



ISSUE BRIEF

February, 2026

Title:

Backlog of Terrorism Trials and Prolonged Pre-Trial Detention: Legislative Oversight Imperative for the House Committee on Judiciary

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Executive Summary

Nigeria's intensified counter-terrorism operations in recent years have produced notable gains in arrests, prosecutions, and convictions. However, these achievements have been accompanied by a growing and troubling challenge: the prolonged pre-trial detention of thousands of individuals accused of terrorism-related offences. According to the 2025–2030 Strategic Plan of the National Counter-Terrorism Centre (NCTC), approximately 5,000 terrorism suspects are currently held in pre-trial detention across the country, many for extended periods without the conclusion of their trials. This situation raises serious constitutional, humanitarian, and rule-of-law concerns under Sections 35 and 36 of the 1999 Constitution (as amended).

While recent efforts by the NCTC, the Defence Headquarters, and the Federal Ministry of Justice have led to improved prosecutorial outcomes, including 329 convictions from 393 cases in 2024 and the release of about 1,200 detainees due to insufficient evidence, the scale of prolonged detention reveals persistent systemic weaknesses within Nigeria's counter-terrorism justice framework. Investigative delays, prosecutorial bottlenecks, limited judicial capacity, and weak evidence management continue to fuel case backlogs, resulting in extended incarceration of suspects who have not been convicted of any offence.

Unchecked, prolonged pre-trial detention disregards the constitutional right to personal liberty and a fair hearing, strains correctional facilities, exposes detainees to potential human rights abuses, and erodes public confidence in counter-terrorism institutions. It also places Nigeria at risk of violating its international obligations under instruments such as the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR). What was once viewed primarily as a security challenge has therefore evolved into a pressing judicial and human rights issue requiring structured legislative oversight.

Legislative intervention by the National Assembly is essential to restore balance between national security imperatives and constitutional safeguards. The House Committee on Judiciary, in particular, has a constitutional responsibility to ensure effective administration of justice, prevent arbitrary detention, and strengthen judicial accountability. Without deliberate oversight, prolonged detention risks becoming institutionalised, with long-term consequences for the credibility of Nigeria's justice system and democratic governance.



The National Assembly is kindly urged to:

1. Convene targeted oversight hearings involving key justice, security, and human rights institutions to interrogate the causes of prolonged pre-trial detention and produce enforceable recommendations to clear case backlogs.
2. Institute a mandatory biannual reporting framework on terrorism prosecutions, detention durations, and case outcomes to enable continuous legislative monitoring and evidence-based intervention.
3. Review and amend relevant terrorism and procedural laws to clarify permissible limits on pre-trial detention and strengthen judicial oversight over detention extensions.
4. Advocate dedicated funding and capacity-building measures for terrorism prosecutions, including specialised courts, judicial personnel, and digital case management systems linked to measurable reductions in backlog and detention periods.

Addressing the backlog of terrorism trials is critical not only to improving counter-terrorism effectiveness but also to safeguarding constitutional rights and Nigeria's international standing. Proactive legislative engagement in 2026 and beyond will strengthen national security, uphold the rule of law, and reaffirm Nigeria's commitment to justice, accountability, and human dignity.

Background:

Nigeria's counter-terrorism efforts have intensified in recent years, yielding notable gains in arrests, prosecutions, and convictions. However, these advances have been accompanied by a growing and deeply concerning human rights challenge, such as the prolonged pre-trial detention of thousands of individuals accused of terrorism-related offences.

According to the 2025–2030 Strategic Plan of the National Counter-Terrorism Centre (NCTC), approximately 5,000 terrorism suspects are currently held in pre-trial detention facilities across Nigeria, many for extended periods without the conclusion of their trials¹. While these detentions are often justified on grounds of national security, their prolonged nature raises serious constitutional and humanitarian concerns, particularly regarding the right to personal liberty, fair hearing, and timely access to justice, as guaranteed under Sections 35 and 36 of the 1999 Constitution (as amended).

In response to the growing backlog, the NCTC, in collaboration with the Defence Headquarters and the Federal Ministry of Justice, has reportedly commenced a comprehensive review of terrorism-related case files to identify matters suitable for accelerated prosecution or dismissal. These proceedings are being conducted primarily at designated Federal High Courts in Wawa Military Cantonment, Niger State, and Abuja². In 2024, this process led to the prosecution of 393

¹ Odeniyi, S. & Shaibu, N. (2026, January 22). Counter-terrorism campaign: FG moves to fast-track trial of 5,000 insurgents. *The Punch*. <https://punchng.com/counter-terrorism-campaign-fg-moves-to-fast-track-trial-of-5000-insurgents/>

² *ibid*



cases, resulting in 329 convictions, and the release of approximately 1,200 detainees whose cases were dismissed due to insufficient evidence³.

While the improved conviction rate reflects progress in prosecutorial efficiency, the sheer scale of **prolonged detention** reveals persistent systemic weaknesses within Nigeria's counter-terrorism justice framework. Extended pre-trial incarceration not only strains correctional facilities but also exposes detainees, many of whom may ultimately be acquitted, to potential human rights abuses, psychological trauma, and social dislocation. Moreover, such practices risk placing Nigeria in violation of its obligations under international instruments, including the African Charter on Human and Peoples' Rights and the International Covenant on Civil and Political Rights (ICCPR).

