

JUSTICE SECTOR COORDINATION: THE ROLE OF STAKEHOLDERS
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1.0 Introduction

Justice has been defined as the fair and proper administration of laws,¹ while to coordinate means the act of making parts, or groups of people work together in an efficient and organized way.² Therefore the process whereby laws are fairly and properly administered by different agencies of government in an efficient and organized system is known as justice sector coordination. Justice sector coordination is the harmonization and integration of activities and responsibility to ensure that the resources of each organization involved in the administration of justice are efficiently used in pursuit of the justice delivery³. In any system involving more than one stakeholder coordination is indispensable in the pursuit of common goals. To achieve justice sector objectives, the individual functions independently performed by different institutions must be coordinated and properly synchronized.

In administration of justice there are either civil matters or criminal matters. Civil matters involve one or two parties and in which civil

¹ Bryan Garners Black's Law Dictionary 9th Edition pg 942

² Oxford Advanced Learners Dictionary, International Students Edition pg 323

³ Alemayehu Gonfa, The challenges of justice sector coordination in justice provision, LAP Lambert Academic Publishing 12 December 2016

justice is administered through the courts, the objective being the redress of wrongs, by compelling compensation or restitution.⁴ This means that the interaction is usually between the individuals and the court and can be easily manageable. On the other hand, Criminal justice is the means by which society deals with those who have been accused of committing a crime.⁵ Criminal matters usually involve multiple institutions through which an alleged offender passes through until the accusations have been disposed of or assessed and punishment concluded.⁶ A typical criminal justice system consists of various stakeholders including the Investigator, prosecutor, the court, legal practitioners and the prisons. Therefore it is imperative that for the system to be efficient and properly managed there must be seamless coordination by relevant stake holders.

This paper seeks to draw attention to the need for coordination in the pursuit of efficiency, fairness, speedy dispensation of justice and quality of justice delivery in Nigeria. In doing this the paper will discuss the functions and duties of relevant stakeholders and highlight common issues that hinder the justice sector in Nigeria.

2.0 The Stakeholders

2.1 The Law Enforcement Agencies

Law enforcement agencies are agencies set up by law to maintain internal security of the state.⁷ They detect and punish the violations

⁴ Bryan Garners Black's Law Dictionary 9th Edition pg 290

⁵ Ibid pg 431

⁶ Ibid

⁷ THE ROLE OF LAW ENFORCEMENT AGENCIES IN THE PROMOTION AND SUSTAINABILITY OF PARTICIPATORY DEMOCRACY AND RULE OF LAW. A SPEECH DELIVERED BY MR. SUNDAY EHINDERO (IGP) Kwara State

of law. Law enforcement agencies are members of the executive branch of government charged with carrying out and enforcing the law.⁸ For the purpose of this paper, only the police would be discussed but it is important to state that other agencies such as the economic and financial crimes commission, the independent corrupt practices commission, the National Agency for the Prohibition of Trafficking in Persons, National Drugs Law Enforcement Agency amongst others are law enforcement agencies directly charged with the enforcement of specialized crimes. These agencies are in one way or the other a policing institution.

Law enforcement agencies can also prosecute cases, provided that they do so using a legal practitioner authorized to prosecute any crime by any act of the National assembly.⁹ This means that any agency that has been set up for the purpose of enforcing the law and whose enabling law empowers such agency to prosecute violators of that law it then follows that the agency is at liberty to pass the case file to the attorney general's office or proceed to prosecute the said offence after it has concluded its primary duty of investigating the alleged crime.

This notwithstanding does not affect the undiluted powers of the attorney general of the federation to institute, take over or discontinue any criminal case in Nigeria.¹⁰

3.0 The Prosecution

WEDNESDAY 13TH DECEMBER, 2006.

⁸ Bryan Garner Black's Law Dictionary 9th Edition pg 964

⁹ Section 106 Administration of Criminal Justice Act 2015

¹⁰ Part 10 and 11 of the Administration of criminal justice act 2015

When deciding whether to charge a person with a crime, prosecutors weigh many factors, including the seriousness of the offense and the strength of the evidence.¹¹ Prosecution means to commence and carry out a legal action against an alleged offender in order to prove beyond reasonable doubt that the accused committed the offence. As was earlier stated prosecution can be carried out either by the law enforcement agency or the Ministry of justice, or any legal practitioner authorized by the attorney general of the federation¹² They present the case of the state alongside the evidence gathered and push for the prescribed punishment before the competent court of law.

