

BEYOND REASONABLE DOUBT IN NIGERIAN CRIMINAL LAW: AN OBJECTIVE STANDARD OR JUDICIAL DISCRETION?

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Abstract

The criminal standard of proof in Nigeria “beyond reasonable doubt” is often upheld as a cornerstone of justice, serving to protect the presumption of innocence and prevent wrongful convictions. However, this paper contends that while the standard appears singular and well-established in principle, its application reveals a multiplicity of interpretations in practice. Through an examination of statutory provisions and judicial pronouncements, this paper highlights how different courts adopt varying thresholds for what constitutes “reasonable doubt,” often influenced by the personal reasoning, experiences, and evaluative tendencies of individual judges. It questions whether this foundational standard should remain subject to judicial discretion or whether it is time to establish a more objective framework to guide its application. By analysing relevant Nigerian case law and drawing insights from comparative jurisdictions, the paper advocates for a hybrid approach, one that respects the nuances of judicial interpretation while ensuring greater consistency and predictability in criminal adjudication.

INTRODUCTION

The criminal justice system rests heavily on the standard of proof required to establish guilt. In Nigeria, this standard is articulated in the phrase “beyond reasonable doubt.”²⁰² While its origin is deeply rooted in common law traditions, its practical application in Nigerian courts has often triggered debates on its interpretation. The central question this paper investigates is whether this standard operates as an objective threshold or if its application depends on the personal reasoning and discretion of the judge.

The doctrine of proof beyond reasonable doubt, though seemingly precise, is inherently ambiguous in both language and application. The lack of a statutory definition has led to inconsistencies in judicial application, creating a legal tension between uniformity and discretion.

²⁰² Evidence Act 2011, s 135(1)

LEGAL FOUNDATION OF THE STANDARD OF PROOF

The standard of proof in Nigeria is traditionally divided into two: beyond reasonable doubt and balance of probabilities. The applicable standard depends on the nature of the case criminal or civil and on whether the burden lies on the prosecution/claimant or the defence.

This paper, focusing specifically on criminal cases, highlights the standard of proof known as beyond reasonable doubt. Evidence Act 2011²⁰³ provides that where the commission of a crime is in issue, it must be proved beyond reasonable doubt. This statutory provision reinforces the constitutional presumption of innocence enshrined under the 1999 Constitution of the Federal Republic of Nigeria (as amended)²⁰⁴. Taken together, these provisions impose a high burden on the prosecution in criminal trials.

Nigerian courts have consistently reiterated this standard across a long line of cases. In *Miller v Minister of Pensions*²⁰⁵, **Lord Denning** famously described proof beyond reasonable doubt as proof that does not require the elimination of all doubt, but rather such proof that satisfies the tribunal to the extent that they can act upon a moral certainty. This formulation has been cited approvingly in several Nigerian cases²⁰⁶, emphasizing that although the standard is demanding, it does not require absolute certainty or infallibility.

JUDICIAL INTERPRETATION AND DISCRETION

In Nigeria, the outcome of criminal trials often depends largely on the individual assessment of the presiding judge. In many instances, particularly at the High Court level²⁰⁷, a single judge determines the facts and applies the law, unlike the Court of Appeal²⁰⁸ or the Supreme Court²⁰⁹ where panels of multiple justices sit.

Although the standard of proof is well established in principle, its interpretation has varied significantly from one judge to another. Even within the legal profession, dissenting scholarly opinions²¹⁰ abound regarding the meaning and application of ‘reasonable doubt’. What

²⁰³ EA 2011, s 135(1)

²⁰⁴ Constitution of the Federal Republic of Nigeria 1999 (as amended), s 36 (5)

²⁰⁵ [1947] ALL ER 372

²⁰⁶ *Akinlolu v state* [2015] 2 LPELR-25984 (SC)

²⁰⁷ CFRN 1999 (as amended), s 253

²⁰⁸ *Ibid* (as amended), s 247

²⁰⁹ *Ibid* (as amended), s 234

²¹⁰ O. Adewale, ‘Interpreting Standards of Proof in Nigerian Criminal Jurisprudence’ (2021) *Nigerian Law Journal* 45

constitutes reasonable doubt is frequently shaped by subjective perceptions. Two judges confronted with identical evidence might arrive at divergent conclusions based on their internal evaluation of credibility, the demeanour of witnesses, and the interpretation of circumstantial nuances.

Judicial discretion, while an essential feature of the adjudicatory process, raises critical concerns when it influences the application of a standard intended to ensure consistency. Critics argue that the absence of a clear, measurable framework²¹¹ for assessing reasonable doubt grants judges wide latitude, thereby risking inconsistency in verdicts. This unchecked discretion has the potential to compromise the rights of the accused and diminish the integrity of the criminal justice system.

THE OBJECTIVE STANDARD DEBATE

A growing body of legal scholarship advocates for the adoption of an objective interpretation of the criminal standard of proof. This approach would involve identifying a clear benchmark for what constitutes ‘reasonable doubt’, one that is grounded in rational analysis, legal precedent, and common sense. The objective is not to eliminate judicial discretion entirely but rather to channel it within a predictable framework that ensures consistency across similar cases and protects the integrity of criminal trials.

