



Expanding the Frontiers of Criminal Law to Integrate Prosecution of Nigeria: Beaming Searchlight at the Security Bedlams in Northwestern Zone

O. I. Derik-Ferdinand*

DOI: <https://doi.org/10.68050/JAMS.2026.367>

Received: 02 Sept 2026; Accepted: 03 Sept 2026; Published: 12 September 2026

ABSTRACT

Intensification of security bedlams in Nigeria by terror groups, is central in the social environment. The tactical strategies of these groups to cause calamity are multidimensional, with more fiend and pernicious groups emerging. Civilians and military personnel have been killed and kidnapped without remediation. The nefarious goons are glowing due to inadequate courage of Nigerian government to confront dissidents. The work is aimed, at thorough examination of expanding existing frontiers in criminal jurisprudence to assimilate prosecution of Nigeria. This is done by beaming searchlight at the growing lawlessness in Northwestern Nigeria. Doctrinal methodology was adopted, utilizing primary and secondary sources of information as tools for data collection. The work found amongst others, there are unrestrained catastrophes in Northwestern zone. It is concluded, Nigeria is probable for prosecution where frontiers of criminal law were expanded. The work recommended among others, that criminal adjectival laws be expanded to web prosecution of Nigeria.

Keywords: Expanding Frontiers; Criminal Law; Prosecution of Nigeria; Beaming Searchlight; Security Bedlams; and Northwestern Zone.

INTRODUCTION

The security impasses in Nigeria are indeed very worrisome. More deadlier groups are emerging as the day go bye. It has taken the toga of multifaceted dimensions. It has been a serious torn to Nigeria and Nigerians. Insurgency has expanded its fiend scope of operations to all bounds in Nigeria. The terror groups in the country, now uses drones for targeted attacks, especially for military formations. Quite recently, on October 11, 2025, Boko Haram Islamic extremists' group launched a drone attack on an Army Troop in Borno State and killed Four (4)¹ soldiers. Still very recent, on November 18, 2025, Two (2) soldiers and Two (2)² civilians Joint Task Force (JTF) were murdered by an ambushed Boko Haram armed group in *Wajiroko* in Azir Multe district of *Damboa*³ Local Government Area of Borno State. This background is necessary to demonstrate the despicable atmosphere of Nigerian security architecture. It is so deplorable to the extent that members of Armed Forces of Nigeria and civilians are being massacred by non-trained dissidents. The significant question beckoning for jurisprudential response! Is, who are these nonconformists who are terrorizing Nigeria for about two decades? They are moving freely in their chosen threshold of nefarious operations. This is firmly posited in that, each terror group in Nigeria, has systematically carved out a niche as an operational domain. For instance, boko haram armed group is occupying the Northeast, bandits, herdsmen, and *mamudawa* armed groups are in devilish splurge in Northwest cadastral zone. Lakurawas, mask gunmen, and extremists' groups are in concentration of the Northcentral region of the country. Ritual killers, trading in human parts, and cult related mayhems are predominant in the Southwest. IPOB (Indigenous People of Biafra) militia gangs are ravaging the Southeast, militant groups, sea pirates and other marauding activities have taken the centre stage in the South-south cadastral zone. There is no peace in Nigeria from 2009 till date. This was spoken far back in 2011, when boko haram accepted responsibility of the lethal bomb explosion at Saint Theresa's Catholic Church at Madalla, Niger State of Nigeria. Where their spokesperson Alhaji Abu Qaqa said:

¹ <https://barristerng.pol.com>. October 11, 2025. Accessed on October 12, 2025 at about 21:15 hours GMT.

² <https://thenigerislawyer.com/2025/11/19/>, Accessed on November 18, 2025 at about 9:30 hours GMT local time.

³ *Ibidem*.



“There shall never be peace in Nigeria, neither shall there be peaceful enjoyment until our demands are graphically met.”⁴

Every person in Nigeria including the mighty and the hoi-poi-lol, proletariat are all living in fear, as no one seems to know exactly when the goons will strike. Attacks could happen at any time, especially, morning hours spanning from 4:00 hours to 6:00 hours Greenwich mean time (GMT).

The dimension on which terror groups are operating in Nigeria is very complex and slippery. The degree of complexity is precarious and volatile, it seems very difficult to say when it might come to an end. This submission is based on the current happenings, where insurgent groups are writing letters to traditional rulers, boldly informing them of their coming to preach Islam. Failure of acceptance, will metamorphose to gruesome attacks accompanying with incendiary bombs. The epistolary are usually written in Hausa, and Arabic languages, or in scrawl and poorly articulated English grammar.⁵ These were the precise occurrences, at *Woro* and *Luku* communities in *Kaiama* Local Government Area of *Kwara* State.⁶ Similar epistles were written to the communities of *Akyawa* and *Udege Kasa* by same Islamic militia groups.⁷ After the epistolary, were routed, these aforesaid communities were wilfully destroyed by the flames of Islamic militants' groups. Recently, in contemporary period, a business mogul, a conglomerate giant, and chairman of *Jezco* Industrial groups, Chief Joseph *Ezeokafor* and a reverend sister were abducted on the 5th day of August, 2026 in Southeastern Nigeria.⁸ The abductors are demanding a gigantic sum of One Billion, Five Hundred Million (1.5) Billion Naira cash (₦ 1. 500, 000, 000. 00)⁹ before they may have freedom from their captors. They were subsequently found within the vicinity of *Ebenebe*, a neighbouring community in the border of Anambra and Enugu States of Nigeria after Ten (10)¹⁰ days of captivity. In June 29, 2026 Boko Haram and ISWAP Islamic militants' groups abducted NECO¹¹ candidates in their schools while writing the annual national examination and slaughtered teaching staff. These heinous incidents happened in *Askira/Uba* and *Damboa* Local Government Areas¹² of Borno State of Nigeria.

Still in Borno State, on July 5th 2026 an IED¹³ was detonated killing Nine(9) persons instantly and injuring scores of people.¹⁴ Furthermore, the operations of the nonconformists have gone nuclear, serving and retired personnel of the armed forces are being captured. This is inclusive of other armed bearing security agencies. Relatives and children of incumbent and former public office holders are being taken hostage for pecuniary benefits. What then will happen to the plebs Nigerian? In the recent day of 20th May 2026 in Oyo State of Nigeria, Forty-Eight(48)¹⁵ pupils and the entire teaching staff were abducted by Islamic terrorists' groups. This occurred simultaneously in three(3) basic institutions of socialization in Ori-Ire Local Government Area of Oyo

⁴ Voice of America News of January 2012. <https://www.voa.com> . Accessed on October 25, 2025 at about 14: 45 hours Greenwich Mean Time (GMT) local time.

⁵ These are happening right on the nose of a sovereign State with well-organized standing Armed Forces. It behooves more than what the naked memory of the proletariat and plebs Nigerian could comprehend.

⁶ Amnesty International, Nigeria, February 3, 2026; <https://www.amnestyinternational.org>. accessed on February 5, 2026 at about 17:00 hours GMT local time.

⁷ BarristerNG, Law and Politics News, April 3, 2026. <https://www.barristernglawandpolitics.com>. Accessed on April 5, 2026 at about 11:53 hours GMT, local time.

⁸ The Nigerian Lawyer News of August 7, 2026. <https://thenigerianlayer.com>. Accessed on 7th August, 2026 at about 14:00 hours GMT, local time.

⁹ *Ibidem*.

¹⁰ The Nigerian Lawyer News of August 15, 2026. <https://thenigerianlayer.com>. Accessed on 15th August, 2026 at about 16:00 hours GMT, local time.

¹¹ Unimi Kate Chioma of Nigeria Lawyer.com, of June 30, 2026. <https://www.thenigerialawyer.com>. Accessed on June 30th 2026 at about 12: noon hours GMT local time.