3.1 The Court

This is a government institution belonging to an arm of government which consists of one or more judges who sit to adjudicate disputes and administer justice. The court system in Nigeria depending on the case starts from the magistrate courts and other courts of coordinate jurisdiction, through the high courts and other courts of coordinate jurisdiction, the court of appeal and the apex court known as the Supreme Court.¹³

3.2 The Defense Counsel

Legal practitioners, who represent persons facing criminal law charges, are called defense counsel. The defense counsel's duty is to show reasons in the defense of his client that the plaintiff (civil) or

¹¹ The Process of Criminal Justice, available at <https://www.cliffsnotes.com/study-guides/criminal-justice/the-criminal-justice-system/the-process-of-criminal-justice> last accessed 30th May 30, 2017

¹² Section 106 of the ACJA 2015

¹³ Chapter VII Constitution of the Federal republic of Nigeria 1999

the prosecution (criminal) has failed to prove his case.¹⁴ The role of the defense counsel in court is to ensure that the accused person receives the best representation in court and that the rights of his client are protected. Whether he deals with criminal or civil cases, a defense attorney is an advocate for the accused, charged with protecting his client's interests and making sure the law works as it should.¹⁵ The defense counsel has a right of appeal up to the Supreme Court but owes a duty of care to his client to advise him on the best possible outcome of the matter and is expected not to waste the time of the court but ensure that his client gets the best possible representation in a fair trial.

4.0 Custodial Institutions

A prison is a state or federal facility of confinement for convicted criminals.¹⁶ Therefore after a person on suspicion of having committed a crime is arrested and has gone through the judicial process, upon conviction an order may be made that he is sent to a prison facility to serve time. The prison service in Nigeria has a duty prepare the records of all awaiting trial inmates and send to the Chief Judge of the every state.¹⁷ Also the Comptroller General of Prisons is also expected to make returns every 90 days to the Chief Judge of all courts of superior records and the Attorney General of all persons awaiting trial in Nigerian prisons for a period of 180 days

¹⁴ Bryan Garner Black's Law Dictionary 9th Edition pg 484

¹⁵ Beverly Bird, Role of the Defense Attorney available at <http://work.chron.com/role-defense-attorney-3061.html> accessed May 31, 2017

¹⁶ Bryan Garner, Black's Law Dictionary 9th Edition pg 1314

¹⁷ Section 111 ACJA 2015

from the date of arraignment.¹⁸ These efforts ensure that the critical stakeholders in the justice sector including the administration of justice monitoring committee carry out necessary reforms in coordinating the justice sector.

The administration of criminal justice act 2015 addresses the excessive use of imprisonment as the major method of disposing criminal cases. The act provided for the use of probation¹⁹, suspended sentencing²⁰, community sentencing²¹ and parole.²² This provisions ensures that the objectives of sentencing by the courts is rightly reflected in terms of prevention, restraint, rehabilitation, and deterrence, education of the public, retribution and restitution.²³

5.0 Coordinating the Justice Sector in Nigeria

Coordination of the justice sector is very important if efficiency, speedy dispensation of justice and fairness is desired in the justice sector. Therefore the need for all the stakeholders in the justice sector to effectively work together to achieve a common goal cannot be over emphasized. Stakeholders namely the law enforcement agencies, the Court, legal practitioners (prosecution and defense) and the prisons and correctional services have to effectively work to ensure that justice is not only done but seen to be done.

¹⁸ Section 111 ACJA 2015

¹⁹ Section 453 ACJA 2015

²⁰ Section 460 ACJA 2015

²¹ Section 460 ACJA 2015

²² Section 468 ACJA 2015.

²³ Section 416(b) ACJA 2015

The need for coordination in the justice sector cannot be over emphasized as it will ensure that any reform in the various institutions does not affect the functions of another. The objective of Justice Sector Coordination is to bring together different institutions with different mandates but with one goal of ensuring effective justice for all. Therefore coordination ensures that the various stakeholder institutions can share information, plan together when necessary and evaluate justice situation in the country.