The Canadian case of *R v Lifchus*²¹² serves as an instructive example. In that case, the Supreme Court emphasized that reasonable doubt is not based on sympathy or prejudice but must be rooted in reason and common sense, applied logically to the evidence presented. Structured judicial directions of this nature could significantly benefit the Nigerian legal system, particularly in jury trials, by bridging the gap between legal principle and courtroom practice.

The absence of a universally objective standard in Nigeria often fuels public scepticism about the legal system²¹³. It raises a critical question: if there is no uniform standard in practice, can it truly be said that justice has been served? Establishing greater uniformity in the application of the standard would therefore be a necessary step towards reinforcing confidence in the administration of criminal justice.

²¹¹ Nigerian Law Guru, ‘Judicial Discretion of Judges in Criminal Cases in Nigeria’ (2022) <https://nigerianlawguru.com> accessed 10 June 2025

²¹² *R v Lifchus* (1997) 3 SCR 320 (SCC)

²¹³ B. Owasanoye, ‘Challenges in the Nigerian Legal System’ (2020) *Nigerian Bar Journal* 123

CONSEQUENCES OF SUBJECTIVITY

The subjective application of the standard of proof often results in inconsistencies that weaken the legal system's predictability. Defendants may face different outcomes not necessarily based on the strength of the evidence but on the personal views or inclinations of the judge hearing the matter. When decisions vary too widely between judges on what amounts to 'reasonable doubt', it raises concerns about fairness and uniformity. This unpredictability has a direct impact on public confidence in the judicial system, as the law starts to appear more as a matter of opinion than of principle.

In addition, inconsistencies in interpreting the standard create serious complications during appellate review²¹⁴. Appellate courts are often placed in a difficult position, having to decide whether a trial judge's subjective assessment truly met the high threshold required for criminal convictions. This not only makes appeals longer and more complicated but also increases the risk of retrials, delays, and judicial backlogs.

Moreover, the absence of a clear structure to guide the interpretation of 'reasonable doubt' leaves too much room for external influences. Factors such as media pressure, public emotions, or even unconscious bias can creep into judicial reasoning²¹⁵. In sensitive cases especially, the pressure to convict or acquit might unintentionally tilt how a judge applies the standard. Over time, this undermines the idea that criminal trials are decided purely on the basis of evidence and law.

Ultimately, where subjectivity thrives unchecked, the criminal justice system moves farther away from the certainty and protection it is meant to provide. Without steps to limit subjective interpretation, the goal of achieving justice "beyond reasonable doubt" risks becoming more of a slogan than a reality.

ADDRESSING THE CHALLENGES

To overcome these issues, it is crucial for appellate courts to offer clearer guidance on the meaning and limits of 'reasonable doubt'. Courts could develop model directions or identify key

²¹⁴ O. Jombo 'The Role of the Appellate Court in Safeguarding Criminal Justice' (2019) *African Journal of Criminal Law* 67

²¹⁵ Abdul Pelumi Ganiyu, 'Innovation and Challenges on Admissibility of Computer-Generated Evidence in Nigeria' (2024) *Lawrit Journal of Law*

factors that judges must consider when deciding if the prosecution has truly met the standard. Having structured guidelines would help judges maintain consistency while still allowing room for judicial reasoning where necessary.

Another important step is improving judicial training and continuous legal education²¹⁶. Greater emphasis should be placed on the limits of discretion and the need to apply the standard of proof in line with precedent and objective evaluation. This would help judges make decisions that are not only legally sound but also consistent with the broader goals of criminal justice.

In addition, reforms could be made to how trials are conducted at the High Court level. Increasing the number of judges sitting on serious criminal matters. For instance, assigning three judges instead of one, could help reduce the risk of subjective decisions. For certain categories of offences, particularly capital offences like murder or armed robbery, it would also be advisable to require unanimous decisions before a conviction can be upheld. This would strengthen fairness and ensure that convictions, especially those carrying the gravest penalties, are based on careful and collective judicial reasoning rather than the view of a single individual. By introducing clearer legal frameworks, improving training, and modifying trial procedures, the Nigerian criminal justice system can take important steps towards making the application of 'beyond reasonable doubt' more predictable, fair, and truly reflective of the seriousness of criminal adjudication.

CONCLUSION

While discretion is a necessary feature of judicial reasoning, the standard of proof beyond reasonable doubt must be interpreted within definable limits. The current Nigerian approach, which leans heavily on individual reasoning without a clear structure, poses challenges to legal uniformity and predictability.

A hybrid approach preserving judicial discretion but anchored in objective parameters offers the most promising way forward. This would uphold the rights of accused persons while enhancing the coherence of criminal adjudication in Nigeria.

²¹⁶ O. uwais, 'Judicial Reform and Education in Nigeria' (2018) *Nigerian Law Review* 45