¹² *Ibidem*.

¹³ An Improvised Explosive Devise.

¹⁴ BarristerNg Law and Politics, News of July 5, 2026. Accessed on the 6th day of July 2026 at about 16:00 hours GMT.

¹⁵ Unimi Kate Chioma of the Nigeria Lawyer News of May 20, 2026 <https://thenierialawyer.com>. Accessed on May 22, 2026 at about 17:00 hours GMT local time.



State,¹⁶ to wit, Baptist Nursery and Primary Schools, *Yawota*; Junior Community Grammar School *Esiele*; and LA, Primary School *Ogbomoso*.¹⁷ Some of the ages of these pupils are tender, even two to three years at the level of creche and kindergartens. The pupils and the entire teaching crew who were taken hostage have not been released up to the time of espousing and publishing this scholarly work.

More pathetic, is a survey conducted by an independent geographic intelligence group in Nigeria by SBM entitled: “The Capture of Nigeria’s Kidnap Economy,” in the middle of 2026.¹⁸ The investigative survey was conducted between July 2025 to June 2026, a period of twelve (12) months. It was revealed by the survey that the rate of kidnapping has accelerated and flourished by Sixty-Sixty (66%) percent within the period of research.¹⁹ The rate of kidnapped of persons grew rapidly from 2661 to 7825 in the reviewed period. Incidents, to wit, occurrences, astronomically moved from 997 to 4722 instances within the window of investigation.²⁰ Casualty rate increased from 762 to 1142 persons, representing Sixty-Sixty point Seven (66.7%) percent. The degree of casualty showed a statistical distribution of 895 civilians, 179 children and 68 security personnel, given the total deaths of 1142.²¹ The above statistical indices affected heavily on the Northwestern cadastral zone of Nigeria. Zamfara State recording the highest occurrences within the period under review with 236 incidents and 1921 abductees. Katsina State recorded 187 incidents with total kidnapped cases of 559.²² Following Katsina, is Sokoto State having total recorded incidents of 179 and accumulative hostage taking of 1157 people. Kaduna State recorded 134 incidents with kidnapped of 814 persons in total.²³

The percentage of collection of ransom skyrocketed from Five Point Three-Five (5.35 %) to Thirty-Four (34%) percent in the period of careful consideration.²⁴ The period recorded an estimated demanded ransom of ₦ 22.9 Billion Naira, with accumulated gazetted payment of ₦ 7.9²⁵ Billion Naira. The splinter armed group from boko haram deadly cell, the *Jama’atu Ahlis Sunna Lidda’awati Wal-Jihad*; commanded by one Alhaji Ali Ngulde received ginormous ransom payment of ₦ 7.3²⁶ Billion Naira from eight kidnapped cases. Seven ₦ 7 Billion Naira was received by this draconian group from Two (2) abduction attacks.²⁷ A chunk of Five ₦ 5 Billion Naira was paid during the April 2026, attack where 416 people were kidnapped from *Ngoshe* town in *Gwazo* Local Government Area of Borno State.²⁸ Two ₦ 2 Billion Naira was paid during negotiation when the 315 pupils were taken hostage by same deadly group at Saint Mary’s Catholic Schools²⁹ at *Papiri*, in *Agwara* Local Government Area Niger State. The highest in the history of anarchy torn Nigeria, representing Ninety-Three Point Three (93.3%)³⁰ percent of documented paid ransom. Bandits, *lakurawas*, *mamudawa*, and unaffiliated armed groups received ₦ 719.4 Million Naira from a total number of 146 kidnapped cases. This sum represented Six Point Seven (6.7%) percent of ransom payment in Nigeria.³¹ The survey further revealed that during negotiations, captors demanded items such as food, motorcycles, telephones, petrol (fuel) and other vital items.³² It is instructive to assert more vehemently that the rural populace of *Ngoshe* and *Papiri* cannot afford to pay negotiated ransom of ₦ 7 Billion Naira. Apart from the inability to pay, the negotiation was done in collaboration with the government of Borno, Niger and the Federal government. Thenceforth, the payment

¹⁶ *Ibidem*.

¹⁷ *Ibidem*.

¹⁸ The Guardian Nigeria, Magazine.

¹⁹ LegalLinkz.com News of August 28th 2026. Accessed on August 28,2026 at about 21:45 hours GMT.

²⁰ *Ibidem*.

²¹ *Ibidem*.

²² Independent Geographic Intelligence Group, SBM Research Firm.

²³ *Ibidem*.

²⁴ Sahara Reporters

²⁵ *Ibidem*.

²⁶ Independent Geographic Intelligence Group, SBM Research Firm.

²⁷ *Ibidem*.

²⁸ *Ibidem*.

²⁹ *Ibidem*.

³⁰ The Guardian Nigeria, Magazine.

³¹ *Ibidem*.

³² Independent Geographic Intelligence Group, SBM Research Firm.



of these ginormous sum might be defrayed by governments. It might also be insightful that the initial criminally minded groups have transcend into an economic fortune of selected few Nigerians. This could be the rationale behind, none extermination from the roots all this while since 2009 till date.

Against all these hostilities, the Nigerian government is very reluctant to annihilate the draconian activities of these terrorists' groups. The squalid security circumstances as depicted above, is the reason for the choice of the theme for critical assessment and evaluation. In achieving the aims of the scholarly investigation, searchlight shall be beamed at explaining some terms used in the survey and security bedlams in Northwestern cadastral zone of Nigeria, to serve as course-plotting guide. Following thereafter, an incursion will be nested on punishment and parties to the special prosecution. Spanning therefrom, cranial investigations would be streamed on applicable constitutional and statutory provisions in substantiation and corroboration of the topic under review. After traversing thereon, the voyage of searching the prosecution of Nigeria shall be pitched at synoptic synthesis and evaluation of discoveries. Finally, the scholastic examination will be berthed on the anchorage of conclusion and offering resourceful recommendations.

EXPLANATION OF SOME TERMS USED IN THE WORK

The epicentre of this work is to explore the likelihood of expanding existing domestic statutes to web prosecution of Nigeria in her sovereign capacity. "Expanding the Frontiers of Criminal Law," means the expansion of existing criminal statutes in Nigeria, including substantive and procedural laws. The targeted expansion is focused on the 1999 Constitution, Criminal Code Act, Penal Code, and Administration of Criminal Justice Act. Exploration of the above domestic enactments and the deplorable security situation in Nigeria, prompted the choice of the topic. The expansion move is necessitated by the permissive negligent disposition of the State of Nigeria to protect, preserve, defend, and safeguard the sanctity of life within her territorial domain. The negligence by Nigeria to curb insurgency is the very reason why lawlessness has permeated the entire country, making it a theatre of war. The duties of protecting, preserving, defending, and safeguarding lives and property are sworn to be observed by the President.³³ These solemn obligations of safety are provided under Chapter Two (II) of the 1999 Constitution,³⁴ to wit, Sections 14 (b); and 17 (2) (b) of the 1999 Constitution. It stipulates thus, respectively:

"The security and welfare of the people shall be the primary purpose of government."

"The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced."

For instance, where Section 6. (6), (b) of the Grund-norm,³⁵ which entrenches thus:

"[The judicial powers of the Federation of Nigeria], shall extend to all matters between persons, or between government, or authority, or and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person."

Is expanded to include, "...determination of any question as to the civil and **criminal** rights..." As at present, **criminal** right of action against Nigeria is not included in the Section. Hence, inclusion of **criminal** right of action against Nigeria as in civil causes of action is an expansion of the Constitution. Furthermore, where

³³ See the Seventh Schedule to the Constitution of the Federal Republic of Nigeria 1999, as amended. "..., I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria, I, do solemnly swear that I will be faithful and bear true allegiance to the Federal Republic of Nigeria., I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria."