Agencies from time to time would change their mode of operation and thus communication is important to keep the wheel of justice working. If the appropriate monitoring and evaluation mechanism in the case of Nigeria the ACJMC carries out its duty and ensures that performance is communicated to stakeholders to know where they improve, the justice sector will have a year on year improvement which can be measurable based on the analysis of information gathered by the committee. Coordination involves information and data sharing and mutual desire to accomplish the common goal of reforming the justice sector, thus where a stakeholder institution is unable to perform their functions then such institution should make its challenges known to the ACJMC whom is charged with ensuring they succeed that way adequate recommendations would be made to the appropriate authority and solutions proffered to ease access to speedy and fair justice in Nigeria.

The effectiveness of law enforcement agencies in the administration of criminal justice system is a product of diligent investigation conducted by competent and detailed law enforcement agents²⁴ whose ultimate result is acquiring conclusive evidence to prove their cases beyond reasonable doubt.²⁵ It is the product of a good investigation that is then acted upon by the prosecutors to advance their case in the court of law in order to secure a conviction. During this time depending on the nature of the case the prisons services are required to ensure that the accused is in court as at when due. The mechanisms for coordination vary. Consultation and interaction amongst stakeholders is best facilitated through meetings. The Commission and Committees constituted under the Administration of Justice Act²⁶ can be cited as one of the boldest attempts in the past to institutionalize such meetings.

5.1 Administration of Justice Commission Act

In 1991 the federal government set up an administration of justice commission, which consisted of the attorney general of the federation, the minister of internal affairs, the inspector general of police, the director of prisons and the president of the Nigerian bar association.²⁷ The commission had a general supervision over the administration of justice in Nigeria, by ensuring that the courts in Nigeria were maintained, funded and that the judges and officers

²⁴ Don, Lewis, *The Police Officer in the Courtroom*, "How to avoid the pitfalls of cross examination through the proper preparation and presentation of investigative reports in court testimony and evidence." Charles Thomas Publishing 2001

²⁵ Ibid

²⁶ CAP A3 2004 formerly Decree No. 55 1991

²⁷ Section 2 Administration of Justice Commission Act (AJCA 2004)

of the court conformed to the ethics of the profession.²⁸ Their functions included to ensure the speedy dispensation of justice, reduce congestion in courts, prisons and deal with the issues surrounding awaiting trial inmates.²⁹The act charged the commission with ensuring that an enabling environment is created for a cordial and relationship between the organs charged with the administration of justice in Nigeria.

The act further created an administration of justice committee for states³⁰ with the attorney general of the state, commissioner of police, state chairman of the Nigerian bar association and the state comptroller of prisons as members³¹ to ensure that the administration of justice at the state level is as seamless as that if the federal level.³² The commission was meant to be funded by the federal government by means of appropriation and had the chairman as the chief accounting officer.³³

While the Act could have worked under a military dispensation its provisions offended the constitution in several respects particularly as it encroached on the independence of the judiciary and federalism. Information gleaned from the federal and some State ministries of justice suggests that the commission or committees never really took off or had ceased to exist for a long time. Rather some states like Lagos State had put in place ad-hoc Criminal Justice Reform

²⁸ Section 3(2) AJCA 2004

²⁹ *ibid*

³⁰ Section 4 AJCA 2004

³¹ Section 5 AJCA 2004

³² Section 6 of the AJCA 2004

³³ Section 7 if the AJCA 2004

Committees where the heads of all the criminal justice agencies including the Chief Judge and Attorney general is represented. It is also pertinent to note that the Administration of Criminal Justice Act 2015 has since repealed the Act.³⁴

