Vol. 10 No. 2 (2026): Journal of Contemporary Social Research
Journal Link: https://aa.unij.co.uk/index.php/jcsr / *Pub. Link*: https://aa.unij.co.uk/index.php/jcsr/issue/view/12

When Healing Turns to Hurt: State Pardons, Public Reactions and Its Implications for Nigeria's Captured State, 2023 to Date

[1]Olasupo Thompson*, [2]John Daniel, [3]Surajudeen Oladotun Oladele, [4]Oluwadamilola Oduyemi, [5]Tokunbo Dada

[1]Peace and Development Studies, Institute of Communication and General Studies, Federal University of Agriculture, Abeokuta, Ogun State, Nigeria

[2]Department of History, Faculty of Arts, University of Ibadan, Ibadan, Nigeria

[3,4]Peace and Development Studies, Institute of Communication and General Studies, Federal University of Agriculture, Abeokuta, Ogun State, Nigeria

[5]Communication and Language Studies, Institute of Communication and General Studies, Federal University of Agriculture, Abeokuta, Ogun State, Nigeria

***Corresponding author:** *thompsonoo@funaab.edu.ng*

DOI: https://doi.org/10.5281/zenodo.23458594

Abstract

A state pardon, or prerogative of mercy, is an executive power allowing a president or governor to pardon, reduce, or commute a convict's sentence. Though often guided by committee recommendations, recent exercises of this power have raised debates over due process, public safety, and political motives. This paper critically examines the dynamics and implications of Nigeria's state pardon. It explores how the constitutional prerogative of mercy, intended as an instrument of justice and compassion, has been politicised to serve elite interests, protect allies, and undermine accountability. Drawing on Elite Theory and the State Capture framework, the study analyses recent cases of presidential clemency, including those granted under the Bola Tinubu administration, to reveal patterns of selective justice, elite dominance, and weakened deterrence against corruption. It further interrogates the human rights and moral implications of arbitrary pardon decisions, particularly their effects on victims' rights, public confidence, and the integrity of the justice system. The paper concludes that without transparency, judicial oversight, and adherence to rule-of-law principles, the pardon process risks reinforcing elite capture, deepening governance failure, and entrenching systemic inequality in Nigeria.

Keywords: State pardon; prerogative of mercy; Bola Tinubu; state capture; corruption; Nigeria; governance; human rights.

Introduction

The prerogative of mercy, executive clemency, royal prerogative, also known as the power of pardon, has deep historical roots dating back to the Greek city-states. In ancient Athens, it functioned under the democratic rule of Adeia, requiring 6,000 citizens to approve a pardon through a secret ballot. This made pardons difficult for ordinary citizens to obtain and largely accessible only to influential figures such as athletes and orators. Unlike modern systems, pardons in Athens were not granted by an executive authority but collectively by the people (Nida & Spiro, 1999; Avaliani, 2022). The modern conception of pardon evolved under English monarchical practice, where it became part of the royal prerogative, meaning discretionary power (Kalt, 1996). The pardon power originated in England, from which American law developed and took many of its cues (Guirguis, 2021).

In Nigeria, the power to grant pardons is constitutionally vested in the President and state governors. Section 175 of the 1999 Constitution empowers the President to exercise the prerogative of mercy by granting pardons, reprieves, and commutations of sentences (Federal Republic of Nigeria, 1999). These powers aim to correct miscarriages of justice, show compassion in exceptional circumstances, and serve the public interest. However, procedural and oversight mechanisms, such as advisory boards and parliamentary scrutiny, remain weak and opaque.

Since the All Progressives Congress (APC) assumed power in 2015, controversies have surrounded its governance style and the conduct of its leaders. An APC chieftain once claimed that joining the ruling party absolves one of past misdeeds (Thompson et al., 2019), while El-Rufai reposted a columnist's description of the APC as the "Association of Past Criminals" (El-Rufai, 2025). Doka (2025) similarly criticised the APC as a refuge for corrupt politicians who are celebrated despite tainted records. Under President Buhari, allegations surfaced that Boko Haram members and sponsors were shielded, and President Bola Tinubu himself faced accusations of drug-related offences and certificate forgery before being acquitted. Adegbite (2019) notes that the exercise of the pardoning power, though a constitutional privilege, has in recent times suffered significant misuse, with chief executives often treating it as a personal birthright to be wielded at will, a trend that has also manifested in Nigeria's evolving constitutional democracy.

Although extensive scholarship exists on state pardons globally (Nida & Spiro, 1999; Avaliani, 2022) and in Nigeria (Sogunle, 2021; Ngwoke et al., 2024; Mbano et al., 2025), limited attention has been paid to the Tinubu administration. This study, therefore, seeks to examine the history of state pardons in Nigeria before Tinubu, assess the nature of pardons under his administration, analyse public reactions, and explore their implications for governance and development. The study adopts a qualitative approach, relying on both primary and secondary data, including journals, books, case files, and direct observation.