³⁴ Captioned as Fundamental Objectives and Directive Principles of State Policy, which is the navigational buoy of the country.

³⁵ The Constitution of the Federal Republic of Nigeria (CFRN) 1999, as Amended.



persons under Section 7, particularly paragraph (b) of the Criminal Code Act,³⁶ is expanded to include Nigeria as a person. Then Nigeria could be said to have omitted to perform an obligated duty by law, thereby enabling or aiding terrorist groups to cause murder, abduction, incendiarism, and extortion in the country. By all these, Nigeria would be said to have contravened the provisions of Subsection (1), of Section 33, of the Grund - norm,³⁷ which stipulates to the following effect:

“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”

And Section 7 (b), of the Criminal Code Act, which entrenches thus:

“Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence.”

Moreso, Part 12 of the Administration of Criminal Justice Act be expanded to assimilate, the People of Nigeria and Non-Governmental Organizations (NGO) of Nigerian origin to have prosecutorial powers.

Going by this; the draft Information against Nigeria would have read as follows: Offence, Murder; Particulars of Offence, that the People of Nigeria were informed that you the Government of Nigeria, within the territorial enclave of Nigeria, have omitted to perform the obligation to protect, preserve, defend, and safeguard lives and property, thereby committed the offence of murder, contrary to section 33 (1) of the 1999 Constitution, and section 7 (b) of the Criminal Code Act, and punishable under Section 319 (1) of the Criminal Code Act.³⁸ Punishment under this scholarly survey is pecuniary. Thenceforth, the use of the phrase: “probable for prosecution,” where necessary existing statutes are expanded.

Furthermore, references of security problems in other geo-political zones such as the Northeast, North central, Southwest, and Southeast as contained in the introductory background to the work is meant to only show the current security happenings. Secondly, to indicate new entrants into the security bedlams of the country. Thirdly, to demonstrate, how sophisticated are terror groups in Nigeria, especially the use of drones to attack military formations, and fourthly, to show how much money have been negotiated and expended in payment of ransom.

SECURITY BEDLAMs IN NORTHWESTERN NIGERIA

The Northwestern parts of Nigeria including the very large expanse traversing Jigawa, Kaduna, Kano, Katsina, Kebbi, Sokoto, and Zamfara States have been infested with terror groups. The devastating groups are Bandits, Herdsmen, Cattle-Rustlers, Fulani Herders, and *Lakurawa* as new emerging sub-group. The deadliest in the zone are *Jama'atu Ahlis Sunna Lidda'awati Wal-Jihad*; and *mamudawa*. They have rendered numerous communities in desolate, particularly, those in Kaduna, Kebbi and Zamfara States. The most frequently negative occurrences in this zone are hostage taken with ginormous amount of ransom. Carnages, infernos, sexual assaults, cattle rustling and other forms of atrocious episodes are dominant in the cadastral space. The pernicious activities of terrorists' groups in the Northwest are ongoing even, as at the time of articulating and publishing this scholarly rendition. The nefarious escapades of these groups have not ebbed, neither whittled. The fierceness, and pugnaciousness are increasing as the day go by. Vividly, on the recent day, Wednesday the 26th of August 2026, armed terrorist group invaded *Gorau* town, in *Goronyo* Local Government Area of

³⁶ Cap.C.38, Vol. 4, Laws of Federation of Nigeria (LFN) 2010. This paragraph of the Act, states thus: “Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; [is a principal party to offence committed].”

³⁷ *Ibidem*.

³⁸ Section 306 of the Criminal Code Act, entrenches thus: “It is unlawful to kill any person, unless such killing is authorized or justified or excused by law.” Furthermore, Section 319 (1) of same Act stipulates: “Subject to the provisions of this section, any person who commits the offence of murder shall be sentenced to death.”



Sokoto State.³⁹ The paramount ruler, Alhaji Aliyu Magaji Na-Batsami, reported during the invasion eleven (11) persons were shot and four (4) died instantly. Those who died were Bashar Sani, Isa Ibrahim, Ila Malam Makari, and Ali Aminu.⁴⁰ The remaining seven (7) were taken to nearby hospitals for medical care. Four (4) people were captured to an undisclosed destination.⁴¹ The armed goons launched the lethal attack in the community, due to a boat mishap in *Gorau* River few days ago were 65 occupants of the boat died. Government pledged to give survivals of the families One Million (₦1, 000.000.00)⁴² Naira each. The assailants ransacked every house in search of the pledged sum destroying so many houses with infernos.⁴³ By this recent day, the 28th of July 2026, a top ranked military officer serving at the Nigerian Army Battalion, Colonel Abdussalam A. Ude⁴⁴ was kidnapped and fiercely murdered. This incident happened in *Naridon* community, in Kauru⁴⁵ Local Government Area of Kaduna State of Nigeria. On this most recent day the 25th of July 2026, a sitting High Court Judge of Kebbi State Judiciary⁴⁶ was taken hostage along with his family members in their official quarters of the State's judiciary. The abductors are demanding astronomical ransom of Two Hundred Million (₦ 200,000.000.00)⁴⁷ Naira for their freedom. On this recent day, the 31st of July 2026, the entire Bodna and *Nowkam*⁴⁸ communities in Nasarawa Local Government Area of Nasarawa State were ignited with heavy incinerations. The few surviving inhabitants of the communities are in dare need of humanitarian assistance. This ugly episode occurred in two days, to wit, 31st of July and 1st day of August without government immediate intervention.⁴⁹

In this recent day, Tuesday the 23rd of June 2026,⁵⁰ a former All Progressive Congress (APC) in Koko/Besse Local Government Area of Kebbi State was abducted along others. Alhaji Muhammadu Mai Barga Besse and others were killed in the shrub forest of *Birnin Gwari*⁵¹ in Kebbi State of Nigeria. On this recent day, the 30th of May 2026, a former Director of Defence Information in the Nigerian Army; Major General M. J. Abubakar and his lovely wife Amina Abubakar were kidnapped.⁵² By June 6, 2026, the top ranking military officer was killed by the kidnappers. This event took place in *Matazu* Local Government Area of Katsina State of Nigeria. Fifty elders who went to negotiate for their freedom, were also captured and mercilessly massacred⁵³ in the Sahel savanna of Katsina State. In most circumstances, where Christians' Clerics are involved, the enormous ransom would be defrayed, yet the abductees will still be gruesomely massacred.⁵⁴ In addition to ransom payments, extra pecuniary demands are being made. Inclusive of fiscal values for recharge cards spanning from Two to Five hundred thousand ₦ (200,000.00 - 500,000.00)⁵⁵ Naira only. Additionally, monetary demands for replacement of damaged motor cycles,⁵⁶ and purchases of brand new ones for the hideous operations. These galled demands are been placed on the families of the abductees.⁵⁷ The government of the day is well abreast with the untowardness in the country. Whenever, feminine genders are taken hostage, they are being subjected

³⁹ Guardian Nigeria, News of August 26, 2026. Accessed on 26th August 2026 at about 20:45 hours GMT.

⁴⁰ *Ibidem*.

⁴¹ legalLinkz.com News of August 28, 2026. Accessed on the 28th August 2026 at about 21:15 hours GMT.

⁴² *Ibidem*.

⁴³ *Ibidem*.

⁴⁴ <https://lawlogngnews>, July 28, 2026. Accessed on July 29, 2026 at about 20:00 hours GMT local time.

⁴⁵ *Ibidem*.

⁴⁶ <https://barristernglawandPol.com>, Accessed on July 25, 2026 at about 18:31 hours GMT local time.

⁴⁷ *Ibidem*.

⁴⁸ <https://www.thenigerialawyer.com>. Accessed on August 1, 2026 at about 9:00 GMT local time.

⁴⁹ *Ibidem*.

