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Hon. Justice Kudirat Kekere-Ekun, GCON

The Honourable Chief Justice of Nigeria

The Supreme Court of Nigeria

Supreme Court Complex

Three Arms Zone

Abuja

Monday, 14 September 2026

My Lord,

**RE: SUIT NO. SC/CR/1454/2022 YAHAYA SHARIF-AMINU v. ATTORNEY-
GENERAL OF KANO STATE & GOVERNOR OF KANO STATE
URGENT RENEWED REQUEST FOR LISTING AND AN ACCELERATED
HEARING DATE**

I write further to our letter of 6 January 2026 and to the reply from Your Lordship's office, conveyed by the Deputy Chief Registrar (Litigation), Mr. Yusuf A. Babasoro, dated 8 January 2026 (Ref: CR/LP/B7/I/2106), directing us to approach the Court by motion.

We complied. We filed a motion seeking accelerated hearing and inviting the Court to exercise its power under the Supreme Court Rules 2024 to call upon the Honourable Attorney-General of the Federation to address the constitutional validity of the enactment in issue. The Court assigned **25 June 2026** for that motion to be moved.

The matter was then removed from the cause list. Upon enquiry, the Registry stated that matters were being called strictly according to date of filing. The cause list for September–December 2026, however, includes several appeals filed after 2022 and omits this appeal entirely. That contradiction, and the delay that has followed it, is the reason for this renewed approach.

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The Appellant's position

Mr Yahaya Sharif-Aminu was arrested in March 2020 and, on 10 August 2020, sentenced to death by hanging by the Upper Sharia Court, Hausawa Filin Hockey, Kano, under section 382(b) of the Kano State Sharia Penal Code Law 2000. He had no legal representation at trial. The Appellate Division of the Kano State High Court set aside the conviction and sentence but remitted the case for retrial. On 17 August 2022 the Court of Appeal, Kano Division, upheld both the order for retrial and the constitutionality of the impugned provision. The appeal to this Court was filed in November 2022. All parties have been served. Briefs were filed and, after the preliminary hearing in September 2025, leave was granted. Revised briefs were submitted by November 2025. The appeal has long been ready to be heard.

The Appellant has remained in custody throughout, without bail, for more than six years. Section 36 of the Constitution guarantees a fair hearing within a reasonable time. In a capital matter, delay is not a neutral listing inconvenience. It prolongs detention under the shadow of a death sentence after a trial already found to have been irregular, and it engages the right to life in section 33. He is entitled to know, without further administrative uncertainty, when this Court will determine his appeal.

Why a purely chronological list cannot govern this case

We do not question the Court's authority to manage its docket. We do submit that a rule of serial calling by date of filing cannot, without more, explain the listing of later-filed matters and the simultaneous exclusion of a 2022 criminal appeal which already had leave, completed and revised briefs, a Registry-directed motion, and a fixture that was then withdrawn.

The Rules themselves mark this class of case as exceptional. Appeals involving a death sentence may obtain extensions of time denied in other matters. The Court may accelerate a hearing and depart from ordinary listing and briefing arrangements where the interest of justice so requires. Where the validity or constitutionality of an enactment arises, the Court may invite the Attorney-General of the Federation. Those powers exist so that a case of this character is not lost in an undifferentiated queue.



The questions before the Court are not confined to one appellant. They concern the compatibility of section 382(b) — and, by necessary implication, analogous provisions in other northern States — with sections 34, 38 and 39 of the Constitution, with the African Charter on Human and Peoples' Rights (which has the force of law in Nigeria), and with the International Covenant on Civil and Political Rights. They affect legal certainty and the uniformity of criminal justice in the Federation. That is precisely why the Rules contemplate the Attorney-General of the Federation being heard.

International standing

On 9 April 2025 the ECOWAS Community Court of Justice, in *Incorporated Trustees of Expression Now Human Rights Initiative v Federal Republic of Nigeria* (ECW/CCJ/JUD/20/25), held section 382(b) incompatible with Article 9(2) of the African Charter and Article 19 of the ICCPR, found the death penalty for the offence excessive and disproportionate, and directed Nigeria to repeal or amend the provision and similar laws. A writ of execution has since issued. Nigeria is a party to the instruments applied. An unresolved capital appeal turning on the same provision, years after that judgment, is read abroad as a gap between treaty obligation and domestic process.

The United Nations Working Group on Arbitrary Detention, in Opinion No. 32/2024, found the Appellant's detention arbitrary and called for the situation to be brought into conformity with the Universal Declaration and the ICCPR without delay. **On 31 October 2025 the United States designated Nigeria a Country of Particular Concern.** Whatever view is taken of that designation, it now forms part of the official record against which Nigeria's handling of religious-expression and blasphemy cases is measured.

None of these findings binds this Court on the merits. They do mean that further unexplained delay in listing a 2022 capital constitutional appeal, while later-filed matters proceed, will be treated internationally as evidence that the collision between State Sharia penal provisions and the Constitution is being postponed rather than decided. That impression harms Nigeria's standing as a constitutional democracy under the rule of law.



Relief sought

In the interest of justice, and of the Appellant who has now spent more than six years in prison pending a hearing, we respectfully urge and appeal to Your Lordship:

1. To direct the Registry to restore Suit No. SC/CR/1454/2022 to the cause list at the earliest available date in the current term;
2. To list, on that date, the pending motion for accelerated hearing and for invitation of the Honourable Attorney-General of the Federation; and
3. To accord this appeal the priority which the Rules, the Constitution, and the length of the Appellant's detention require.

A date certain, given promptly, would affirm that this Court remains the final guardian of constitutional supremacy and that a citizen need not linger indefinitely under a capital process.

I remain grateful for Your Lordship's consideration.

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