5.2 The Administration of Criminal Justice Monitoring Committee

The administration of criminal justice act establishes a monitoring committee³⁵ to ensure the effective and efficient criminal justice administration in Nigeria to ensure that criminal matters are speedily dealt with³⁶, congestions in our courts are drastically reduced,³⁷ congestions in prisons is reduced to the barest minimum and suspects awaiting trial are not detained in prison custody unless it is unavoidably necessary.³⁸ The ACJMC, is also charged with the responsibility to ensure that the relationships between stakeholders is cordial and there exist maximum cooperation in the pursuit of efficiency in criminal justice.³⁹ In doing this the committee is expected to collate, analyze and publish information⁴⁰ in relation to the administration of justice, submit quarterly reports to the Chief Justice of Nigeria and carry out necessary activities to ensure that the administration of justice in Nigeria is effective and efficient.⁴¹

The aim of the committee is to ensure effectiveness and efficiency in the administration of justice, this means they has some coordinating

³⁴ Section 493 of the administration of criminal justice act 2015

³⁵ Section 469 ACJA 2015

³⁶ Section 470 2 (a) ACJA 2015

³⁷ Section 470 2(b) ACJA 2015

³⁸ Section 470 2 (c and d) ACJA 2015

³⁹ Section 470 (e) ACJA 2015

⁴⁰ Section 470 (f) ACJA 2015

⁴¹ Section 470 (g and h) ACJA 2015

powers in terms of using the information gather to make recommendations for further reforms in the justice sector. It is the view of the paper that even though the work of this committee can only affect the productivity and output of the stakeholders in the justice sector. There are limitations as regards the duty of the committee as it affects the duty of law enforcement agencies and the prosecution. The committee cannot determine the type of evidence gathered or how the case file is prepared nor how the case is argued, this though being fair means that where the law enforcement agencies and the prosecutors fail or are found wanting in their duties, the entire sector is bound to suffer in terms of delays and the entire output of other agencies is then affected. For example where a suspect is arrested, arraigned and remanded in custody and the law enforcement agencies have not concluded their investigation but rather choose to pursue continuous remand orders⁴² to buy time, the prisons for instance becomes inefficient to the public, the courts are blamed for delays in trial and the best that can happen “ironically” is that a report is written to improve the system. In this situation the ACJMCs hands are tied in terms of getting a vital and perhaps the most important part of the chain to perform its duty efficiently. The ACJMC can easily press upon the prisons to make awaiting trial inmates available to the court for trial, or the court to keep to the number of adjournments as prescribed by the

⁴² Part 30 Detention time limits ACJA 2015

ACJA.⁴³ It can then be said that the ACJMCs duties can easily be exerted on the stakeholders involved in the judicial process and the prisons and corrections but its powers will be limited in terms of law enforcement.

5.3 Federal Justice Sector Reform Coordinating Committee

The Federal Justice Sector Reform Coordinating Committee (FJSCC) was set up in 2008 to facilitate coordination between Federal and state justice institutions. The United Nations Office on Drugs and Crime (UNODC) has supported the FJSRCC to improve the effectiveness, accessibility, accountability, transparency, and fairness of the justice system in Nigeria. In doing this the UNODC support the prioritized needs of the Federal Ministry of Justice (FMOJ) in its drive to achieve coordinated and integrated reform across the justice sector in Nigeria. ⁴⁴ The FJSRCC is chaired by the Solicitor General of the Federation and also has a co-chair, the committee works with the state Justice Sector Reform Teams.

The objectives of the FJSRCC includes to increase coordination and cooperation among justice sector institutions, with improved legal and sector policy frameworks by Information and data collection and management in the sector is improved for critical stakeholders in the chain that is for the Police and Prison record keeping and court case management.⁴⁵ This also includes training and improving the capacity of justice sector staff at the federal and state levels in

⁴³ Section 396 (4) ACJA 2015

⁴⁴ www.unodc.org/nigeria/en/judicial-reform.html accessed 28 June 2017

⁴⁵ *ibid*

other improve competence and skills of prosecutors and officials of the Judiciary. Human rights issues associated with imprisonment, juvenile detention issues amongst others are within the mandate of the committee.⁴⁶ The FJSRCC also initiated the development of the policy, the code of conduct, and guidelines to provide professional guidance for prosecutors and enhance effective and efficient administration of criminal justice in Nigeria.⁴⁷

The FJSRCC as part of its efforts in improving coordination in the justice sector has in conjunction with the Nigerian Prison Service (NPS) revised the NPS standing orders. This is the main operating manual of the NPS which was last reviewed over 50 years ago and outdated is now in consonance with the modern realities of the Prison Service.⁴⁸