⁵⁰ Security & Conflict Reporters, Bakat Bakatsine, vide official X account handle. Accessed on 24th June 2026 at about 20:00 hours GMT, local time.

⁵¹ *Ibidem*.

⁵² Daily Justice News of June 19, 2026. <https://dailyjusticenews.com>. Accessed on the 19th of June, 2026 at about 16:45 hours GMT, local time.

⁵³ *Ibidem*.

⁵⁴ Al Jazeera News, September 26, 2023. <https://www.aljazeera.com>. Accessed on October 10, 2025 at about 14:30 hours GMT local time.

⁵⁵ <https://barristernglawandPol.com>, Accessed on March 17, 2026 at about 10:31 hours GMT local time.

⁵⁶ *Ibidem*.

⁵⁷ *Ibidem*.



to sexual abuse throughout the period of abduction until the ransom are paid.⁵⁸ These draconian extortive episodes are never fables, neither fictitious tales, but are realities and ongoing ventures in Nigeria. In this, very part of Nigerian State, within the periods of 2011 and 2022, an estimated astronomical number of not fewer than Twelve Thousand (12, 000)⁵⁹ people have been massacred. Another approximation ranging from Hundreds of Thousands, and more of the population and communities have been displaced from their ancestral habitats. Thereby, coercing indigenous peaceful people to survive under the mercies of IDP⁶⁰ camps. The kind merciful aids are being rendered by humanitarian agencies, including both municipal, regional and global donors.

By the year 2025 alone, an estimated number of Seven Thousand (7,000)⁶¹ Christians have been slaughtered by Islamic extremist terrorists' groups in Kaduna State. Between the years of 2009 and 2025 at least, not fewer than Nineteen Thousand, One Hundred (19,100)⁶² Churches have been attacked and destroyed completely by Islamic militants.⁶³ Most premises and Churches have been set ablaze and kept in perpetual ruin by the same Islamic terrorists' groups. To say the least, from the periods of 2009 and 2025, an estimated number of not less than Fifty Thousand to One Hundred Thousand (50,000 to 100,000)⁶⁴ people have been annihilated in Northwestern, Nigeria. The extermination series and yanking of lives of most Nigerians are being carried out by same Islamic extremists' groups. Most of these killings orchestrated by Islamic terrorists' groups were focused and concentrated on Christians' faithful.⁶⁵ By September 26, 2021, Three Hundred (300)⁶⁶ School's Girls were kidnapped in Zamfara State. On February 26, 2021, Two Hundred and Seventy-Six (276)⁶⁷ female students were abducted from the Government Girls Science Secondary School at *Zangebe*⁶⁸ in Zamfara State. The Girls were between the ages of Ten (10), and Seventeen (17).⁶⁹ In recent time, February 3, 2026, within *Doma* village in Katsina State, Nigeria, Twenty-One (21)⁷⁰ people were murdered by Islamic Bandits and Herdsmen. On a concurrent date of February 10, 2026, armed Islamic Bandits attacked traders travelling from *Kaura Namoda* Local Government Area to *Talata Mafara* Local Government Area.⁷¹ Both, local government areas are in Zamfara State. The sordid episode recorded injuries of many traders and death of Six (6)⁷² persons. Recently, on Wednesday the 11th of February, 2026, a member of the Kaduna House of Assembly, representing *Kajuru* Constituency was kidnapped.⁷³ The incident took place, when the law maker, Mr. Usman Garba, also known as (aka) Zingo,⁷⁴ was returning on an official assignment from Zamfara to Kaduna.⁷⁵ By February 26, 2021, another Three Hundred (300)⁷⁶ girls were abducted, still in Zamfara State, Nigeria. On September 29, 2023, Fourteen (14)⁷⁷ students from the Federal University, Gusau were kidnapped by the Islamic Bandits. In

⁵⁸ A confession of an ordeal by a woman who was kidnapped with her entire family along Ekiti-Ilorin highway on July 23, 2022.

⁵⁹ Centre for Democracy & Development, An Abuja Based Policy and Advocacy Think Tank.

⁶⁰ Internally Displaced People.

⁶¹ <https://www.thenigerialawyer.com>. Accessed on November 1, 2025 at about 9:00 hours GMT local time.

⁶² <https://www.thenigerialawyer.com>. Accessed on November 6, 2025 at about 15:00 hours GMT local time.

⁶³ *Ibidem*

⁶⁴ *Ibidem*.

⁶⁵ <https://www.thenigerialawyer.com>. Accessed on November 1, 2025 at about 9:00 GMT local time.

⁶⁶ BBC News Africa, September 26, 2021. <https://www.bbcnewsafrica.com>. Accessed on November 6, 2025 at about 16:00 hours GMT.

⁶⁷ Al Jazeera News, February 26, 2021. <https://www.ljazeera.com>. Accessed at about 14:00 hours GMT on November 8, 2025.

⁶⁸ *Ibidem*.

⁶⁹ *Ibidem*.

⁷⁰ <https://www.thenigerialawyer.com>. Accessed on February 5, 2026 at about 16:00 hours GMT local time.

⁷¹ Amnesty International News, Nigeria, February 13, 2026; <https://www.amnestyinternational.org>. Accessed at about 17:00 hours GMT on 13: 02.2026.

⁷² *Ibidem*.

⁷³ Sahara Reporters. <https://www.saharareporters.com>. Accessed on February 12, 2026 at about 16:00 hours GMT.

⁷⁴ *Ibidem*.

⁷⁵ Sahara Reporters. <https://www.saharareporters.com>. Accessed on February 12, 2026 at about 16:00 hours GMT.

⁷⁶ BBC News, February 26, 2021. <https://www.bbc.com>. Accessed on November 10, 2025 at about 12: noon hours GMT.

⁷⁷ *Ibidem*.



Kuriga town, Kaduna State, by March 24, 2021, One Hundred and Thirty-Seven (137) people were abducted,⁷⁸ and were taken to an unknown destination by Bandits. On September 26, 2023; Fourteen (14)⁷⁹ students from Bungudu District School in Zamfara State were kidnapped by armed Islamic Bandits.⁸⁰

The Islamic Bandits and Herdsmen in their spree of devilish inclinations, by December 11, 2020, Three Hundreds (300)⁸¹ Boys were kidnapped and taken hostage from the Government Science Secondary School at Kankara,⁸² in Katsina State. In *Afaka, Igabi* Local Government Area of Kaduna State, on March 11, 2021; Forty-Five (45)⁸³ students, whose statistics were, Twenty-Nine (29) females and Sixteen (16) males were kidnapped from the Federal Government Mechanized College of Forestry.⁸⁴ In Zamfara north, on July 28, 2025, Thirty-Five (35)⁸⁵ people were abducted by Islamic Bandits and Herdsmen. In further substantiation of the negative indices in the State of Nigeria, on November 29, 2025, in *Chacho* within the *Wurno* Local Government Area⁸⁶ of Sokoto State. An intended couple just about to be solemnized in holy matrimony, on their way to the wedding ground. Armed Fulani Bandits and Herdsmen abducted the bride and her entire bridal train to an unknown destination. The extremist Islamic militia are demanding a huge ransom sum of Hundred and Fifty Million (₦ 150,000,000.00) naira,⁸⁷ for the release of the bride and her bridal train. Another recent event of December 1, 2025, in *Kafar Ruwa* area of Kano municipality, in the Kano State, Nigeria. Residents in the area took to the streets rioted, protested and went on rampage,⁸⁸ setting ablaze tyres in the front of a Police Divisional Headquarters. Their solemn mission is in demand of the immediate release of Fulani kidnappers who were arrested and kept in Police custody.⁸⁹ This is happening in a sovereign State where abductions of citizens for ransom are in the increase, almost occurring incessantly on daily basis. The Fulani extremists are not even mindful of the ongoing legislation waiting for presidential assent to make the act a capital offence.