Literature Review

A vast body of literature exists on the state pardon or prerogative of mercy, both globally and within Nigeria (Nida & Spiro, 1999; Menitove, 2009; Avaliani, 2022). The concept of pardon in Western thought originated from ancient Greek civilisation, where justice and law were grounded in divine and human relations but lacked a developed notion of forgiveness. Instead, the Greeks practised legal leniency and expressed clemency through pity, with the power to pardon resting not in a sovereign but in the people themselves (Leigh, 2004). To obtain clemency, a petitioner required the support of 6,000 citizens through a secret ballot, reflecting a deeply democratic and procedural approach to mercy (Nadagoudar & Gowda, 2014; Kumar, 2009).

In Nigeria, Adegbite (2019) examines the misuse of presidential pardon powers in the country's constitutional democracy, comparing it to India's system. He argues that Nigerian presidents often treat the power as a personal right, provoking public outrage and constitutional debate. The study highlights that reliance on the Council of State's advice provides insufficient oversight and recommends greater judicial participation to ensure accountability, drawing lessons from India's constitutional jurisprudence. Similarly, Ngwoke and Abayomi (2022) observe that the presidential pardon power in Nigeria is frequently exercised for partisan and personal gain rather than the public interest. The 1999 Constitution (Sections 175 and 212), inherited from British legal traditions, lacks precise guidelines for application, thus enabling abuse. Their study compares Nigeria's system with those of the UK and USA, advocating clearer, transparent procedures that reflect global best practices.

In a related perspective, Ngwoke et al. (2024) explore the tension between national pardon decisions and international law, particularly in cases involving grave crimes such as war crimes or genocide. The authors contend that while pardons may aid national reconciliation, they often undermine accountability and violate international human rights and humanitarian standards. They recommend incorporating international legal principles into domestic clemency frameworks to balance sovereignty with global justice norms.

Yunusa (2024) analyses the presidential and gubernatorial prerogative of mercy under the 1999 Constitution (as amended), which empowers Nigeria's President and governors to grant clemency to convicted persons. While constitutionally framed as an act of compassion and justice, the study highlights increasing misuse for political favouritism, especially towards corrupt elites. Yunusa notes that such actions erode public trust and weaken anti-corruption institutions. Comparing Nigeria's experience with those of South Africa and the United States, he calls for reforms that strengthen transparency and accountability in the exercise of mercy.

Similarly, Tijani et al. (2024) examine the constitutional and judicial basis of the pardon power, arguing that while it serves justice and rehabilitation, its use in Nigeria often reflects political expediency. The authors note that recent pardons of individuals convicted of corruption and economic crimes have jeopardised public confidence and undermined the integrity of the justice system. Adopting a doctrinal approach, they conclude that pardons should be rare, transparent, and merit-based, ensuring that the process does not encourage impunity or erode deterrence.

In a rights-based critique, Mbano et al. (2025) focus on the human rights implications of Nigeria's pardons system, exposing systemic bias towards political and economic elites. They argue that petty and indigent offenders, including those suffering in overcrowded prisons, are routinely neglected in clemency considerations. This exclusion, they assert, violates equality before the law and access to justice, revealing a pattern of social injustice embedded within executive discretion. Through comparative legal analysis, they advocate for a rights-centred reform of the clemency process, ensuring that mercy aligns with fairness, transparency, and inclusivity.

Collectively, these studies reveal that while the prerogative of mercy is constitutionally entrenched as an instrument of justice, its misuse for political and elite protection has transformed it into a tool of impunity in Nigeria. Scholars consistently call for reforms emphasising judicial oversight, human rights integration, and institutional accountability to restore the moral and legal integrity of the pardon process. Nevertheless, the gap in existing literature concerns the Bola Ahmed Tinubu administration. Little attention has been paid to state pardons under his administration.

Theoretical Framework

The paper is hinged on Elite Theory and the State Capture framework. Elite Theory posits that in every society, a small and influential minority comprising political, economic, or military elites dominates decision-making processes and controls key state institutions to protect and advance its interests. The theory suggests that true power rarely rests with the general populace or democratic structures but with those who hold strategic control over political and economic resources.

The origins of Elite Theory are traced to Vilfredo Pareto (1916) and Gaetano Mosca (1939), who argued that societies are always governed by a ruling minority regardless of the political system. Later, Mills (1956), in *The Power Elite*, expanded the idea, explaining how interconnected elites in business, politics, and the military shape public policy and national direction. In modern political analysis, the theory provides a useful framework for understanding issues such as state capture, where elite actors manipulate laws, institutions, and public decisions for private gain, often at the expense of democracy and accountability.

In contexts like Nigeria, Elite Theory helps explain how political power is concentrated in the hands of a few, who use mechanisms such as pardons, patronage, and resource allocation to sustain dominance and suppress public accountability.

State capture refers to a situation where powerful individuals, groups, or corporations manipulate a country's decision-making processes, institutions, and policies to serve their private interests rather than the public good. In such cases, governance is compromised as laws, regulations, and public resources are tailored to benefit a few elites at the expense of citizens. It often involves deep corruption, where political leaders and business actors collude to control key state organs like the legislature, judiciary, and regulatory agencies. The result is weakened accountability, erosion of democratic values, and the entrenchment of inequality and impunity within the

political system. Thompson, Dada, Aina, et al. (2025) argue that such an entrenched system deepens inequality and erodes public trust in governance.

