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JUSTICE DELAYED: WHEN THE COURT BECOMES A WAITING ROOM[1]

Abstract

In Nigeria, justice is not often measured by verdicts, but by waiting, and by waiting. This means, unfortunately, prolonged trials, delayed rulings, and overcrowded prisons, which have all turned courts into actual waiting rooms, like a woman waiting to conceive. This article examines the possible factors behind judicial delay, arguing that it is not merely a procedural flaw but a complex interplay of financial incentives, abuse of procedural safeguards, strategically prolonged litigation, and institutional inefficiencies. Drawing on high-profile cases,[2] this article demonstrates how delay serves both as a tool of advantage for powerful players and as a source of keen injustice for the 'ordinary' citizens. This article not only identifies the causes of judicial delay, it also explores the social, economic, and political consequences of delayed justice, and it proposes innovative recommendations, ranging from procedural reform, digitalization of court processes and virtual hearings, to the implementation of anti-delay litigation bond model, which are all aimed at transforming Nigerian courts into instruments of justice indeed and in truth.

***Keywords**: Judicial delay, Nigeria, prolonged litigation, institutional inefficiencies, innovative recommendations.*

Introduction

In Nigeria, the courtroom has progressively become a backlog waiting area. Of over 80,000 inmates across the country, more than 50,000 are awaiting trial,[3] with a high probability that

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2 The cases examined vary. E.g. criminal cases, civil cases, electoral cases and human rights cases.

3 Dirisu Yakubu, 'Awaiting trial inmates make up 64% of prison population — NCoS' Punch Newspaper (11 February 2026) <https://punchng.com/awaiting-trial-inmates-make-up-64-of-prison-population-ncos/> accessed 23rd March 2026.

there could be 'innocent' ones amongst them. Yet, the crisis of delay is not confined to criminal justice alone.

Considering civil and commercial litigation, there are cases such as *Amadi v. NNPC*[4] that has revealed how interlocutory applications and preliminary objections can significantly delay litigation for years, before the substantive matter is heard and determined.[5]

Also, in electoral matters, as seen in *Amaechi v. INEC*,[6] justice is seen to be frequently overtaken by political realities. The case was decided only after the INEC office had already been occupied, which clearly defeated the purpose of instituting the matter in the first instance.

Similarly, in corruption cases as seen in *FRN v. Joshua Dariye*,[7] the prolonged duration of court cases birthed by interlocutory applications and appeals illustrates how procedural delays can significantly hinder the timely administration of justice.

Even in human rights claims arising from events such as the *Zaki Biam massacre*,[8] prolonged litigation and delayed enforcement mean that, in some instances, courts awarded compensation only after considerable time had passed, with some victims not even living to benefit directly.[9]

These examples point to a deeper systemic issue. Justice delay in Nigeria is not incidental but structural. Whether in criminal detention, commercial disputes, electoral adjudication, or human rights enforcement, the consequence is the same – justice that is postponed, justice that is weakened, or justice that is rendered ineffective after all is said and done is no longer 'justice'.

The foundation of judicial delay often lies in the structural weaknesses of the court system. Structural weaknesses include the understaffed courts, inadequate infrastructure, and poorly maintained records. These create delays before procedural abuse or strategic litigation can even be considered. In criminal cases, these insufficiencies result in extended pre-trial detention, which often exceeds the statutory limits, and it is said to be unconstitutional as seen in case laws[10] and statutory laws.[11]

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4 (2000) 10 NWLR (Pt.674) 76.

5 This study was motivated by the author's firsthand observation of a legal proceeding that has remained active for over forty years.

6 (2007) 9 NWLR (Pt. 1040) 504 (SC).

7 (2018) 10 NWLR (Pt. 1627) 347 (SC).

8 This was the mass execution of hundreds of unarmed Tiv civilians by the Nigerian Army between 20 and 24 October 2001, which was a way to avenge the killing of 19 soldiers whose mutilated bodies were found on 12 October 2001 near some Tiv villages in Benue State.

