities and the Means of Allaying Them (Her Majesty's Stationery Office, London, 1958).

⁵Constitution of Nigeria (Independence) Order in Council 1960 (SI 1960/1652), Ch III, ss 17–32.

⁶*Lakanmi v Attorney-General of the Western State* [1971] 1 UILR 201.



produced the FREP Rules 2009 under Chapter IV of the 1999 Constitution, which remains the operative framework today. None of the Chapter IV rights is absolute; each is subject to derogation clauses, and the Supreme Court in *Inspector-General of Police v All Nigeria Peoples Party* held that any limitation must be proportionate to its legitimate aim and must not render the right nugatory.⁷ At the regional level, the African Charter, domesticated by the African Charter on Human and Peoples' Rights (Ratification and Enforcement) Act, ranks above other federal legislation though it cannot override the Constitution itself, a position the Supreme Court settled definitively in *Abacha v Fawehinmi*.⁸

3. The Architecture of Enforcement: Mechanisms and Jurisdiction

Enforcement operates through constitutional, procedural, institutional, and regional mechanisms. Section 46(1) confers standing on any aggrieved person; subsection (2) vests original jurisdiction in the High Court to make such orders as may be appropriate; and subsections (3) and (4) empower the Chief Justice of Nigeria and the National Assembly to strengthen the framework.⁹ The FREP Rules 2009 abolished the mandatory leave requirement that had encumbered the 1979 regime,¹⁰ and liberalised locus standi so completely that no human rights case may be dismissed for want of standing, with NGOs and associations empowered to institute actions on behalf of persons who cannot bring an application themselves.¹¹

Both the Federal High Court and the High Court of a State exercise concurrent original jurisdiction, and the applicant's choice of forum is subject only to general jurisdictional principles.¹² The foundational test of competence remains that laid down in *Madukolu v Nkemdilim*: a court is competent only where it is properly constituted, the subject matter falls within its jurisdiction, and the case comes before it by due process of law.¹³ The elevation of the National Industrial Court to a superior court of record with exclusive jurisdiction in employment matters generated uncertainty as to the appellate route from its decisions, which the Supreme Court in *Oke v Oke* resolved by confirming that the Court of Appeal exercises appellate jurisdiction over its fundamental rights decisions.¹⁴ An

⁷*Inspector-General of Police v All Nigeria Peoples Party* (2007) 18 NWLR (Pt 1066) 457.

⁸*Abacha v Fawehinmi* (2000) 6 NWLR (Pt 660) 228, per Achike JSC at 310–314.

⁹Constitution of the Federal Republic of Nigeria 1999 (as amended), s 46(1)–(4).

¹⁰Order II, Rule 2 of the FREP Rules 2009; A O Nwafor, 'Enforcing Fundamental Rights in Nigerian Courts: Processes and Challenges' [2009] 4 African Journal of Legal Studies 1, 5–8.

¹¹FREP Rules 2009, Order XI, Rule 1(a)–(c).

¹²Order I, Rule 2, FREP Rules 2009; Constitution of the Federal Republic of Nigeria 1999 (as amended), s 46(2).

¹³*Madukolu v Nkemdilim* [1962] 1 All NLR 587, per Bairamian FJ at 589–590.

¹⁴Constitution (Third Alteration) Act 2010; *Oke v Oke* (2022) LPELR-56861(SC).



application is ordinarily determined on affidavit evidence and written addresses, and the Court of Appeal in *NDLEA & Ors v Dahiru Bwala* confirmed that the standard of proof is the balance of probabilities and that the pendency of a criminal charge does not oust the court's jurisdiction to entertain a rights enforcement suit.¹⁵ At the regional level, the ECOWAS Community Court of Justice provides an additional forum, exercisable without any requirement that domestic remedies first be exhausted.¹⁶

4. Remedies Available to a Successful Applicant

A distinctive strength of rights enforcement proceedings lies in the breadth of remedies available: the full range of prerogative orders, mandamus, prohibition, certiorari, and, given the chronic incidence of excessive pre-trial detention in Nigeria, habeas corpus;¹⁷ interlocutory and final injunctions, particularly readily granted where personal liberty is threatened;¹⁸ and compensatory, general, aggravated and, in appropriate cases, exemplary damages, which the Supreme Court has affirmed against State actors whose conduct has been egregious or high-handed.¹⁹ Of particular contemporary relevance is the Court of Appeal's decision in *Ipinloju Damola Femi v EFCC & 3 Ors*, holding that the unlawful restriction of a customer's bank account contravenes the right to property under section 44 and Article 14 of the African Charter and entitles the applicant to compensation, while recognising that the Commission may lawfully restrain an account without a court order for an initial seventy-two-hour period.²⁰ This line of authority has extended rights enforcement into disputes over frozen accounts that would once have been treated as purely private law matters. The Court of Appeal in *NDLEA v Dahiru Bwala* further confirmed that post-judgment interest, though discretionary, is properly awarded within statutory bounds, upholding twenty-one per cent per annum on the facts of that case.²¹

