

# Krispy Legal's NEWSLETTER



**KRISPY LEGAL**  
ATTORNEY-AT-LAW

## **CERTIFICATE FORGERY AND THE LAW IN NIGERIA:**

### LESSONS FROM THE UCHE NNAJI CASE:

- » *OFFENCE OF CERTIFICATE  
FORGERY UNDER THE CRIMINAL  
CODE*
- » *OFFENCE OF CERTIFICATE  
FORGERY UNDER THE PENAL CODE*
- » *OFFENCE OF CERTIFICATE  
FORGERY UNDER THE  
MISCELLANEOUS OFFENCES  
ACT*
- » *NIGERIAN COURTS' APPROACH  
TO CERTIFICATE FORGERY*
- » *THE UCHE NNAJI CASE IN  
PERSPECTIVE*



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## **CERTIFICATE FORGERY AND THE LAW IN NIGERIA: LESSONS FROM THE UCHE NNAJI CASE.**

### **BACKGROUND**

The recent resignation of Nigeria's Minister of Innovation, Science and Technology, Uche Nnaji, has once again brought the issue of certificate forgery among public officials into sharp focus. The controversy, which erupted in October 2025, followed allegations that the minister submitted forged academic and National Youth Service Corps (NYSC) certificates during his appointment process. The University of Nigeria, Nsukka (UNN), reportedly disowned the degree he claimed to have earned, while the NYSC certificate he presented also raised questions of authenticity. Amid growing public pressure and institutional denials, Nnaji tendered his resignation on 7 October 2025 an act that, while politically necessary, does not erase potential criminal liability under Nigerian law.

### **THE OFFENCE OF CERTIFICATE FORGERY UNDER NIGERIAN LAW**

#### **The Criminal Code**

Certificate forgery in Nigeria is a serious criminal offence governed by several statutes, primarily the Criminal Code Act, the Penal Code Act, and the Miscellaneous Offences Act. Under Section 465 of the Criminal Code Act (Cap C38 LFN 2004), forgery is defined as the making of a false document with intent that it may in any way be used or acted upon as genuine, to the prejudice of another. Section 467 prescribes punishment of up to three years' imprisonment, or even life imprisonment if the forged document bears a public seal or concerns public office.

### **The Penal Code**

By contrast, the Penal Code Act (Cap P3 LFN 2004), applicable in Northern Nigeria, defines forgery in Section 363 as making a false document or part of a document with intent to cause damage or injury, and Section 364 provides for imprisonment up to fourteen years and a fine. The mens rea requirement under both Codes is similar: knowledge of falsity and intent that the document be accepted as genuine to another's detriment.

### **The Miscellaneous Offences Act**

The Miscellaneous Offences Act (Cap M17 LFN 2004) in Section 1(2)(c), prescribes up to twenty-one years' imprisonment without the option of a fine for forgery of official documents, demonstrating the law's intolerance for falsification of public records.

### **The Nigerian Courts' Approach to Certificate Forgery**

Nigerian courts have had several opportunities to interpret and apply the law on forgery. The courts consistently emphasise that for a conviction to stand, five elements must be proven: the existence of a document; that the document is false; that the accused made or used the document; that the accused knew it was false; and that the document was intended to be used or acted upon as genuine.

In **Oduah v. F.R.N. (2012) 11 NWLR (Pt. 1310) 76**, the Court of Appeal held that the offence of forgery is complete once the prosecution proves that a false document was made with intent that it be used as genuine. Furthermore, the Court stressed that the intent to deceive or to cause another to act upon a false document is the crucial ingredient that distinguishes forgery from mere falsification.

In **Jega v. Ekpenyong (2025) 11 NWLR (Pt. 1998) 33**, the Supreme Court further clarified that even if the forged document is not ultimately used, the making or

possession of it with the requisite intent suffices to establish guilt.

### **THE UCHE NNAJI CASE IN PERSPECTIVE**

Applying these principles to the Nnaji case, the allegations that both the UNN and the NYSC disowned the certificates presented by the minister could satisfy the essential elements of forgery if proven. The act of presenting such documents during ministerial screening constitutes “uttering” a forged document, an offence in itself under **Section 468 of the Criminal Code** and **Section 366 of the Penal Code**.

While both Codes criminalize forgery, their juridical contexts differ. The Criminal Code, derived from English common law, focuses on the making of false documents and the intent to defraud. The Penal Code, influenced by Indian and Sudanese models and applicable in the North, adopts a broader formulation covering not just documents but any false representation that causes damage or injury. Under **Section 363 of the Penal Code**, the act of making a false document with intent to cause any person to part with property or act in a way he would not otherwise have done constitutes forgery. Unlike the Criminal Code, the Penal Code does not require that actual prejudice occur; mere intent suffices. Thus, while both Codes criminalize the same core conduct, the Penal Code imposes a heavier maximum sentence and arguably adopts a wider notion of harm, making forgery easier to establish under northern jurisprudence.

Nnaji’s resignation, while politically expedient, does not extinguish potential criminal responsibility. In **FRN v. Fani-Kayode (2010) 14 NWLR (Pt. 1214) 481**, the court reiterated that resignation or exit from office does not absolve a public officer of criminal liability for acts committed while in service. Civil society groups have therefore urged prosecution, emphasising that accountability should not end at resignation but through due judicial process. This controversy also exposes systemic weaknesses in Nigeria’s vetting procedures. Ministerial and legislative screening

processes often rely on self-submitted credentials without independent verification. Strengthening institutional due diligence through direct verification from universities, the NYSC, and professional bodies would significantly curb this recurring menace.

## CONCLUSION

The Uche Nnaji saga underscores a deeper crisis of integrity and accountability in Nigeria's public service. Certificate forgery not only breaches the Criminal and Penal Codes but also erodes public trust and undermines genuine scholarship. Nigerian law is unambiguous: forgery is a serious crime attracting heavy penalties. However, as judicial precedents show, the effectiveness of the law depends not on its existence but on its enforcement. To restore public confidence and institutional credibility, Nigeria must ensure that allegations of certificate forgery are not dismissed as mere political scandals but treated as criminal offences warranting full prosecution and deterrent sentencing.



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