Moreso, in *Banga* village in *Kaura Namada* Local Government Area of Zamfara State, Fifty-Five (55)⁹⁰ persons were abducted in a broad day light. By June 22, 2025, Thirty (30)⁹¹ people were killed in Kebbi by armed Islamic Bandits and Herdsmen. On October 20, 2025, Islamic gunmen killed Two (2)⁹² police men in Kaduna State.⁹³ By June 22, 2025, armed Fulani Bandits attacked Kebbi, again and killed Thirty (30)⁹⁴ people.

⁷⁸ Al Jazeera News, March 24, 2024. <https://www.ljazeenaws.com>. Accessed at about 14:00 hours GMT on November 8, 2025. Also reported on You Tube, Television (TV) on February 24, 2024.

⁷⁹ Al Jazeera News, September 26, 2023. <https://www.ljazeenaws.com>. Accessed at about 16:00 hours GMT on November 12, 2025. Also reported by UNICEF, September 26, 2023. <https://www.unicef.org>.

⁸⁰ Al Jazeera News, September 26, 2023. <https://www.ljazeenaws.com>. Accessed at about 16:00 hours GMT on November 12, 2025. Also reported by UNICEF, September 26, 2023. <https://www.unicef.org>.

⁸¹ Al Jazeera News, December 11, 2020. <https://www.ljazeenaws.com>. Accessed at about 10:00 hours GMT on November 5, 2025.

⁸² *Ibidem*.

⁸³ Premium Times, Nigeria, March 11, 2021. <https://www.premiumtimesng.com> Accessed on November 11, 2025 at about 18:00 hours GMT.

⁸⁴ *Ibidem*.

⁸⁵ BBC News Africa, July 28, 2025. <https://www.bbcnewsafrica.com>. Accessed on November 2, 2025 at about 15:00 hours GMT local time.

⁸⁶ The Nigeria Lawyer.Com News, 2025/11/29. <https://thenigerialawyernews.com>. Accessed on December 2, 2025 at about 3:51 hours GMT local time

⁸⁷ The Nigeria Lawyer.Com News, 2025/11/29. <https://thenigerialawyernews.com>. Accessed on December 2, 2025 at about 3:51 hours GMT local time

⁸⁸ The Nigeria Lawyer.Com News, 2025/12/01. <https://thenigerialawyernews.com>. Accessed on December 2, 2025 at about 19:45 hours GMT local time

⁸⁹ *Ibidem*.

⁹⁰ BBC News Africa, July 28, 2025. <https://www.bbcnewsafrica.com>. Accessed on November 2, 2025 at about 15:00 hours GMT local time.

⁹¹ <https://lawlogngnews>, June 22, 2025. Accessed on June 24, 2025 at about 20:00 hours GMT local time.

⁹² *Ibidem*.

⁹³ BarristerNGlaw and Pol, October 20, 2025. <https://www.barristernglawandpol>. Accessed on October 28, 2025 at about 20:28 hours GMT.

⁹⁴ LawblogNG News, June 22, 2025.



Recently, armed Islamic Bandits and Herdsmen, on November 18, 2025, abducted Twenty-Five (25)⁹⁵ Girls and Eleven (11)⁹⁶ teaching staff from the Government Girls Comprehensive Secondary School, *Maga*, in Kebbi State, Nigeria. On November 20, 2025, Twenty (20)⁹⁷ soldiers who went for the rescue mission of the Kebbi kidnapped Girls were killed by the Islamic Bandits. Still in Kebbi State, Nigeria, by November 22, 2025, Islamic armed Bandits and Herdsmen abducted Two Hundred and Fifteen (215)⁹⁸ students and Twelve (12)⁹⁹ teachers from Kebbi Comprehensive Secondary School.¹⁰⁰ In more recent period of March 25, 2026 a joint task force (JTF) on rescue mission in Kebbi State were ambushed by *Lakurawa*¹⁰¹ Islamic terrorist group. The ambush took place in *Giro Masa* community in *Shanga* Local Government Area of Kebbi State. A fiend episode that recorded the deaths of Eleven (11)¹⁰² soldiers and some police officers.¹⁰³ The situations in North-western, Nigeria is very saddened and indeed deplorable, to say the least. The Islamic militia groups are penchant in the carnages, arsons and kidnappings in the region and nobody knows when it will be halted.

Pertinently, a direct revelation from a member of a notorious kidnapping gang in the North-west, Nigeria. Unequivocally, confessed to a security agency that, terrorists' groups have a maintenance of nexus of connectivity and chains of networks.¹⁰⁴ Inclusive of the highest in the pedigree of societal stratifications, motor park workers, drivers, middle men, and security outfits on check points on the highways.¹⁰⁵ In confessing the obvious unambiguously, in an abduction event, which they carried out in Katsina State. The devastating consignments were transported from *Tegina* Motor Park¹⁰⁶ in Niger State, Nigeria through a middle man. The consignments of massive destruction moved freely from Niger State, Nigeria to *Sabuwa* Local Government Area in Katsina State¹⁰⁷ where the nefarious operation took place. Apart from using the major highways, they also utilised rural and remote routes that might not be suspected for exchange of gruesome logistics. Besides, most of the security's agents on check points on the highways are their cronies.¹⁰⁸ From the above, it seems very apt, to categorically averred that the security circumstances in Nigeria, are not only troubling, but are indeed terrifying to all meaningful bios in the country. It is further revealed vide the confession that, the very highest in the echelon of sponsorships are part of the munificence, largesse, plunders, and spoils whenever ransom is defrayed.¹⁰⁹ The terrorists' groups who are incessantly wreaking horrendous experiential traumas to vulnerable people of Nigeria are not ghosts, but are human beings well known to Nigerians.¹¹⁰

PENALTY AND PARTIES TO THE PROSECUTION

Criminal sentence in terms of years would be mockery of punishment. This is submitted on the ground that sovereign States operate in similitude of corporations. Artificial person, as government of a sovereign State cannot be imprisoned, as natural persons could. Though, an incorporated entity, statutorily possesses all the

⁹⁵ <https://thenigerialawyer.com>, November 18, 2025. Accessed on November 18, 2025 at about 21:13 hours local time.

⁹⁶ *Ibidem*.

⁹⁷ *Ibidem*.

⁹⁸ UN 2025/11/22. <https://www.un.org>. <https://thenigerialawyer.com>, 2025/11/22. Accessed on November 23, 2025 at about 16:23 hours GMT local time.

⁹⁹ *Ibidem*.

¹⁰⁰ *Ibidem*.

¹⁰¹ <https://www.un.org>. <https://thenigerialawyer.com>, 2026/03/26. Accessed on March 26, 2026 at about 8:55 hours GMT local time.

¹⁰² *Ibidem*.

¹⁰³ *Ibidem*.

¹⁰⁴ Nigeria Lawyers News, Friday 16, January 2026. <https://www.nigerialawyernews.com>. Accessed on January 17, 2026 at about 16:45 hours GMT local time.

¹⁰⁵ *Ibidem*.

¹⁰⁶ *Ibidem*.

¹⁰⁷ Nigeria Lawyers News, Friday 16, January 2026. <https://www.nigerialawyernews.com>. Accessed on January 17, 2026 at about 16:45 hours GMT local time.

¹⁰⁸ *Ibidem*.

¹⁰⁹ Interrogations by security agencies during lawful apprehension.