There has been an increase inmates being brought to court as at when due⁴⁹ and to maintain a steady rise in inmate attending their cases the authorities of the Nigeria Prisons Service (NPS), recently took delivery of 3,020 special vehicles that would carry inmates to various courts in the country⁵⁰. In the key states where the FJRSCC has had the support of the justice sector reform teams there have

⁴⁶ *ibid*

⁴⁷ Solicitors General review the National Policy on Prosecution available at [//www.unodc.org/.../Solicitors-General_Review_the_Proposed_National_Policy](http://www.unodc.org/.../Solicitors-General_Review_the_Proposed_National_Policy) accessed 28 June 2017

⁴⁸ www.britishcouncil.org/about/press/new-justice-sector-reform-team-established-akwa-ibom accessed 28 June 2017

⁴⁹ Joseph Otteh, The Need for justice sector coordination: Role of Stakeholders, paper presented at the national judicial institute on March 2017 available at http://nji.gov.ng/images/Workshop_Papers/2017/Refresher_Judges_and_Kadis/s3d.pdf accessed 28 June 2017

⁵⁰ The Guardian, February 1 2017 available at <http://allafrica.com/stories/201702010493.html> accessed 28 June 2017

been records of some success has been in the area of awaiting trial prisoners.⁵¹

A major challenge in criminal justice administration in Nigeria would be the synergy between the police and the prosecution, it would seem that since the ACJA⁵² limited those who can prosecute to criminal offences to legal practitioners there have been an increase in the state losing its cases especially those involving high profile or politically exposed persons. Recently a high profile kidnapped was arrested and paraded before the press with members of the team that effected the arrest granting series of interviews to press men on their modus operandi and even listing the number of kidnappings they had carried out and naming the victims⁵³ and figures paid as ransome.⁵⁴ The alleged high profile kidnapper recently filed a fundamental human rights application to compel the federal government to charge him to court or release him unconditionally.⁵⁵ If this application is granted by the court the public observer will blame the judiciary but in reality a man was arrested for two weeks and instead of being charged is being paraded and made a “media star” of some sort. A proper synergy between the law

⁵¹ States set up justice reform teams to work with the FJSRCC in coordinating and ensuring development in the justice sector reflecting changes at the federal level. The Justice Reform Team in Kaduna is headed by the Chief Judge of the High Court, they reduced the number by of prisoners who are on remand awaiting by the conclusion of investigations or the advice of the Director of Public Prosecutions.

⁵² Section 106 of the Administration of Criminal Justice Act 2015

⁵³ This can affect witnesses coming forward to testify, their information being in public domain means that they are potential targets of reprisal of gang members of the alleged kidnappers

⁵⁴ PM Online News media available at <https://www.pmnewsnigeria.com/2017/06/25/meet-acp-abba-kyari-nemesis-evans-godogodo-others/> accessed 29 June 2017

⁵⁵ **Kidnap kingpin, Evans, sues police, demands release or arraignment available at** <http://punchng.com/suspected-billionaire-kidnapper-evans-sues-police/> accessed 29 June, 2017

enforcement agencies and the prosecutor would have seen the suspect being charged within the prescribed 48 hours. That a suspect sues the police to either charge him or release him unconditionally speaks to the need for effective and efficient synergy and coordination in the justice sector as this affects speedy dispensation of justice.

7.0 Conclusion

The stakeholders in the administration of justice have very important roles to play in terms of justice delivery. They need to engage in frequent and fruitful interactions that will result in positive and visible changes in the justice sector in Nigeria are of utmost importance. The ACJMCs recommendations arising from their data collation and analysis must be taken seriously and put into action to ensure that the chain of the wheels of justice is flows without hindrance.

Efforts should be made to engage the law enforcement agencies to conduct very diligent investigations before forwarding the files for prosecution. The judiciary on the other hand must make efforts to take charge of the court and operate within the necessary procedural laws while not interfering in the rights of parties. The Nigeria Prisons must be properly equipped to cater for not just the inmates, producing awaiting trial inmates as at when due but to handle other noncustodial measures as recommended by the Administration of criminal justice Act.