The concept of state capture is central to this study because it explains how political and economic elites manipulate institutions and constitutional powers, such as the presidential pardon, for personal or political gain. It highlights how the Nigerian state, rather than serving the public interest, can become a tool for protecting allies and perpetuating impunity. Understanding state capture helps reveal why selective pardons, corruption, and weak accountability persist despite democratic frameworks. It provides a theoretical foundation for analysing how elite influence distorts justice, undermines trust in governance, and deepens inequality within Nigeria's constitutional democracy.

History of State Pardon in Nigeria: Colonial Times to 1999

The origin of the executive pardon in Nigeria dates back to the British colonial administration, where the Governor-General, representing the monarch, exercised the royal prerogative of mercy, an expansive power used both to demonstrate magnanimity and to suppress dissent (Yunusa, 2024). This framework was inherited at independence in 1960 and retained in successive constitutions. During the First Republic, the ceremonial President and regional governors possessed the power but used it sparingly. The exercise of this power gained prominence after the 1966 military coup.

One of the most notable applications occurred under General Yakubu Gowon following the Nigerian Civil War (1967–1970). In his "No Victor, No Vanquished" declaration, Gowon granted unconditional amnesty to Biafran soldiers and other secessionists as part of a reconciliation policy, marking one of Nigeria's most celebrated acts of clemency. He also pardoned Chief Obafemi Awolowo, previously jailed for treasonable felony, in a politically strategic move to secure Yoruba support during the war (Tijani et al., 2024).

Under President Shehu Shagari (1979–1983), the pardon power continued in the civilian era. His 1982 pardon of Chukwuemeka Odumegwu Ojukwu, the ex-Biafran leader, symbolised the formal end of civil-war hostilities. However, his posthumous pardon of Lt. Col. Buka Suka Dimka, who led the 1976 coup that killed General Murtala Mohammed, was widely condemned as insensitive. Critics viewed both acts as politically motivated attempts to win Igbo support before the 1983 elections (Adeyemi, 2022).

Under General Ibrahim Babangida (1985–1993), pardons were selectively granted, often serving political convenience rather than justice. In contrast, General Sani Abacha's regime (1993–1998) became infamous for its repression and absence of mercy, exemplified by the execution of Ken Saro-Wiwa and others known as the Ogoni Nine despite global pleas for clemency.

With General Abdulsalami Abubakar's transitional government (1998–1999), the pardon regained its reconciliatory intent. His decision to grant clemency to General Olusegun Obasanjo and other political prisoners helped stabilise the nation and paved the way for Nigeria's return to democracy. Obasanjo's subsequent election in 1999 marked the dawn of the Fourth Republic,

with Abubakar's act of mercy seen as instrumental in Nigeria's post-military national healing (Udofa, 2018).

State Pardon in the Fourth Republic, 1999–2023

The restoration of democracy in 1999 brought renewed attention to the constitutional power of presidential pardon, often surrounded by controversy. President Olusegun Obasanjo, himself a beneficiary of pardon, faced scrutiny over his use of it. In 2000, he pardoned Salisu Buhari, the disgraced first Speaker of the Fourth Republic, convicted of forgery and perjury after falsifying his age and academic credentials. The pardon, widely criticised as undermining Obasanjo's anti-corruption stance, was viewed as evidence of elite impunity (Okoro, 2021).

Under President Umaru Musa Yar'Adua, the power of pardon assumed a national-security dimension. In response to the Niger Delta militancy crisis, Yar'Adua's 2009 Amnesty Programme granted clemency to militants, including Government Ekpemupolo (Tompolo) and Ateke Tom, in exchange for disarmament and rehabilitation. The initiative resulted in a sharp reduction in violence and a boost in oil production, becoming one of the most successful applications of the prerogative of mercy in post-1999 Nigeria (Bello, 2025).

However, President Goodluck Jonathan's administration reignited controversy. In 2013, the National Council of State, on Jonathan's recommendation, granted a state pardon to Diepreye Alamieyeseigha, Jonathan's former boss and ex-Governor of Bayelsa State, who had been convicted of corruption and money laundering after infamously fleeing the UK disguised as a woman (Ibekwe, 2013). The pardon provoked domestic and international outrage. The US government condemned it as a setback to Nigeria's anti-corruption efforts, while Nigerians viewed it as blatant political cronyism. The episode severely dented Jonathan's anti-corruption credibility. Also pardoned was Shettima Bulama, a former bank managing director convicted of fraud (Tijani et al., 2024).

President Muhammadu Buhari, elected on a strong anti-corruption platform, initially exercised restraint in using the power. Yet, in April 2022, his administration stirred public uproar by granting pardons to Joshua Dariye, former Plateau governor, and Jolly Nyame, former Taraba governor, both serving prison sentences for large-scale corruption (Oamen, 2021). Their convictions, hailed as milestones in Nigeria's judicial fight against graft, were reversed under the justification of old age and ill health. Civil society groups, including the Socio-Economic Rights and Accountability Project (SERAP), condemned the act as a "travesty of justice" that endangered the integrity of Nigeria's legal system (Suleiman, 2024).

Thus, while the prerogative of mercy remains a constitutional tool for justice and reconciliation, its repeated political misuse has continually tested Nigeria's democratic credibility and anti-corruption resolve.