¹¹⁰ Oral interview from a Northern sheikh who interfaces with Islamic terrorists' groups in Nigeria.



qualities of a natural person.¹¹¹ Still it has no soul neither spirit, nor conscience thus, it remains artificial personality. Her responsibilities are carried out by natural persons known as alter ego. Whilst the duties and responsibilities of a sovereign State are performed through governmental organs, and her agencies. It is therefore, the postulation of this scholarly survey to impose fiscal punishment for the Government of Nigeria. Where communities are set ablaze, the State of Nigeria, must as matter of fact recompense by rebuilding same in concretes and marbles. Making life as near comfortable as were before the unwarranted destructions. Specifically, if there were children left behind for sponsorship through formal socialization process. The Nigerian State shall be obligated for such social responsibilities. It is possible to so avowed, in that, the criminal adjectival law of the State of Nigeria, allows the award of such, pecuniary costs and compensations in additional to any other punishment. This is the settled law as contained under paragraph (a), Subjection (1), of Section 319,¹¹² where it states to the following effect:

319 (1) “A court may, within the proceedings, or while passing judgement, order the defendant or convict to pay the sum of money.,

(a) As compensation to any person injured by the offence, irrespective of any other fine, or other punishment that may be imposed, or that is imposed on the defendant or convict, where substantial compensation is in the opinion of the court recoverable by civil suit.”

The standard of proving the guilt of Nigeria, shall be strict liability. This is because, the facts speak for themselves, *res ipsa loquitur*. Therefore, there is no need, to probe into the *mens rea*, the guilty mind, (mental element). The wok therefore, postulates pecuniary punishment for the government of Nigeria.

In furtherance to the foregoing, any inspired and motivated individual or a non-governmental organisation in Nigeria might initiate the proceeding. Parties to the criminal proceedings are: The Good People of Nigeria, against, The Government of Nigeria., as prosecution and defence respectively.

REVIEW OF APPLICABLE CONSTITUTIONAL AND STATUTORY PROVISIONS

A Sovereign State is an organisation of people who are galvanized politically with fundamental structures and defined territory. One of the structures of a State is government. The government is the epicentre of any State. Doubtlessly, Nigeria is a sovereign State amongst the comity of States in the world. Every government is responsible for the smooth administration and management of the affairs of the people within the territorial enclave. The government makes binding rules and laws which regulate behavioural conduct of persons in the State and the government itself. One of the principal organic roles of a State is to protect, safeguard, preserve and defend lives and property in the specified territory. Flowing from above, this fragment of the explorative survey examines critically relevant constitutional and statutory provisions within the shores of Nigeria. This is aimed at exploring feasibilities of applicable provisions for commencement of criminal trial against the Government of Nigeria.

On the first coram, going by the Nigerian configurations, defence and security of lives and territorial integrity are within the confined of the Exclusive Legislative List. This is superlatively provided under Item 17, of the Second Schedule, Part I, to the 1999 Constitution of the Federal Republic of Nigeria, as amended. Wherefore, defence and security of all citizens and property are within the exclusive purview of the Federal Government of Nigeria. Flowing there from, the Government of the State of Nigeria, ought to have been held responsible for the breach of security and the resultant unlawful massacres, abductions, and incinerations going on in North central Nigeria. This submission is further affirmed, on the motif that during negotiations at the original position on the social contract table, government opted for safety and protection of lives of all citizens within

¹¹¹ See Section 43 (1), of the Companies and Allied Matters (Amendment) Act, 2020; where it entrenches as follows: “Except to the extent that the company’s memorandum, or any other enactment otherwise provides, every company shall for the furtherance of its business, or objects, have all the powers of a natural person of full capacity.”

¹¹² The Administration of Criminal Justice Act (ACJA), 2015.



the territorial domination. On this solemn election, government of most States, including Nigeria derived the categorical imperative: *Salus Populi Est Suprema Lex*.¹¹³ By this, certain grandest entrenchments are enacted in Nigerian Grund-norm to keep remembering the Sovereign of her loftiest duty to safeguard lives and property. Specifically, in Paragraph (b), Subsection (2), of Section 14, of the Grund-norm,¹¹⁴ provides inter-alia as follows: “*The security and welfare of the people shall be the primary purpose of government.*”

In furtherance thereto, Section 17, (2), (b); of the same Constitution,¹¹⁵ entrenches thus:

“The sanctity of the human person shall be recognized and human dignity shall be maintained and enhanced.”

Particularly, Subsection (1), of Section 33, of the Grund -norm,¹¹⁶ stipulates as follows:

“Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria.”

The exceptions to take the life of another person, are contained under Subsection 2, paragraphs (a) - (c), of Section 33, of the Constitution, which states as follows:

“A person shall not be regarded as having been deprived of his life in contravention of this Section, if he dies as a result of the use to such extent and in such circumstances as are provided by law, of such force as is reasonably necessary:

- for the defence of any person from unlawful violence, or for the defence of property;
- in order to effect a lawful arrest or to prevent the escape of a person lawfully detained; or
- for the purpose of suppressing a riot, insurrection or mutiny.”¹¹⁷

By the foregoing, the State of Nigeria is well aware of the fundamental imperative to safeguard life and property within her operational control. It is an organic and the primary duty of every sovereign State in the world to safeguard and protect lives of citizens. The awareness to protect, preserve and defend Nigerians is further affirmed under the provisions of the Seventh Schedule to the 1999 Constitution.¹¹⁸ A provision which enshrines the taking of solemn oaths, before resumption of any executive responsibility in Nigeria. The oath of allegiance and presidential oath are taken by all elected Presidents and Governors,¹¹⁹ in the sovereignty of Nigeria. Sections 14 (1), (a); (2), (b), and 17 (2), (b) *supra*, are provisions entrenched under Chapter II,¹²⁰ dealing with Fundamental Objectives and Directive Principles of State Policy sworn to be observed, preserved, protected and defended by all Presidents in Nigeria. The oath of allegiance and presidential oath as enshrine under the 7th Schedule,¹²¹ are sufficient notice, either directly or constructive to all Presidents to safeguard lives

¹¹³ The safety of the people is the supreme law of the land. Encompass under Chapter II of the 199 Constitution dealing with the Country’s navigational guide, captioned: Fundamental Objectives and Directive Principles of State Policy.

¹¹⁴ The Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).

¹¹⁵ *Ibidem*.

¹¹⁶ *Ibidem*.

¹¹⁷ See also Section 52 (1) (a) - (b), of the Armed Forces Act, Cap. A 20, Vol. 1, Laws of the Federation of Nigeria, (LFN), 2010, streams similar circumstances. See also Sections: 273, 276, 282, 284, and 285, of the Criminal Code Act, Cap.C38, Vol. 4, Laws of the Federation of Nigeria, (LFN), 2010.

¹¹⁸ The Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).

¹¹⁹ Seventh Schedule to the Constitution of the Federal Republic of Nigeria 1999, as amended. “....., I will strive to preserve the Fundamental Objectives and Directive Principles of State Policy contained in the Constitution of the Federal Republic of Nigeria, I, do solemnly swear that I will be faithful and bear true allegiance to the Federal Republic of Nigeria., I will to the best of my ability preserve, protect and defend the Constitution of the Federal Republic of Nigeria.”

¹²⁰ The Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended).

¹²¹ *Ibidem*.



as sworn. These provisions ought to have played the roles of directional compass and course-plotting to all successive governments in the Federation of Nigeria. Howbeit, notwithstanding these grandest provisions, lives and property are being destroyed diurnally in the country without adequate remediation. Taking of life in Nigeria is unlawful.¹²² It is therefore, submitted that where life of a person in the State of Nigeria is taken without lawful means, it is actionable and punishable by law. The punishment for murder in Nigerian criminal jurisprudence is death by either hanging, or lethal injection, including firing squad.¹²³ This provision of the law is entrenched under Section 402,¹²⁴ which states to the following effect:

- Punishment of death is inflicted by hanging the convict by the neck till he is dead, or by lethal injection.
- Sentence of death shall be pronounced by the court in the following form:

“The sentence of the court upon you is that you be hanged by the neck until you are dead or be lethal injection.”