5. Judicial Attitudes: From Restraint to a Maturing Jurisprudence

The attitude of Nigerian courts to fundamental rights enforcement has not followed a linear trajectory. A candid reading of the case law reveals oscillation between activism and restraint, the balance shifting

¹⁵*NDLEA & Ors v Dahiru Bwala* (2022) LPELR-56566(CA), per Mohammed JCA.

¹⁶ECOWAS Revised Treaty 1993, art 15(4); Supplementary Protocol on the ECOWAS Court of Justice (January 2005), art 9(4).

¹⁷World Justice Project, 'Criminal Justice in Nigeria — Translating a Legal Framework into Practical Impact' (WJP, 2020), noting that more than two-thirds of persons detained in Nigeria have yet to be tried.

¹⁸*American Cyanamid Co v Ethicon Ltd* [1975] AC 396 (HL), per Lord Diplock; *Kotoye v Saraki* (1992) 9 NWLR (Pt 264) 156.

¹⁹*Sossah v Inspector-General of Police* (2007) 9 NWLR (Pt 1038) 83.

²⁰*Ipinloju Damola Femi v EFCC & 3 Ors* (2024) LPELR-61914(CA).

²¹*NDLEA & Ors v Dahiru Bwala* (n above).



under the influence of particular judges, prevailing political conditions, and the subject matter before the court.

5.1 Early Activism and the Fair Hearing Baseline

Chief Mrs Olufunmilayo Ransome-Kuti v Attorney-General of the Federation is widely regarded as an early touchstone of judicial engagement with rights questions, notwithstanding that its resolution was constrained by the ouster provisions of the applicable military decree.²² The period also produced the tradition of public-spirited rights litigation associated with the late Chief Gani Fawehinmi SAN, whose litigation strategy tested the outer limits of constitutional protection under military rule and produced, in *Abacha v Fawehinmi* and *Fawehinmi v Federal Republic of Nigeria*, high-water marks of that era's jurisprudence on the status of the African Charter and the dispensability of locus standi in constitutional matters.²³ Alongside this activist tradition, the Supreme Court's decision in *Kotoye v Central Bank of Nigeria* has, since 1989, supplied the enduring baseline against which every fair hearing complaint in Nigeria is measured: proceedings must be conducted so that a reasonable and fair-minded observer would conclude that the court dealt fairly with all parties, a breach of which renders the affected proceedings a nullity.²⁴

5.2 The Joint Applications Controversy and Its Resolution

A protracted controversy concerned the permissibility of joint applications under the FREP Rules 2009. A line of Court of Appeal decisions, including *Finamedia Global Services Ltd v Onwero Nigeria Limited*, *Chief of Naval Staff & Ors v Archibong & Ors*, and *Abuja Electricity Distribution Company Plc & Ors v Akaliro & Ors*, held that joint applications were impermissible because fundamental rights are personal in character, resting on a literal reading of the singular 'any person' in section 46(1).²⁵ Other panels took the more liberal view that joint applications were maintainable where the applicants shared a common cause of action, and *Abiru JCA's* dissent in *Nasiru & Anor v EFCC & Ors* signalled the coming shift.²⁶

²²Chief Mrs Olufunmilayo Ransome-Kuti v Attorney-General of the Federation (1985) 2 NWLR (Pt 6) 211 (SC).

²³Fawehinmi v Federal Republic of Nigeria (2003) (CA).

²⁴Kotoye v Central Bank of Nigeria [1989] 1 NWLR (Pt 98) 419 (SC).

²⁵Finamedia Global Services Ltd v Onwero Nigeria Limited (2020) LPELR-51149(CA); Chief of Naval Staff & Ors v Archibong & Ors (2020) LPELR-51845(CA); Abuja Electricity Distribution Company Plc & Ors v Akaliro & Ors (2021) LPELR-54212(CA).

