

**LEGAL IDEAS FORUM INTERNATIONAL 10TH ANNIVERSARY MOOT COURT
COMPETITION 2025**

UNIVERSITY OF NIGERIA, NSUKKA, ENUGU, NIGERIA

HYPOTHETICAL CASE

IN THE SUPREME COURT OF THIS MOOTING COMPETITION

IN THE MATTER BETWEEN

1. Women’s Justice Collective (WJC)
2. Ayodeji women..... Applicants

And

1. State of Nkalo.....Respondent

1 . Chief Obiora Ayodeji Yusuf, a businessman of Oru-Igbo origin in the Federal Republic of Nkalo, died intestate on 15 January 2022.

2. He was survived by his wife, Aisha, and three children: Chisom (female), Adaora (female), and Deji (male). His estate included the ancestral family house and farmlands in Umuoma (Anedo State), rental properties in the Federal Capital Territory, and bank deposits.

3. Under Oru-Igbo customary law, immovable family property devolves exclusively upon male heirs. Daughters are excluded from inheritance, while widows may occupy the homestead only at the discretion of the male heir and lose such rights upon remarriage. The community regards this rule as essential to lineage preservation and ancestral rites.

4. At a family meeting on 20 February 2022, Deji was declared sole heir to the ancestral property. Aisha was told she could remain in the homestead temporarily. Chisom and Adaora objected, claiming financial contributions to the estate and demanding recognition of their inheritance rights.

5. On 15 June 2022, the Anedo North Customary Court upheld the male-line inheritance rule, holding that it reflected binding customary law. On appeal, the Anedo State High Court overturned the decision on 12 December 2022, declaring the exclusion of daughters unconstitutional. The Nkalo Court of Appeal, by a 2–1 decision on 28 April 2023, reinstated the customary rule. The majority emphasized cultural protection and judicial deference, while the dissenting judge held that sex-based exclusion from inheritance violates constitutional equality.

6. While the case was pending, local authorities enforced the family decision by fencing off farmland and removing Aisha's tools. Chisom was briefly detained after filming the incident and charged with breach of peace, a charge later withdrawn.

7. The Ayodeji women sought leave to appeal to the Supreme Court out of time, citing intimidation and financial difficulty. On 3 November 2023, leave was refused on technical grounds.

8. A bill in the National Assembly to abolish sex-based inheritance discrimination stalled in committee.

9. Nkalo has ratified and domesticated the African Charter on Human and Peoples' Rights, which guarantees equality, non-discrimination, and property rights. Nkalo has also ratified but not domesticated the Protocol on the Rights of Women in Africa (Maputo Protocol). The Attorney-General has stated that undomesticated treaties are not directly enforceable in Nkalo's dualist system. Nkalo has deposited the Article 34(6) declaration recognizing the jurisdiction of the African Court on Human and Peoples' Rights.

10. On 15 January 2024, the Women's Justice Collective (WJC), acting on behalf of the Ayodeji women, filed an application before the Supreme Court of this Competition. They allege that Nkalo violated their rights by permitting and enforcing discriminatory inheritance rules and failing to provide effective remedies. Nkalo defends the customary rule as an expression of cultural identity protected under the Constitution.

The Supreme Court of this Competition has been called upon to determine the following issues;

Issues for Determination

1. Whether the exclusion of women from inheriting immovable property under customary law is consistent with the principle of equality and the right to non-discrimination guaranteed under the Constitution of Nkalo and the African Charter on Human and Peoples' Rights.

2. Whether the State of Nkalo has an obligation to harmonize cultural practices with constitutional and international human rights standards so as to ensure the protection of women's rights to dignity, property, and family life.

3. Whether Nkalo's ratification of regional and international human rights treaties, including the African Charter and the Maputo Protocol, imposes binding obligations to secure women's inheritance rights.

INSTRUCTIONS

For this case, the relevant laws of Nigeria and the African Charter on Human and Peoples' Rights and the Maputo Protocol are applicable.

Participants are to prepare separate written submissions on behalf of the Appellant and the Respondents. All submissions must be made on/before the 1st of September 2025.

DISCLAIMER: The details presented in this case are fictitious and have been meticulously crafted for the Moot Court competition exercise. The names, locations, dates, and circumstances depicted herein hold no connection to any actual individuals, events, or timelines. Any resemblance, if inadvertently perceived, is entirely coincidental and should not be construed as an intention to offend any individual, entity, or segment of society.