Streaming from the above, it is pertinent to submit a strong legal polemic, that the lives of persons being yanked ceaselessly by terror groups in Northcentral, Nigeria are not within the exceptions as provided by the Constitution.¹²⁵ Other atrocious offences such as abductions, rapes, incendiarism, vandalisms, extortions, and thefts being perpetrated by same terror groups are not excusable by the Grund-norm,¹²⁶ as stipulated under Section 33, (2), (a)-(c).¹²⁷ In all these heinous offences, the Sovereign State of Nigeria has negligently refused to prevent their hideous occurrences. By this gross negligence of Nigeria, in handling life with levity. Placing live on plater of nihilism! Negotiating with draconian nonconformists repels! and Payment ginormous ransom to mavericks! Are these activities in conformity with natural course of justice? Isn't better to prosecute Nigeria for acquiescence and complaisant? Lives have been waisted with impunity. Indeed, Nigeria can be prosecuted for failure to safeguard lives!

Being aware of these legal responsibilities and obligations, yet, unlawful massacres, infernos, rapes, and other brigandage by self-acclaimed goons and marauders are constantly occurring in Nigeria. The duration of these untowardness in the country for about two decades, without nipping same on the bud, is affirmation of inferential presumption of complaisant by the government of Nigeria. The gross negligence and refusal to wield her enormous coercive powers, further affirm the presumption of compromise. In criminal jurisprudence, he who aids, abates, enables, counsels, procures, or supports another to commit an offence, is a principal party to the offence.¹²⁸ Such person who aids, enables, or procures another to commit an offence can be arraigned and charged as the person who committed the actual act constituting the offence. It is also jurisprudential, that he who makes or omits to perform any act or make any omission, which aids or enables another to commit the offence, is a party to the offence.¹²⁹ Nigeria, in all social and legal configurations has intentionally omitted to perform her constitutional duty to protect, preserve, defend, and safeguard the sanctity of life in her territorial

¹²² Section 306 of the Criminal Code Act, entrenches thus: “It is unlawful to kill any person, unless such killing is authorized or justified or excused by law.” Furthermore, Section 319 (1) of same Act stipulates: “Subject to the provisions of this section, any person who commits the offence of murder shall be sentenced to death.”

¹²³ In the event of failed mutiny within the Armed Forces of Nigeria. Further peruse Section 52 of the Armed Forces Act, Cap. A20, Vol. 1, Laws of the Federation of Nigeria (LFN) 2010.

¹²⁴ Administration of Criminal Justice Act, 2015.

¹²⁵ The Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).

¹²⁶ *Ibidem*.

¹²⁷ *Ibidem*.

¹²⁸ Section 7 of the Criminal Code Act, entrenches to the following effect: “When an offence is committed, each of the following persons is deemed to have taken part in committing the offence, and to be guilty of the offence, and may be charged with actually committing it, this is to say:

- (a) Every person who actually does the act or makes the omission which constitutes the offence;
- (b) Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence;
- (c) Every person who aids another person in committing the offence; and
- (d) Any person who counsels or procures any other person to commit the offence.”

¹²⁹ *Ibidem*, especially paragraph (b), Section 7 of the Criminal Code Act.



domain. Flowing from the express provisions of paragraph (b),¹³⁰ Section 7 of the Criminal Code Act,¹³¹ Nigeria, has wilfully omitted to wield her coercive force of the Armed Forces under her command to quell insurgencies and terrorisms. Wherefore, jurisprudentially, Nigeria is a principal party to all the bedlams, pogroms, rapes, mayhems, incendiarism, carnages and brigandage orchestrated by terrorists' groups in the country. It is the negligent on the part of Nigeria that flourishes the activities of the goons and marauders in the territorial vestibule.

Furthermore, the two elements of criminal trial are conspicuously available in the scenario under scholastic consideration. The *mens rea*, is always inferred from the natural consequences of the performed act. It is indeed, the permissive consciousness of Nigeria in abdicating and relinquishing her solemn duty to safeguard lives that resulted to the numerous unlawful deaths in the country. Nigeria's permissive negligence to confront the goons and assailants, is directly proportional to the insurrections bedevilling and tormenting the country. The natural act in this scholarly survey under investigation, is the negligent and nihilistic attitude of the government of Nigeria to curb insurgencies in her own territorial domain. The natural consequences of the factful negligent disposition of Nigeria are the numerous and ceaseless experiences of massacres, kidnappings, sexual assaults, and infernos in the country. Wherein, the negligence of Nigeria to play her constitutional responsibility ensued all the carnages, abductions, and incendiarism in the territorial enclave. It is therefore, the criminal intent of Nigeria to cause mayhem, pogrom, bedlam, and pyromania on the citizens of the country. Wherefore, the guilty mind (*mens rea*), the mental element has been logically inferred from the gross negligence of Nigerian government. It is the settled position of the law as expounded in, *Afolabi vs The State*,¹³² where the highest in the echelon of courts in Nigeria held to the following effect:

*"Intention, which is not tangible, can be inferred from the perpetrated act, the instrument used to commit the crime, the force used, and the part of the body on which the injury was inflicted."*¹³³

The actus reus, (the guilty act), speak conspicuously for themselves, *res ipsa loquitur*. The incessant extra judicial killings, taking of hostages, pyromania, sexual abuses, and other atrocious brigandage in the Northwester Nigeria exemplified the guilty act. Going by the strict jurisprudence as espoused under Section 7 (b),¹³⁴ the State of Nigeria is liable for criminal prosecution, where it is expanded. The criminal omission of Nigeria to negligently refused to perform her constitutional duty to exterminate insurgency, is in conformity with the provisions of Section 7. (b), *supra*. This legal polemic is further galvanized on an iron cast, in that Nigeria is a sovereign corporate entity with perpetual succession. Its operational functions are carried out in semblance and similitude of an incorporated ongoing. The settled law is that corporate organisations can sue and be sued to defend or prosecute criminal causes of action. It is therefore, logical that Nigeria could also be prosecuted in her sovereign capacity for committing grievous offences against humanity. This is the law as prescribes under Section 479,¹³⁵ where it enacts as follows:

"An information may be preferred against a corporation after the preparation of the proofs of evidence relating to the charge."

Furthermore, the Federal Government of Nigeria and her agencies can sue and be sued for damages and compensations in civil causes of action. It is quite obvious that if the Federal Government can sue and be sued in civil jurisdictions. It is therefore logical in the realms of legal syllogisms that same could be applied to

¹³⁰ "Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; [is a principal party to offence committed]."

¹³¹ Cap. C38, Vo.4, Laws of the Federation of Nigeria (LFN) 2010.

¹³² [2016] 11 NWLR (Part. 1524) 497 SC @ 519, paras. F-G; per Okoro, JSC.

¹³³ Hym vs DPP (1974) 2 All ER 41; per Brown, CJ, where, his Lordship observed thus: "Even the devil does not know the mind of a man except that intent is transformed into an act."

¹³⁴ The Criminal Code Act, Cap.C38, Vol. 4, Laws of the Federation of Nigeria (LFN), 2010.

¹³⁵ Administration of Criminal Justice Act, (ACJA), 2015.



commence criminal proceedings against the Government of the Federation of Nigeria. This is in line with the provisions of the Grund-norm under Subsection (1), of Section 6,¹³⁶ it stipulates as follows:

“The judicial powers of the Federation [of Nigeria] shall be vested in the courts to which this section relates, being courts established for the Federation.”

Specifically, in paragraph (b), Subsection (6), of Section 6., of the Grund-norm,¹³⁷ entrenches thus:

“[The judicial powers of the Federation of Nigeria], shall extend to all matters between persons, or between government, or authority, or [of any agency], and to any person in Nigeria, and to all actions and proceedings relating thereto, for the determination of any question as to the civil rights and obligations of that person.”