²⁶Nasiru & Anor v EFCC & Ors (2022) LPELR-56976(CA).



The Supreme Court finally settled the controversy in *Total Exploration & Production (NIG) Limited v Okwu & Ors*, an appeal arising from a Port Harcourt Division judgment in which six respondents had jointly sued for enforcement of their rights to personal liberty and freedom from inhumane treatment following an incident involving soldiers deployed to the appellant's independent contractor.²⁷ The Court held that a joint application is permissible in so far as the applicants share the same cause of action or a common interest, invoking section 14(b) of the Interpretation Act 1964 and a purposive construction of the singular 'person', and holding expressly that *Abuja Electricity Distribution Company Plc v Akaliro* does not represent good law.²⁸ This decision reflects a mature appreciation of the sociological realities of rights violations in Nigeria, where State and corporate actors frequently abuse multiple individuals in a single incident, and its characterisation of the restrictive line of authority as belonging to an era of 'barren technicality' that has since passed is, in this writer's assessment, both accurate and overdue.

5.3 The Expanding Frontier: Data Privacy and Digital Rights

Recent Federal High Court decisions have extended fundamental rights principles into the commercial and digital sphere. In *Molehin v United Bank for Africa Plc*, the court held that the right to data privacy under the Nigeria Data Protection Regulation 2019 is subsumed within the constitutional guarantee of privacy under section 37, effectively extending judicially recognised fundamental rights to digital privacy, a position reinforced by subsequent decisions applying the Nigeria Data Protection Act 2023, including *Olatokun v Polaris Bank Limited*.²⁹ These decisions are evidence that the courts are prepared to read constitutional language purposively to meet contemporary conditions rather than confining it to the paradigm cases the framers had in mind.

5.4 The ECOWAS Court: An External Corrective Undermined by Non-Compliance

Where domestic courts have proved unable or unwilling to grant relief, the ECOWAS Community Court of Justice has functioned as an important external check. In *Chude Mba v Federal Republic of*

²⁷*Total Exploration & Production (NIG) Limited v Okwu & Ors* (2024) LPELR-62623(SC).

²⁸*Total Exploration & Production (NIG) Limited v Okwu & Ors* (n above); Interpretation Act, Cap I23, Laws of the Federation of Nigeria 2004, s 14(b).

²⁹*Miss Folasade Molehin v United Bank for Africa Plc*, Suit No FHC/L/CS/2625/2023 (Federal High Court, Lagos, 2024); *Tokunbo Olatokun v Polaris Bank Limited*, Suit No LD/17392MFHR/2024 (unreported); Nigeria Data Protection Act 2023, s 24.



Nigeria, the Court held that section 24 of the Cybercrimes Act 2015 violated the right to freedom of expression guaranteed by the African Charter and ordered Nigeria to amend the provision, a remedy the domestic courts had declined to grant.³⁰ In *Agba Jalingo v Federal Republic of Nigeria*, the Court found that a journalist chained to a deep freezer for thirty-four days in unlawful detention had been subjected to torture and dehumanising treatment contrary to the African Charter, and ordered Nigeria to pay him thirty million naira within three months.³¹ More recently, in *Glory Okolie v Federal Republic of Nigeria*, the Court found that the prolonged detention of a student without judicial authorisation, during which she was denied legal counsel, forced into unpaid domestic labour, and physically abused, violated Articles 6 and 7 of the African Charter, and ordered Nigeria to pay her ten million naira in addition to sums separately awarded by the FCT High Court.³²

The significance of these decisions lies less in their jurisdictional novelty than in what has followed them: as of the most recent reporting, neither award has been paid.³³ Nigeria's obligations under the Revised ECOWAS Treaty and the Supplementary Protocol are binding treaty obligations, and the principle of *pacta sunt servanda* requires that they be honoured in good faith.³⁴ Domestic courts have repeatedly confirmed that ECOWAS Court decisions require no fresh domestic legislation before enforcement, yet in the absence of a formal mechanism obliging the federal executive to appropriate funds to satisfy such awards, the rights of successful applicants remain, in practice, unvindicated. This is, in this writer's assessment, the most serious institutional weakness identified in this article: it is not that the regional forum lacks jurisdiction or is reluctant to find against Nigeria, but that a favourable judgment from Abuja's own regional court currently carries no more practical force than the paper it is printed on.