9 Peter Duru, 'Zaki Biam invasion: Victims yet to be paid 15 years after court ordered FG to pay compensation' Vanguard Newspaper (Makurdi 12 August 2022) <https://www.vanguardngr.com/2022/08/zaki-biam-invasion-victims-yet-to-be-paid-15-years-after-court-ordered-fg-to-pay-compensation/> accessed 23rd March 2026.

10 See, *Lufadeju v. Johnson* (2007) 8 NWLR (Pt. 1037) 535 (SC).

11 See, *Administration of Criminal Justice Law* No. 14 Laws of Lagos State 2021 s264.

Courts in rural areas like the villages and the underdeveloped cities and towns face greater challenges due to limited resources, and a shortage of judges and court staff, which contributes to inconsistent timelines across jurisdictions. Even where procedural rules exist to expedite court proceedings, their effectiveness is unfortunately frustrated by inadequate case management systems. These need to be tackled first, because this institutional inefficiency leads to other forms of delay, whether procedural or strategic, as the case may be.

Ironically, delay is also subtly instrumental for economic gain. In commercial disputes, prolonged litigation can be financially advantageous to litigants who can afford multiple interlocutory applications or appeals, as seen in *Amadi v. NNPC*,[12] where the plaintiff's action against the defendant was ultimately challenged on the ground that there had been no pre-action notice served, as required by statute. This matter went from the trial court to the apex court, with all the courts arriving at the same decision on strict compliance with a pre-action notice. Hence, the dismissal of the appeal. This preliminary objection, raised in the course of the proceedings at the trial court, shows how prolonged litigation could sometimes operate as an advantage to a better-resourced party.

However, these economic incentives are not limited to commercial litigating parties alone. In criminal or corruption cases, extended proceedings ironically allow defendants to remain free. Hence, delay effectively converts legal procedural opportunities into strategic and financial advantages, thereby creating an incentive structure that perpetuates the problem.

Procedurally speaking, procedural rules are designed to ensure fairness, but are, however, sadly often weaponised to stall cases. Interlocutory appeals, preliminary objection applications, and adjournments which were originally intended to protect rights are ironically being exploited to prolong litigation and to frustrate accountability.[13] Such practice erodes the effectiveness of the judiciary, and it most definitely undermines public confidence in legal processes.

Additionally, justice delayed in human rights matters can have significant consequences. In the Zaki Biam massacre litigation, victims waited years for compensation, with some dying even before the conclusion of their cases. Similarly, delay in the enforcement of judgment has deprived victims of timely redress. Judgment might have been given to compensate an individual or a group, but what matters most at that point is when the compensation would really be paid. Obtaining a court judgment in one's favour is a different ball game entirely from enforcing such a judgment. So, in litigation sometimes, issues are not fully resolved after judgment is delivered. The enforcement of that judgment is critical.

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12 Supra.

13 See, *FRN v. Joshua Dariye* (supra) n...

Recommendations for alleviating judicial delay

Addressing judicial delay in Nigeria requires a comprehensive reform that combines all these areas that have been discussed; structural, procedural and even technological strategies. Based on backlog evidence and pilot programs, the following measures are recommended:

1. Procedural Reform

There is a need for courts to strictly enforce timelines for filings, adjournments, interlocutory applications and appeals. Regardless of the penalty for late filings, there should be a strict approach towards preliminary proceedings, and 'unnecessary' late filings should be discouraged. In this light, the Supreme Court of Nigeria has issued new procedural rules, and one of its rules addresses late filings. Order 4 Rule 15(1) of the *Supreme Court Rules* 2024[14] provides:

> The time provided by the Rules for filing any process shall be automatically extended in the first instance for the same period. In the second instance with payment of penalty for the time the applicant is in default but not exceeding the prescribed time. Thereafter, no application for extension of time shall be entertained except in an appeal against a death sentence.

Specifically, with respect to interlocutory appeals, there should also be timelines. Sometimes, parties make interlocutory appeals to frustrate the substantive appeal. But when there are strictly defined and enforceable timelines, where such an appeal is not dealt with or determined within the stipulated period, the appeal would automatically lapse, leading to the continuation of the substantive suit. Introducing such a restriction/automatic lapse of a subsisting appeal on the effluxion of the requisite timeframe would prevent the abuse of interlocutory appeals as a tool for procedural delay. This will lead, at least, to a considerable amount of expeditious disposal of matters.