State Pardon under President Bola Tinubu, 2023 to Date

The election that brought Bola Ahmed Tinubu to power was fiercely contested and surrounded by controversy. He was ultimately declared the winner and sworn in on 29 May 2023. Since then, he has taken measures intended to curtail insecurity, crime, and other social vices, while also initiating reforms under his Renewed Hope agenda. Some initiatives involved the continuation of policies concerning the granting of pardon or amnesty to Boko Haram members, building on the approach of his predecessor. Another significant development was the granting of state pardon to convicted persons.

The Secretary to the Government of the Federation, Senator George Akume, inaugurated the Presidential Advisory Committee on Prerogative of Mercy (PACPM) on 15 January 2025 as a step towards promoting justice, rehabilitation, and human rights in Nigeria. The committee has 12 members, with the Attorney-General and Minister of Justice, Prince Lateef Fagbemi, as chairman. Other members include Chief Akinlolu Olujinmi, CON; Professor Alkasum Abba; Professor (Mrs.) Nike Y. Sidikat Ijaiya; Justice Augustine B. Utsaha; and the secretary, Dr Onwusoro Maduka, a former permanent secretary. Institutional representatives on the committee include the Permanent Secretary, Special Duties and Inter-Governmental Affairs; representatives of the Nigeria Police Force, Nigerian Correctional Service, National Human Rights Commission, Nigerian Supreme Council for Islamic Affairs (NSCIA), and Christian Association of Nigeria (CAN).

On 9 October 2025, President Bola Tinubu, acting on the recommendation of the PACPM, granted clemency to 82 inmates and reduced the prison terms of 65 others. He granted reprieve to seven inmates on death row by commuting their sentences to life imprisonment. According to Onanuga (2025), 175 inmates were interviewed, while 62 applications were received on behalf of 119 inmates, making a total of 294 considered cases. Of the inmates interviewed, 160 were male and 15 were female. Eighty-two inmates were recommended for clemency; two for pardon; 65 for reduction of their terms of imprisonment; and seven on death row for commutation to life imprisonment. In addition, 15 ex-convicts were recommended for presidential pardon, 11 of whom were deceased, including members of the Ogoni Nine. Four Ogoni individuals were also recommended for posthumous national honours. Overall, 175 beneficiaries were recommended (Onanuga, 2025).

Ideally, the release of such a list should have brought relief and joy to many Nigerians. However, it was met with widespread disapproval from the public.

Public Reactions to State Pardon under Bola Tinubu

Prominent figures, including former Vice-President Atiku Abubakar, former Kaduna State Governor Nasir el-Rufai, civil society organisations, and political parties, condemned the President's decision, warning of its grave implications for the country. Atiku Abubakar specifically accused President Bola Tinubu of abusing the presidential power of mercy by granting pardon to 175 individuals, arguing that the action "undermines the sanctity of justice" and could embolden lawlessness. Atiku argued that the power of presidential pardon is a solemn prerogative and a moral and constitutional instrument designed to temper justice with mercy and

underscore the humanity of the state. When properly exercised, it can strengthen public faith in governance. However, he argued that the latest pardon issued by the Tinubu administration had done the opposite. Extending clemency to individuals convicted of grave crimes such as drug trafficking, kidnapping, murder, and corruption, he maintained, diminishes the sanctity of justice and sends a dangerous signal to the public and international community about the values upheld by the government (Oyelakin, 2025a).

The African Democratic Congress (ADC), one of the opposition parties in Nigeria, also condemned President Tinubu's decision to pardon individuals convicted of drug-related offences. In a statement by its interim National Publicity Secretary, Bolaji Abdullahi, the party described the decision as an abuse of the presidential prerogative of mercy. It argued that the action undermined Nigeria's anti-drug campaign, encouraged criminality, and damaged the country's international image. It added that granting clemency to offenders who had served less than two years mocked the sacrifices of National Drug Law Enforcement Agency (NDLEA) officials and other security personnel who risk their lives to combat drug trafficking.

Presidential aide Josef Onoh, Special Adviser on Policy Communication in the South-East, also called on President Tinubu to revoke the pardon, particularly that of Maryam Sanda and other convicted drug traffickers. Onoh argued that extending mercy to such offenders was morally wrong and could damage Nigeria's international reputation. He said it inflicted psychological trauma on victims' families, perpetuated systemic injustice, and eroded deterrence mechanisms essential for societal stability (Sunday, 2025). Onoh further argued that the decision portrayed Nigeria as a haven for impunity, discouraged foreign investment, and damaged the country's already strained reputation. He also claimed that it weakened Nigeria's credibility with institutions such as the UN Office on Drugs and Crime, which had previously commended the country's anti-narcotics efforts (Sunday, 2025).

Similarly, the Civil Society Legislative Advocacy Centre (CISLAC) criticised President Tinubu's decision to grant presidential pardon to 175 individuals convicted of offences including corruption, drug trafficking, and oil theft. In a statement signed by its Executive Director and Head of Transparency International Nigeria, Auwal Rafsanjani, CISLAC described the move as a dangerous assault on justice and the nation's image, calling it "legally questionable, morally wrong, and damaging to Nigeria's reputation both locally and internationally" (Shaibu, 2025). Another civil society organisation, the Inmates Educational Foundation, through its Executive Director, Alabidun Mahfuz, criticised the pardon as lacking transparency in its selection criteria and being insensitive to victims (Daniel, 2025).