By way of x-raying the constitutional and statutory relevance canvassed above, it shows that Nigeria is may be due for municipal prosecution. Nigeria might also be liable for criminal prosecution, in that there are sound applicable provisions to that effect. The feasibility for prosecution of Nigeria, is further knitted upon the premise that Nigeria has permissively abdicated her sovereign obligation to safeguard lives and property within her own territorial domain. The criminal omission of Nigerian government to perform her constitutional duty to protect and defend lives, is the direct consequences of the prevailing insurgencies experienced in the country. By the negligent failure of Nigeria to discharge her lawful duty, is the reason why terror groups flourish favourably in the country. The relinquishment of obligation, imposed by law, brings Nigeria within the webs of Section 7 (b) of the Criminal Code Act.¹³⁸ Therefore, prosecution of Nigeria may likely be feasible, where the frontiers of the surveyed statutory provisions are expanded. Particularly, where the criminal omission clause is expanded to co-opt Nigeria as an artificial person under provisions of paragraph (b), Section 7 of the Criminal Code Act.¹³⁹

JURISPRUDENTIAL SYNTHESIS AND LEGAL EVALUATION

By way of synoptic evaluation and jurisprudential synthesis, the tactical survey graphically demonstrated the fiend episodes in Northwestern cadastral zone of Nigeria. The zone is indeed plunged with lethal arms and ammunitions of distinct terror groups. It is found that there are conspicuous unrestrained catastrophes ongoing in Northwestern cadastral zone of Nigeria. The zone has been infested with ceaseless unlawful, massacres, kidnappings, and incinerations of Fulani bandits and herdsmen. The degree of devastation is ginormous and astronomical. Indigenes whose traditional occupations are farming no longer go farms for fear of been kidnapped for ransom, or outright massacre. Communities are in ruin and desolate, aborigines no longer dwell in their natural homes. Indigenous people of Northwest cadastral zone, particularly, those in Kaduna, Katsina, Kebbi, and Zamfara States now live in protective camps. These camps are locally described as internally displaced people (IDPs). The navigational survey also revealed that, in course of traversing applicable constitutional and statutory provisions, it showed that there are likelihoods of instituting criminal proceeding against Nigeria. The commencement of criminal trial against Nigeria dependable where the frontiers of the reviewed laws are expanded. The scholastic survey also found that enormous ransom ranging from tens of billions have been negotiated and paid to terrorists' groups. It is the further findings of the work that the percentage of abduction has increased in Northwestern Nigeria by 66%. The rate of collection of ransom has moved upwards to about 34% in 2026. It is also the discovery of the scholastic investigation that the Government of the Federation of Nigeria has perpetual succession. It is being administered and managed as corporate organisations. It is also of the work that corporations can sue and be sued for in criminal causes. The investigation further found that the Government of Nigeria can sue and be sued for damages and compensations in all civil causes of action. In corollary, Nigeria could also be sued to defend criminal

¹³⁶ The Constitution of the Federal Republic of Nigeria (CFRN), 1999 (as amended).

¹³⁷ *Ibidem*.

¹³⁸ Cap.C.38, Vol. 4, Laws of Federation of Nigeria (LFN) 2010. This paragraph of the Act, states thus: “Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; [is a principal party to offence committed].”

¹³⁹ Cap. C38, Vol. 4, Laws of the Federation of Nigeria (LFN), 2010.



allegations. In all these discoveries found upon the work, criminal proceeding might be possible to be instituted against Nigeria within municipal laws.

In consideration of the evaluation in the foregoing synoptic synthesis, the following are deducible: Nigeria has reluctantly ignored and disregarded her constitutional obligation to protect, preserve, safeguard, and defend lives of citizens; Corporations and incorporated trustees can sue and be sued under Nigerian laws; There are provisions within the corpus juris of Nigeria to commence prosecution against the Sovereignty of Nigeria domestically; This is likely to occur where the frontiers of the considered laws are expanded. Carnages, mayhems, abductions, pyromania, and other forms of brigandage are ceaseless episodes in Northwestern, Nigeria. These calamitous activities are without measurable remediation by government. It is therefore, posited that the people of Nigeria of whom sovereignty depend upon¹⁴⁰ are being endlessly murdered. There are constitutional and statutory windows pointing vividly that Nigeria could be prosecuted within the shores of the country.

Now, by way of review, Section 33 (1),¹⁴¹ is a stipulation under Chapter IV of the Constitution.¹⁴² By virtue of Section 46 (1)¹⁴³ of the 1999 Constitution, all the provisions under Chapter IV are justiciable. In furtherance thereto, taking of life in Nigeria is unlawful,¹⁴⁴ punishable by law with death. Section 7 (b),¹⁴⁵ he who aids or enables another person to commit an offence, is a principal party to the offence committed. Nigeria, doubtlessly has negligently refused to decisively confront the dissidents and marauders terrorising the country. It is that negligent posture which enable and aid the goons and marauders to operate freely in Nigeria. Therefore, Nigeria has negligently aided and enabled all the kidnappings, incendiarism, and ransom payment in Northwestern cadastral zone of Nigeria. Wherefore, by the jurisprudential flow of the constitutional and statutory review, there are strong prospects for the prosecution of Nigeria.

CONCLUSION

From the foregoing expository survey, particularly, the identified findings, analysed constitutional and statutory provisions, as contained under the jurisprudential synthesis and synoptic evaluations. The expounded work firmly conclude, Nigeria might likely be probable for prosecution where the frontiers of criminal laws are expanded. Where the expansions are thoroughly carried out, Nigeria could be prosecuted under domestic laws. Specifically, there are veritable constitutional and statutory prospects of expanding the frontiers of criminal law to assimilate the prosecution of Nigeria.

It is the recommendation of the navigational survey that, criminal adjectival and procedural laws, especially the Administration of Criminal Justice Act, 2015, be expanded to entangle the prosecution of Nigeria. This is predicated on the premise that substantive laws have the leverage to co-opt the prosecution. Moreso, Nigerian government should intensify efforts to protect, preserve, safeguard, and defend lives of people within the territorial enclave. The ginormous amount used in negotiation and defraying demanded ransom should rather be utilized in procurement of sophisticated weapons and ammunitions. There should be intensified recruitments exercise into the Armed Forces. Training, and retraining of military personnel for counter terror attacks be encouraged. It is further recommended that various governments in Nigeria should desist and discontinue

¹⁴⁰ Section 14 (2), (a) stipulates as follows: "It is hereby, accordingly, declared that- sovereignty belongs to the people of Nigeria from whom government through this Constitution derives all its powers and authorities."

¹⁴¹ The Constitution of the Federal Republic of Nigeria (CTRN) 1999, as amended.

¹⁴² *Ibidem*.

¹⁴³ It's inter-alia, provides thus: "Any person who alleges that any of the provision of this Chapter has been, is being, or likely to be contravened in any State in relation to him may apply to a High Court in the State for redress."

¹⁴⁴ Section 306 of the Criminal Code Act, entrenches thus: "It is unlawful to kill any person, unless such killing is authorized or justified or excused by law." Furthermore, Section 319 (1) of same Act stipulates: "Subject to the provisions of this section, any person who commits the offence of murder shall be sentenced to death"

¹⁴⁵ The Criminal Code Act, Cap. C38, Vol. 4, Laws of the Federation of Nigeria (LFN) 2010. The paragraph of the Act, provides as follows: "Every person who does or omits to do any act for the purpose of enabling or aiding another person to commit the offence; [is a principal party to offence committed]."



negotiations and payment of ransom to dissidents' groups. Furthermore, it is recommended that governmental organs, especially the judiciary should not compromise their constitutional role while prosecuting Nigeria and members or organised criminal syndicates. There should be very stiff penal sanction for any who is found engaging in the act of terrorism in Nigeria.