2. Digitalization of Court Processes and Virtual Hearings

At the opening of the 2025/2026 Legal Year of the Federal High Court, the Chief Justice of Nigeria (CJN), emphasized that traditional courtroom practices alone can no longer handle the increasing volume and complexity of the judiciary's workload, and stressed that digitization should no longer be treated as a project-based initiative but as a central institutional priority.[15]

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[14] See, *Supreme Court Rules* 2024.

[15] Ladi Patrick-Okwoli 'CJN urges courts to adopt virtual hearings to tackle litigation backlog' Business Day Newspaper (15 December 2025) <https://businessday.ng/news/article/cjn-urges-courts-to-adopt-virtual-hearings-to-tackle-litigation-backlog/?utm_source=chatgpt.com> accessed 24th March 2026.

According to the CJN:

> Virtual hearings, electronic filing, digital case tracking, secure record management, and functional ICT support are now essential for efficient justice delivery. Digitization improves speed, accountability, predictability, and public trust. When court information is accurate and readily accessible, uncertainty decreases, and confidence in the judiciary grows.

In addition, *LawPavilion* recently launched an advanced Artificial Intelligence (AI) tool to assist judges in speeding up justice delivery and reducing the nation's overwhelming case backlog, and this was unveiled at the just-concluded All Nigeria Judges Conference held at the National Judicial Institute, NJI, Abuja.[16]

The AI tool is said to be capable of synthesizing final written addresses, pleadings, witness statements, and exhibits, to offer summaries of case materials, evidence evaluation, issues for determination, legal opinions backed by verifiable Nigerian cases and transparent reasoning linked to precedents.[17]

This is indeed a pilot program that if it produces desired results, would be a huge liberation for the judges in Nigeria.

3. A Specialisation System for Courts

Under this framework, cases would be assigned at filing to specialised courts based strictly on the nature of the dispute. The creation and establishment of electoral tribunals is a forward-thinking approach, and as such should extend to other specialised types of legal disputes. Specifically, there should be strictly identifiable commercial courts for business disputes; family courts for matrimonial and child-related matters; and property courts for land disputes. Establishing these specialized courts would enable our judges to become experts on the matters that they handle. Truth be told, this current system, where judges handle an extensive range of matters, contributes significantly to delay, as they have to read far and wide on the different subjects which would take time. Even lawyers are expected to specialise in particular areas of Law, let alone the judge who rose to such a height from first becoming a lawyer. If this recommendation is embraced, judges would also become experts in specific areas of law.

4. Enforcement of Anti-Delay Litigation Bond Model

Under this model, parties involved in high-value litigation would be required to deposit a refundable bond at the commencement of the proceedings, to prevent them from

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16 Innocent Anaba, 'LawPavilion unveils AI tool to tackle case backlog' Vanguard Newspaper (25 November 2025) <https://www.vanguardngr.com/2025/11/lawpavilion-unveils-ai-tool-to-tackle-case-backlog/#google_vignette> accessed 24th March 2026 .

17 *Supra*.

unnecessary tactical and strategic delay like making frivolous applications, being absent from court proceedings, needless adjournments and the overall abuse of court processes. Where parties are found to deliberately delay or frustrate proceedings, then the court could order the forfeiture of such bonds.[18] This requirement should, to a great extent, discourage and reduce the financially motivated delay tactics and strategies of litigating parties.

Conclusion

Justice delay in Nigeria has gone beyond just procedural problems but has evolved into a nightmare experience that has threatened both the judicial and legal system in Nigeria. There needs to be an active resistance against justice delay, hence the reforms, especially the creation and establishment of specialized courts and the anti-delay litigation bond model. The Nigerian justice system could actually become more disciplined and efficient by the implementation of these recommendations, because apparently, getting justice is not just about the judgment, but also about the timeliness of the delivery, which is why some, if not most people lose hope in the justice system once there is protracted delay. It is imperative to rebuild and sustain the confidence of the citizens in the Nigerian justice system.

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[18] As obtainable under the grant of bail for an accused person.