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# **Recommendations from A One-Day Policy Dialogue on Corruption Cases and Administration of Criminal Justice in Nigeria**

submitted to:

**National Judicial Council**

by

**Transparency Information Technology Initiative  
(TransparencIT)**

# **Recommendations to National Judicial Council from a One-Day Policy Dialogue on Corruption Cases and Administration of Criminal Justice in Nigeria organized by TransparencIT**

**Date:** Friday, 21<sup>st</sup> June, 2019

**Theme:** Challenges to the Implementation of the ACJA 2015 in the Trial of Corruption Cases.

The policy dialogue began at 10:15 am with the Opening Remarks by Mr. Frank Ijege, the Legal Officer for TransparencIT.

After his remarks, the Executive Director of PWAN set the tone of the meeting by identifying major concerns in the justice sector as regards the trial of corruption cases. He noted also an increased level of compliance in the FCT which he deemed amiable. He however urged that more resources and man power should be channeled to the Judiciary and the Investigating and Prosecuting agencies. He argued that this would allow for better compliance.

After his opening remarks, the session was proceeded to panel discussions in which the following resolutions were reached for onward submission to the National Judicial Council:

## **Employment of More Judges**

There is a need for employment of more judges as the ones who are already employed are grossly insufficient to deal with the number of cases the courts are presently saddled with. It was argued that with the employment of more judges,

the work load on each judge would be drastically reduced thus allowing for speedy adjudication and dispensation of cases.

### **Creation of Specialized Criminal/Corruption Courts**

Apart from the employment of more judges, it was recommended that there is a need for a specialized criminal court or courts focused solely on administration and adjudication of criminal cases. This would create for efficiency in the handling of cases, obliterate competing interest as currently exists, and aid effective monitoring and fast tracking of these cases. It would also aid in the full implementation of the ACJA as the provisions that seem almost impossible to be complied with, would become easy. Such provisions include S. 396 (3) which mandates trials to go on from day to day and S. 396 (4) which provides for a maximum of five (5) adjournments. This would be so because the prosecutors would focus on just courts that handle just criminal cases and can even appear in up to three cases per day in the same court instead of hobnobbing and crisscrossing the States and FCT. It would also make it easy to channel resources such as training, funds, personnel etc. to this important court structure.

### **Corruption Cases should be Time Bound**

Like election petitions, it was recommended that these corruption cases should be time bound so as to make it fall exclusively within the time frame provided for by law. It was agreed that if these cases are time bound and this time frame is complied with very strictly, cases would also be dispensed with within a time frame and not span years as some cases have done. It would also naturally dispense with the delay tactics employed by defense lawyers in a bid to delay trial.

## **The Practice of De-novo in Corruption/Criminal Cases should be Dispensed With**

It was observed that because cases begin de-novo, it has the propensity to delay trials unnecessarily. In cases of death, transfer, retirement or elevation (in some cases), the trials begin de-novo. It was recommended that our legislations should be amended to position our laws with evolving trends as can be identified from other jurisdictions so that cases would commence from where the last judge left off. Pursuant to this, it was also recommended that this amendment should afford the court the opportunity to see and examine the witnesses, suspects, evidence and all material facts of the case, so as to come to his decision. Note that, this is not a new trial.

## **Employ the Use of ICT**

Directly flowing from the need to review our laws regarding de-novo, it was recommended that all courts involved with the trail of corruption cases should make use of ICT equipment's such as video recorders, tape recorders etc., so as to make it easy for the judge to make reference to them if need be. It would also allow for better record keeping and prevent compromise.

## **Discipline of Erring Defense Lawyers and Prosecutors**

This was a major recommendation in this conference. The glaring nature of incompetence or seeming compromise by some prosecutors have necessitated the need to canvass those disciplinary measures should be put in place by each prosecuting agency to deal with all such cases. The NBA was also fingered as a key institution in dealing with defense lawyers who resort to sharp practices and delay tactics in defense of their clients.

## **Court Investigation**

It is said that most cases are won and lost on the strength of investigation, hence, it was recommended that courts should begin to exercise their mandates of going beyond testimonies and documentary evidence to appoint internal investigators to verify submissions made by counsels and parties. This would go a long way in ensuring due diligence and proper justice delivery.

## **Number of Amendments should be Reviewed Downwards**

It was identified that under the ACJA, the prosecution can amend its charges as many times as possible before judgment. This in no doubt creates delays as the defense would also be entitled to response and trial almost begins anew with the amendments. It is believed that if the number of amendments are specified, the prosecution would exercise utmost caution in investigation and filing of cases and would limit its amendments to when it is absolutely necessary.

## **Witness Support and Protection**

The prosecution greatly relies on witnesses to prove its case. In the absence of witnesses, the case may be lost. This has necessitated the recommendation of a robust witness support scheme especially for the trial of corruption cases.

## **ADR, Plea Bargain**

The use of ADR techniques such as plea bargain, goes a long way in reducing the length of trials and also reduced the amount of resources to be expended on trial. It was recommended that the use of ADR techniques such as plea bargain should be encouraged.

## **Overall Support for the Criminal Justice System**

Lastly, it was recommended that there is a need to overwhelmingly support the criminal justice sector. This need undoubtedly cuts across major stakeholders and should be expedited so that all the gains hoped to be achieved from the criminal justice sector would be achieved in no time.

Finally, it is hoped that the National Judicial Council would consider the recommendations of the policy dialogue to support the fight against corruption in the country, as always.

Thank you.

### **Representatives of Key Stakeholders Present:**

*Federal High Court*

*FCT High Court*

*Presidential Advisory Committee Against Corruption (PACAC)*

*EFCC, ICPC and Code of Conduct Bureau*

*Administration of Criminal Justice Monitoring Committee*

*Nigeria Bar Association*

*Partners West Africa*

*Centre for Socio-Legal Studies*

*Law Firms*