5.5 Judicial Restraint and Its Critics

Against these advances must be set a persistent countercurrent of formalism. Courts have, in numerous instances, struck out meritorious applications on technical grounds relating to standing, defects in originating process, and the principal/accessory claim dichotomy developed in *Tukur v Government of Gongola State* and *Jack v University of Agriculture, Makurdi*, under which an application is treated

³⁰*Chude Mba v Federal Republic of Nigeria* ECW/CCJ/APP/09/18 (ECOWAS Court, 2020).

³¹*Agba Jalingo v Federal Republic of Nigeria*, ECOWAS Court of Justice, Suit No ECW/CCJ/APP/10/20 (Judgment, 9 July 2021).

³²*Glory Okolie v Federal Republic of Nigeria*, ECOWAS Court of Justice (Judgment, 21 November 2024).

³³'Nigeria's Dangerous Contempt for ECOWAS Court Judgements' *The Niche* (Lagos, 1 December 2025).

³⁴Vienna Convention on the Law of Treaties 1969, art 26.



as improperly brought where the real relief sought is a private law remedy.³⁵ The Court of Appeal's decision in *Human Rights & Empowerment Project Ltd/GTE v President of FRN & Ors* resolved the locus standi question firmly in the applicant's favour, holding that a public interest application no longer requires the victim's consent,³⁶ yet courts have not applied the Rules' liberal directive with complete consistency, and the quantum of damages awarded even in cases of egregious state misconduct too often fails to provide genuine compensation or meaningful deterrence.³⁷

Taken together, the case law supports a considered assessment: Nigerian judicial attitudes to fundamental rights enforcement are incrementally progressive but unevenly applied. The Supreme Court's resolution of the joint applications controversy, the emergence of a data privacy jurisprudence, and the courts' willingness to award damages against State agents all point toward a maturing rights culture domestically. What increasingly limits the practical value of that maturation is not judicial attitude at all, but the executive's treatment of adverse regional judgments as advisory rather than binding, a problem no amount of doctrinal refinement within Nigeria's own courts can, by itself, cure.

6. Structural Impediments and a Reform Agenda

Even a well-disposed judiciary operates within structural constraints. Poverty remains the most pervasive impediment: litigation costs, transportation, and lost income are prohibitive for most Nigerians, and the World Justice Project found that more than half of Nigerians who experienced a legal problem reported suffering hardship as a result.³⁸ The Legal Aid Council, established under the Legal Aid Act 2011, remains severely under-resourced and, more fundamentally, its present statutory scope excludes most civil matters, leaving indigent applicants, who are disproportionately the victims of rights abuses, without funded representation in proceedings that are often technically complex.³⁹ Chronic delay compounds the problem, notwithstanding the FREP Rules' direction that rights matters be treated as priority cases and that personal liberty applications be disposed of within forty-eight hours of filing,⁴⁰ while corruption within parts of the justice sector remains a documented concern,

³⁵*Tukur v Government of Gongola State* (1989) 4 NWLR (Pt 117) 517 (SC); *Jack v University of Agriculture, Makurdi* [2004] 5 NWLR (Pt 865) 208.

³⁶*Human Rights & Empowerment Project Ltd/GTE v President of FRN & Ors* (2022) LPELR-58230(CA).

³⁷Okonkwo, 'Reforming the Fundamental Rights Enforcement Procedure Rules 2009: Suggestions for a Second Generation Amendment' (2023) 11(2) *University of Benin Law Journal* 201, 209.

³⁸World Justice Project, *WJP Global Insights on Access to Justice 2019* (WJP, 2019).

³⁹Legal Aid Act 2011 (as amended by the Legal Aid (Amendment) Act 2019); O Fidelis, 'Legal Aid and Access to Justice in Nigeria' (2020) 9(3) *Journal of Law and Social Policy* 102, 105–108.

⁴⁰FREP Rules 2009, Order IV, Rule 1.



reflected in Nigeria's ranking of 120th out of 142 countries in the World Justice Project's Rule of Law Index 2023.⁴¹

Three comparative lessons inform the recommendations that follow. On remedial technique, the Indian practice of continuing mandamus, whereby a court retains seisin of a matter and monitors phased compliance rather than treating judgment as the final word, is well suited to structural violations involving repeated security agency overreach.⁴² On standing, South Africa's Constitution confers wide standing for Bill of Rights enforcement and India's public interest litigation tradition, developed from *S P Gupta v Union of India*, offers a model Nigeria has approached but not codified.⁴³ On institutional design, a Human Rights Commission empowered to litigate directly, rather than merely investigate and mediate, would strengthen enforcement without displacing the courts' primary role.