Socio-cultural groups also expressed concern. The Yoruba Union, Ìgbìnmó Màjẹ̀kóbáje Ilé-Yorùbá, condemned the President's action, describing it as a dangerous precedent that undermined the rule of law and threatened the moral foundation of the country. According to the Union's convener, Olusola Badero, and its Home Director, Princess Balogun, the decision fostered a political culture that could one day permit individuals with criminal records, including drug traffickers, murderers, and economic saboteurs, to ascend to positions of leadership and power (SaharaReporters, 2025). The Ijaw National Congress (INC), the apex socio-cultural body

of the Ijaw nation, expressed deep scepticism over President Tinubu's pardon of 175 Nigerians. While acknowledging his constitutional authority, it lamented that the gesture failed to address systemic injustice and marginalisation faced by the Ijaw people and the wider Niger Delta region.

A coalition of civil society organisations strongly criticised the inclusion of the late environmental rights activist Ken Saro-Wiwa and eight of his Ogoni compatriots, executed in 1995, on the presidential clemency list. The coalition described the reference to Saro-Wiwa and his comrades as offensive to their memory and to that of thousands of Ogoni people who suffered indignity and repression under the Abacha regime. It argued that the decision brought neither closure to their families nor justice to the Ogoni people (Natsa, 2025).

Human rights lawyer Femi Falana, SAN, urged the Federal Government to withdraw and thoroughly review the list of 175 individuals recommended for pardon by President Tinubu. In a statement released on a Thursday evening, Falana acknowledged the President's constitutional authority to grant pardons but emphasised that the exercise should be revisited "in the interest of justice and national morality" (Oyelakin, 2025b).

Amnesty International also expressed deep concern over President Tinubu's decision to pardon 175 convicted individuals, including people found guilty of human rights crimes. Through its director, Isa Sanusi, the organisation stated that the action prioritised perpetrators over victims, undermined the rule of law, hindered justice and reparations, and risked entrenching impunity. It urged the President to reconsider the pardons and uphold victims' rights (Amnesty International, 2025).

When Healing Turns to Hurt: State Pardon and Its Implications for Nigeria's Captured State

There are profound implications of state pardon within Nigeria's captured state. First, selective clemency, especially for politically connected offenders, serves as a form of protection for elites, eroding deterrence and encouraging further misconduct. When pardons favour allies, party loyalists, or influential figures, they shield those who should be held accountable, thereby normalising impunity and undermining the principles of restorative justice. Such actions embolden the ruling class to perpetuate corruption and abuse of power. The challenge of transition lies in redefining state–firm relations, yet little focus has been given to how firms capture the state for private gain. In such "capture economies," firms influence or bribe public officials to shape rules and secure advantages, undermining competition and reform (Hellman et al., 2000). As Ozhekome noted, pardons in Nigeria often appear reserved for friends or supporters of the President, implying that "corruption pays" (Egenuka & Nwokoro, 2022). Consequently, corruption remains one of Nigeria's most enduring governance challenges (Thompson et al., 2020).

Second, state pardons undermine victims' rights and judicial legitimacy, as they may reopen emotional wounds and deepen public distrust. When granted without transparency or consultation with victims, clemency decisions reinforce perceptions that the justice system serves the powerful rather than the aggrieved. The family of the late Bilyaminu, for example, condemned President Tinubu's pardon of Maryam Sanda as a "cruel reopening of old wounds" and a grave injustice to their loved one's memory (Salau, Odeyemi, & Azu, 2025). There have been several calls concerning state capture and a corrupt judiciary in Nigeria. Jacobs and Park (2020) identify major obstacles to access to justice in Nigeria, including delays, high costs, technicalities, illiteracy, and political influence, and recommend judicial reforms and stronger legal aid. While the court had provided a measure of redress to the family, the pardon appeared to have caused considerable harm.

Table 1. Categories and percentages of offences covered by President Bola Tinubu's state pardon, October 2025

S/N	Category of crime	Percentage
1	Drugs	29.2
2	Unlawful mining	24.0
3	Homicide	13.5
4	Fraud/corruption	12.3
5	Hijacking	5.8
6	Firearms	2.3
7	Armed robbery/theft	2.3
8	Kidnapping	1.8
9	Human trafficking	1.8
10	Others	7.0
	Total	**100**

Source: Compiled by the author.

Third, pardon can function as a transactional tool or bargaining chip for elite control and the pursuit of legitimacy. In captured environments, clemency can form part of elite bargaining—rewarding patronage networks, securing loyalty, or buying silence. Grants of mercy can become currency in transactional politics, redistributing protection to those whose freedom serves elite ends. Toyin Falola, a renowned scholar, once described Bola Tinubu as a transactional leader. He argued that Tinubu is a transactional politician likely to attract profit-seeking actors whose underlying desire is to enlarge their bank accounts rather than uplift Nigeria (Salawu, 2025). In this logic, the release of these people, or most of them, may be interpreted as a way of seeking their patronage or securing assurances of support in their constituencies ahead of the next election. As a *Premium Times* (2025) editorial notes, political considerations might not be far-fetched in the pardon of former lawmaker Farouk Lawan, which appeared to be motivated by efforts to rehabilitate and reintegrate him into Kano State's political ecosystem ahead of the 2027 general election.