Against this backdrop, the backlog of terrorism cases has evolved from a purely security concern into a pressing rule-of-law and human rights issue, demanding structured legislative oversight and intervention.

Issue:

The continued detention of approximately 5,000 terrorism suspects in prolonged pre-trial custody represents a critical systemic challenge for Nigeria's justice sector. Many detainees remain incarcerated for extended periods due to investigative delays, prosecutorial bottlenecks, and limited judicial capacity to handle the complexity and volume of terrorism-related cases. These delays compromise the constitutional right to a fair and timely hearing and heighten the risk of arbitrary detention.

Furthermore, the dismissal of a significant number of cases due to weak or insufficient evidence shows structural deficiencies in investigation, evidence management, and prosecutorial preparedness. When suspects are detained for long periods only for charges to be eventually withdrawn, the credibility of the justice system is weakened, and public confidence in counter-terrorism institutions is eroded.

Beyond legal implications, prolonged pre-trial detention poses serious human rights concerns, including exposure to inhumane conditions, disruption of family and economic life, and stigmatisation of individuals who have not been convicted of any offence. Collectively, these challenges reveal a widening gap between Nigeria's counter-terrorism objectives and its constitutional and international human rights commitments, necessitating urgent legislative scrutiny and reform-oriented oversight.

Rationale for National Assembly Action:

The National Assembly, through its House Committee on Judiciary, has a constitutional responsibility to safeguard the rule of law, ensure the effective administration of justice, and protect fundamental human rights. The scale and persistence of prolonged pre-trial detention in terrorism cases elevate this issue beyond the operational domain of the executive, firmly situating it within the legislature's oversight mandate.

³ Onje, O. (2026, January 22). Nigeria holds 5,000 terror suspects as prosecutions hits 84% conviction rate, says NSA. Business Day. <https://businessday.ng/news/article/nigeria-holds-5000-terror-suspects-as-prosecutions-hits-84-conviction-rate-says-nsa/>



Legislative intervention is necessary to ensure that counter-terrorism prosecutions strike an appropriate balance between national security imperatives and constitutional guarantees of liberty and due process. Without structured oversight, prolonged detentions risk becoming normalised, thereby threatening judicial accountability and exposing the state to legal and reputational risks domestically and internationally.

Moreover, the National Assembly is uniquely positioned to assess whether existing legal frameworks governing terrorism trials remain fit for purpose, particularly in relation to pre-trial detention limits, case management efficiency, and judicial capacity. Through oversight hearings, reporting requirements, and targeted legislative reforms, the legislature can drive systemic improvements that accelerate justice delivery while preventing human rights violations.

Failure to act risks entrenching judicial backlogs, perpetuating detention-related abuses, and eroding public confidence in Nigeria's democratic institutions. Proactive engagement by the House Committee on Judiciary will therefore not only strengthen counter-terrorism outcomes but also reaffirm Nigeria's commitment to constitutionalism, accountability, and human dignity.

Recommendations to the National Assembly:

To address the persistent backlog of terrorism-related cases and the human rights concerns arising from prolonged pre-trial detention, the National Assembly, through its **House Committee on Judiciary**, is kindly urged to take the following legislative and oversight actions:

1. **Convene** a targeted oversight hearing involving the Federal Ministry of Justice, the Federal High Court, the National Counter-Terrorism Centre, the Office of the National Security Adviser, the Defence Headquarters, the Nigerian Correctional Service, the Legal Aid Council of Nigeria, and the National Human Rights Commission. This hearing should interrogate the legal and institutional causes of prolonged pre-trial detention, assess compliance with constitutional guarantees of personal liberty and fair hearing, and produce a formal oversight report containing enforceable recommendations aimed at reducing detention periods and clearing case backlogs.
2. **Institute** a mandatory reporting framework requiring the Federal Ministry of Justice and the Federal High Court to submit biannual reports on terrorism-related prosecutions. These reports should disclose the number of suspects in pre-trial detention, the average length of detention before trial, the number of cases concluded or dismissed, and the specific challenges affecting timely adjudication. Such structured reporting will enable continuous legislative monitoring and evidence-based legislative intervention.
3. **Initiate** a focused legislative review of the Terrorism (Prevention and Prohibition) Act and related procedural laws to clarify permissible limits on pre-trial detention and strengthen judicial oversight over detention extensions. Where gaps or ambiguities are identified, the National Assembly should sponsor targeted amendments that align terrorism prosecutions with constitutional due process standards while preserving national security objectives.
4. **Scrutinise** and advocate dedicated funding for terrorism-related prosecutions and adjudication, including specialised trial courts, judicial personnel, and digital case management systems. Budgetary support should be explicitly linked to measurable



outcomes such as reduced case backlogs, shorter trial timelines, and improved compliance with human rights standards.

Conclusion:

The backlog of roughly 5,000 terrorism suspects in pre-trial detention and the associated delays in prosecution represent both a judicial bottleneck and a rights concern in Nigeria's counter-terrorism campaign. While improved conviction rates reflect progress, the scale of unresolved cases and prolonged detentions demands legislative attention and action.

The House Committee on Judiciary is strategically positioned to guide evidence-based reforms, enhance judicial capacity, uphold procedural fairness, and monitor the implementation of initiatives that improve the terrorism justice framework in Nigeria in 2026 and beyond.

Prompt legislative engagement will strengthen national security, uphold the rule of law, and protect constitutional rights.

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