6.1 Recommendations

To the National Assembly: amend section 46(1) to codify, in unambiguous terms, the liberal standing position the Supreme Court has already reached by purposive construction, so that future litigants are not required to relitigate the question case by case;⁴⁴ enact legislation providing a clear domestic mechanism for the enforcement of ECOWAS Court judgments, making appropriation of funds to satisfy damages awards a statutory obligation upon the federal executive within a prescribed time following transmission of a certified judgment to the Attorney-General of the Federation; and comprehensively amend the Legal Aid Act 2011 to extend coverage to fundamental rights applications, which are presently excluded from the bulk of publicly funded civil representation.

To the Chief Justice of Nigeria: initiate, under section 46(3), a second-generation review of the FREP Rules to codify the *Total Exploration v Okwu* position on joint applications in the text of the Rules themselves, incorporate provisions governing digitally obtained evidence and evidence obtained in breach of constitutional rights, and establish a costs regime that deters frivolous preliminary objections by State respondents;⁴⁵ and direct the National Judicial Institute to incorporate, as a mandatory component of continuing judicial education, a curriculum on data privacy rights, the interface between

⁴¹WJP Rule of Law Index 2023 (WJP, 2023) 136.

⁴²*Hussainara Khatoon v State of Bihar* [1979] 3 SCR 532 (India).

⁴³South Africa Constitution 1996, s 38; *S P Gupta v Union of India* AIR 1982 SC 149 (India).

⁴⁴Comparative reference: South Africa Constitution 1996, s 38; India, *S P Gupta v Union of India* (n above).

⁴⁵FREP Rules 2009, Order II, rr 2–3; *Okonkwo* (n above) 213.



the FREP Rules and the Administration of Criminal Justice Act 2015, and recent ECOWAS Court developments.⁴⁶

To the superior courts: give full effect to the overriding objective clause of the FREP Rules by summarily dismissing, with costs where appropriate, preliminary objections by State respondents that raise no genuine jurisdictional question; revisit the existing scales for compensatory and exemplary damages, which presently make moderate awards even for egregious and systematic violations by security agencies, and regard such violations, unlawful detention, torture, and the suppression of constitutionally protected assembly, as warranting substantially higher awards, consistent with the approach the ECOWAS Court has itself taken in the Jalingo and Okolie judgments; and accord fundamental rights applications genuine priority on the cause list, since delay in their hearing is not a procedural inconvenience but, in many instances, itself a violation of the right to fair hearing within a reasonable time guaranteed by section 36.

To the executive: the Federal Executive Council should issue a standing directive to the Attorney-General of the Federation ensuring prompt compliance with all subsisting ECOWAS Court judgments in which Nigeria is a named respondent; beyond the moral obligation owed to individual applicants, sustained non-compliance risks Nigeria's standing within the ECOWAS community and its credibility as a participant in the regional human rights system.⁴⁷ The persistent pattern of violations by security and law enforcement agencies, which account for the overwhelming majority of successful applications, further calls for the incorporation of substantive constitutional rights instruction, including the personal civil liability of officers, into the training curricula of the Nigeria Police Force and the Nigerian Army.

7. Conclusion

The Nigerian fundamental rights enforcement framework, constitutional, procedural, and regional, is considerably more liberal in its text than in its lived application. The Supreme Court's 2024 resolution of the joint applications controversy in Total Exploration & Production (NIG) Ltd v Okwu & Ors stands as the clearest recent evidence that Nigerian courts are capable of purposive, sociologically informed rights interpretation when the occasion demands it. Yet this and comparable advances, in data privacy jurisprudence and in the compensation of victims of unlawful account restrictions and unlawful detention, coexist with a persistent tendency toward technical restraint within the domestic

⁴⁶Administration of Criminal Justice Act 2015, s 211.

⁴⁷'Nigeria's Dangerous Contempt for ECOWAS Court Judgements' (n above).



courts and, more troublingly, with the federal executive's practice of treating adverse ECOWAS Court judgments as optional rather than binding, as the unpaid awards in Jalingo and Okolie illustrate. The task facing the Nigerian judiciary, the National Assembly, and the executive in the years ahead is not to invent a new enforcement architecture but to consolidate the liberal gains already achieved within the existing one, and to make good, in practice as in principle, on a constitutional and treaty-based guarantee that reads, on its face, as generous as any in the common law world.