There is little doubt that, over the years, state and national governments have used pardons to seek second terms or secure patronage. This is particularly critical in a captured state, where arms of government and agencies that should remain neutral may come under the influence of the presidency.

Moreover, pardons can erode public trust and confidence in state institutions. Repeated or opaque use of the pardon power lowers public confidence in courts and prisons and signals to the bureaucracy that legal outcomes can be reversed by political fiat. Over time, this can sap professional ethics among prosecutors, judges, and prison officials, as their decisions come to seem provisional. Where pardoned actors are linked to violent groups, releases can have immediate security consequences, including renewed attacks, expansion of criminal networks, or local destabilisation, especially if pardons are perceived as impunity for violence. Obi (2025) argues that such a move may weaken public trust in the justice system and discourage law-enforcement agencies from performing their duties diligently. He also warns of grave security implications: some released offenders might bear grudges against security personnel who arrested, investigated, or testified against them, potentially placing officers and judges at risk, particularly those who have retired and no longer enjoy official protection. Obi (2025) concludes that the prerogative of mercy should remain an instrument of justice and rehabilitation, not one that erodes public confidence in the rule of law.

Finally, state pardons can escalate insecurity. Some released offenders may return to criminal activity, increasing insecurity in Nigeria's already fragile security architecture. Such individuals may target people involved in their prosecution, potentially becoming more dangerous. This, in turn, may overwhelm security agents and weaken their morale in the fight against crime. Odinkalu (2025) argues that presidential pardons pose a serious threat to national security because they may demoralise law-enforcement officers and undermine public safety, weakening the President's primary duty of safeguarding the nation. Thompson et al. (2025) have also described how prison breaks can fuel related security challenges.

Comparative International Pardon Practices

Table 2. Comparative table of international pardon practices in selected countries

Country	Legal basis for pardon	Procedure/guidelines	Human rights Integration
Nigeria	Sections 175 and 212 of the 1999 Constitution (as amended)	Presidential and gubernatorial discretion after consultation with the Council of State; no binding criteria	Limited: power is broad and lacks transparency and procedural safeguards; concerns persist about fairness, equality, and prison decongestion, and the process is perceived to favour elite offenders over petty or indigent offenders.

India	Articles 72 and 161 of the Constitution	Supreme Court oversight (including *Epuru Sudhakar*), jail manuals, remission guidelines, and state reporting requirements	Strong: courts have upheld judicial review of clemency to prevent arbitrariness and promote fairness, rehabilitation, and victims' rights.
South Africa	Section 84(2)(j) of the 1996 Constitution	Reviewed by the Department of Justice; decisions consider age, illness, time served, and human-rights guidance	Moderate to strong: emphasises dignity, equity, and social reintegration, including consideration of non-violent and over-incarcerated inmates.

Source: Mbano et al. (2025, p. 102).

Table 2 presents a comparative analysis of the prerogative of mercy in Nigeria, India, and South Africa, focusing on the legal basis, procedures, and human-rights implications. It suggests that, compared with the other countries considered, Nigeria lacks sufficiently clear and transparent procedural safeguards.

In an apparent effort to manage public criticism, the Federal Government issued a statement indicating that the presidential pardon was under review and that the beneficiaries had not yet been released into society. The Attorney-General of the Federation, Lateef Fagbemi, SAN, clarified that no inmate granted clemency by President Tinubu had been released, explaining that the process remained subject to legal and procedural verification. He emphasised that the review phase demonstrated the government's commitment to transparency, due diligence, and adherence to the rule of law, assuring the public that it would be informed once all necessary checks had been completed. Fagbemi further commended citizens for their vigilance and constructive engagement, describing it as evidence of Nigerians' enduring commitment to justice and good governance.

Nevertheless, while public opposition and protests have been strongly expressed, the situation underscores the importance of inclusive governance and public consultation before the formulation and implementation of sensitive policies. Had such engagement occurred earlier, the widespread public outcry might have been avoided. Ultimately, the controversy surrounding the pardons reveals the dynamics of policymaking within a captured state and raises questions about whether the government's response reflects genuine accountability or merely an attempt at damage control.

Conclusion

Pardons and clemency remain essential components of a humane justice system, serving as instruments of mercy, correction, and rehabilitation. However, in politically captured contexts, unaccountable or politicised clemency often transforms into a tool for shielding the powerful and perpetuating injustice against victims. Nigeria's experience since 2023 illustrates how high-profile pardon decisions can intensify public perceptions of impunity and reinforce the belief that state power serves elite interests rather than the common good. Rebuilding public confidence therefore requires procedural safeguards, transparency, victim participation, and broader anti-capture reforms to ensure that clemency once again functions as an instrument of justice rather than a refuge for wrongdoing.

This article offers several recommendations. First, the government should strengthen procedural justice by enhancing transparency. This includes mandating the publication of the legal and factual bases for clemency decisions, with redactions where necessary to protect privacy, and requiring advisory committee reports to be made public. Time-bound requirements should also be established for decision-making and the provision of reasons for grants or denials.

Second, the institutionalisation of victim and civil-society participation is critical. Legal mechanisms should ensure that victims or their families are notified, can express their views, and are allowed to seek review during clemency considerations, balancing rehabilitation goals with victims' rights.

Third, independent advisory bodies should be empowered. These multi-stakeholder commissions, comprising legal experts, human-rights representatives, victim advocates, and clinical professionals, should have their recommendations published and formally considered by the executive before clemency is granted.

Fourth, Nigeria's parole and rehabilitation systems must be rebuilt and adequately funded, as these are currently weak or non-existent. In addition, legal and legislative reforms should be introduced to limit executive clemency in cases involving serious violent crimes, except under exceptional and well-documented circumstances, while preserving the constitutional power of mercy to correct miscarriages of justice.

Furthermore, civil-society monitoring and litigation should be encouraged. Non-governmental organisations and the media should be supported to monitor clemency exercises, with avenues for strategic litigation against arbitrary or procedurally flawed pardons. Finally, comprehensive institutional and governance reforms are necessary. Since pardons operate within a broader system often influenced by political capture, it is vital to strengthen anti-corruption agencies, ensure judicial independence, and promote transparent political financing to reduce incentives for transactional clemency and restore integrity to the justice system.

References

Adegbite, O. B. (2019). Presidential pardoning power, judicial review and 'new face of mercy': An examination of pardoning power in Nigeria and India. LUMS Law Journal, 6(1), 108–132.

Amnesty International. (2025, October 4). Nigeria: Presidential pardon for human rights crimes undermines rule of law. https://www.amnesty.org.ng/2025/10/14/nigeria-presidential-pardon-for-human-rights-crimes-undermines-rule-of-law/

Avaliani, T. (2022). Presidential pardon power as a mechanism to maintain constitutional order (pp. 129–143). https://constcourt.ge/files/4/Avaliani2022-1.pdf

Daniel, F. (2025, October 15). Group criticises Tinubu's pardon to convicts for lack of transparency. Premium Times. https://www.premiumtimesng.com/news/more-news/828209-group-criticises-tinubus-pardon-to-convicts-for-lack-of-transparency.html

Egenuka, N., & Nwokoro, S. (2022, April 19). State pardon for failed politicians is illegal, endorses corruption, lawyers charge. The Guardian. https://guardian.ng/features/state-pardon-for-failed-politicians-is-illegal-endorses-corruption-lawyers-charge/

El-Rufai, N. A. (2025, October 19). Sarcastic Sunday: Association of Past Criminals—Where yesterday's crimes are today's credentials [Post on X]. https://x.com/elrufai/status/1979983373255774606

Federal Republic of Nigeria. (1999). Constitution of the Federal Republic of Nigeria (as amended). Government Printer.

Guirguis, M. (2021). The nature and extent of presidential pardon power: An analysis in light of recent political developments. Commonwealth Review of Political Science, 5(1), Article 4. https://doi.org/10.61611/2994-0044.1038

Hellman, J. S., Jones, G., & Kaufmann, D. (2000). Seize the state, seize the day: State capture, corruption, and influence in transition economies (World Bank Policy Research Working Paper No. 2444).

Ibekwe, N. (2013, March 12). Jonathan pardons ex-convicts, Alamieyeseigha, Bulama, others. Premium Times. https://www.premiumtimesng.com/news/124341-jonathan-pardons-ex-convicts-alamieyesegha-bulama-others.html

Sunday, I. I. (2025, October 14). Tinubu's presidential pardon triggers public outrage. Daily Post. https://dailypost.ng/2025/10/14/tinubus-presidential-pardon-triggers-public-outrage/

Udofa, I. (2018). The abuse of presidential power of pardon and the need for restraints. Beijing Law Review, 9(2), 113–131. https://doi.org/10.4236/blr.2018.92008

Jacobs, A. I., & Park, W. (2020). Victimology, victimisation and victims' access to justice in Nigeria. International Journal of Innovative Legal & Political Studies, 8(3), 97–112.

Kalt, B. C. (1996). Pardon me? The constitutional case against presidential self-pardons. Yale Law Journal, 106, 784.

Kumar, P. (2009). The executive power to pardon: Dilemmas of the constitutional discourse. NUJS Law Review, 2, 9–30.

Leigh, D. J. (2004). Forgiveness, pity, and ultimacy in ancient Greek culture. Ultimate Reality and Meaning, 27, 152–161. https://doi.org/10.3138/uram.27.2.152

Mbano, I. P., Izevb, O. G., & Ngwoke, R. A. (2025). Human rights concerns in the pardon process: The marginalisation of petty offenders in Nigeria. International Journal of Criminal, Common and Statutory Law, 5(2), 98–103. https://doi.org/10.22271/27899497.2025.v5.i2b.150

Menitove, J. T. (2009). The problematic presidential pardon: A proposal for reforming federal clemency. Harvard Law & Policy Review, 3, 447–460.

Mills, C. W. (1956). The power elite. Oxford University Press.

Mosca, G. (1939). The ruling class. McGraw-Hill.

Nadagoudar, S. V., & Gowda, S. (2014). The presidential power to pardon in India. International Journal of Law and Legal Jurisprudence Studies, 2, 397.

Natsa, R. T. (2025, October 17). CSOs reject Tinubu's pardon for Saro-Wiwa, insist on full exoneration, state apology. BusinessDay. https://businessday.ng/news/article/csos-reject-tinubus-pardon-for-saro-wiwa-insist-on-full-exoneration-state-apology/

Ngwoke, R. A., & Abayomi, S. B. (2018). An appraisal of the power of pardon under Nigerian law: Lessons from other jurisdictions. Beijing Law Review, 9(2), 113–131.

Ngwoke, R. A., Eruteya, U., & Oyinloye, T. Q. (2024). An appraisal of the compatibility of pardon decisions with obligations of international law. Acta Universitatis Danubius. Juridica, 20(2), 141–165. https://dj.univ-danubius.ro/index.php/AUDJ/article/view/2920

Nida, R., & Spiro, R. L. (1999). The president as his own judge and jury: A legal analysis of the presidential self-pardon power. Oklahoma Law Review, 52(2), 202.

Oamen, P. E. (2021). Grant of presidential pardon in the United States and Nigeria: Posthumousness, corporateness and other matters. Commonwealth Law Bulletin, 47(3), 417–452.

Obasanjo, O. (2024). Leadership failure and state capture in Nigeria [Keynote address]. Chinua Achebe Leadership Forum, Yale University, New Haven, Connecticut.

Obi, T. J. (2025, October 13). Presidential pardon and the fight against crime. ThisDay. https://www.thisdaylive.com/2025/10/13/presidential-pardon-and-the-fight-against-crime/

Odinkalu, C. (2025, October 19). How Bola Tinubu's reckless pardons damage Nigeria's national security. Peoples Gazette. https://gazettengr.com/chidi-odinkalu-how-bola-tinubus-reckless-pardons-damage-nigerias-national-security/

Oyelakin, S. (2025, October 12). Atiku slams Tinubu over pardon for 'grave offenders'. Punch. https://punchng.com/atiku-slams-tinubu-over-pardon-for-grave-offenders/

Oyelakin, S. (2025, October 1). Falana asks FG to withdraw, review presidential pardon list. Punch. https://punchng.com/falana-asks-fg-to-withdraw-review-presidential-pardon-list/

Pareto, V. (1916). The mind and society. Harcourt, Brace & Co.

SaharaReporters. (2025, October 12). Yoruba Union condemns Tinubu's clemency for convicted criminals, warns of future where murderers, drug barons rise to power. https://saharareporters.com/2025/10/12/yoruba-union-condemns-tinubus-clemency-convicted-criminals-warns-future-where-murderers

Salau, A., Odeyemi, J., & Azu, J. C. (2025). Maryam Sanda's release, worst injustice to us—Husband's family. Daily Trust. https://dailytrust.com/maryam-sandas-release-worst-injustice-to-us-husbands-family/

Salawu, S. (2025, July 5). Why profit-seeking characters get attracted to Tinubu—Prof. Falola. Nigerian Tribune. https://tribuneonlineng.com/why-profit-seeking-characters-get-attracted-to-tinubu-prof-falola/

Shaibu, N. (2025, October 14). Presidential pardons morally wrong, says CISLAC. Punch. https://punchng.com/presidential-pardons-morally-wrong-says-cislac/

Sogunle, B. A. (2021). Judicial interpretation of the presidential power of pardon in Nigeria. Africa Journal of Comparative Constitutional Law, 2021(1). https://hdl.handle.net/10520/ejc-jlc_ajccl_v2021_n1_a2

Thompson, O. O., Afolabi, A. S., Raheem, A. N., & Onifade, C. A. (2020). When I see the broom, I will pass over you: Assessing President Muhammadu Buhari's anti-corruption crusade in Nigeria, 2015–2019. UJAH: Unizik Journal of Arts and Humanities, 21(2), 195–232.

Thompson, O. O., Dada, T. S., Aina, O. S., Oladele, S. O., & Daniel, J. (2025). A glitched state: Technology, public institutions and the Nigerian captured state. Concrescence: Journal of Multidisciplinary Research, 2(3), 173–185. https://journals.casjournals.com/index.php/CJMR/article/view/147/144

Thompson, O. O., Odozor, U. S., Aina, O. S., Idris, R. T., Dada, T. S., & Oladele, S. O. (2025). Broken walls, broken frontlines: Examining the impact of prison breaks on Nigeria's counter-terrorism and insurgency response. West Africa University Journal, 5(2), 66–79.

Tijani, N., Kanu, U. C., & Ugwu, L. I. (2024). The grant of pardon and the fight against corruption in Nigeria: Comparative analysis. Beijing Law Review, 15, 165–187. https://doi.org/10.4236/blr.2024.1510

Yunusa, U. D. (2024). Presidential pardon recently granted to some former state governors and others with the attendant negative effect on the fight against corruption in Nigeria. Journal of African Innovation and Advanced Studies, 3(2). https://africanscholarpub.com/ajaias/article/view/160