

NATIONAL JUDICIAL INSTITUTE COURSE

FOR JUDGES AND KHADIS

**THEME: MODERNING JUDICIAL PRACTICES AND
PROCEDURES.**

TITLE OF PAPER: THE NEED FOR JUSTICE SECTOR

COORDINATION: ROLE OF STAKEHOLDERS

BY

E.U. MOHAMMED,

DIRECTOR, PUBLIC PROSECUTION FOR THE FEDERATION,

FEDERAL MINISTRY OF JUSTICE

Protocols.

According to Alemayehu Gonfa (author of the *Challenges of Justice Sector Coordination in Justice Provision*) “Coordination is the harmonisation and integration of activities and responsibility to ensure that the resources of an organization are used most efficiently in pursuit of the specified objectives. Coordination is indispensable when multiple actors are involved in the pursuit of common goals. Efficient coordination is not achieved through individual action, rather it must be orchestrated through collective efforts towards a common goal. To achieve justice sector objectives, the implementation functions independently performed by different

institutions must be coordinated. The importance of coordination comes up when government has established several institutions with delegated power and authority, which is aimed at providing services to the citizens more effectively.”

The Justice Sector in Nigeria has come under serious scrutiny and criticism for the spate of corruption in Nigeria. From the common man on the street to the President and Commander-in-Chief, the sector does appear to have lost the confidence usually reposed in it. The accusation lies almost entirely on the snail speed approach in the dispensation of justice and the feelings that the justice sector is compromised.

But a closer look at the justice sector reveals indeed that its challenge is largely because of the lack of coordination among the stakeholders in the sector. Because the justice sector is multifaceted and multidisciplinary, various sectors and actors must collaborate effectively to deliver on the end product: Justice.

The various stakeholders that make up the Justice Sector include the Courts, Prosecutors, Law Enforcement Agencies, particularly the

Police and other investigative agencies and the general public. These stakeholders play prominent roles at various juncture in the overall sector. The stakeholders are at their various competent levels and working as best as they can. They are at their various levels of development as institutions with their peculiar constraints.

The need therefore for coordination amongst the stakeholders is key. It is called synergy. There is a great need to harmonise and synchronise the efforts of the various sectors and stakeholders through concerted efforts. Efforts towards effective collaboration is already being invested in. This led to the promulgation of the Administration of Criminal Justice Act 2015 (hereafter referred to as ACJA). More effort is now required in its implementation. This is why this topic is apt for this refresher course for Judges and Khadis.

The Federal Ministry of Justice through various Committee in the past have made useful suggestions which are available as guides. The Courts have also evolved and have made massive investments in training and re-training Judges on this pivotal issue and on the administration of justice, as well as leading in this effort. The Police and other law enforcement agencies have also made giant strides in

equipping and training its staff. What is now required is for the stakeholders to invest in synergy or collaboration to ensure justice is achieved at the end of the day.

The general public must also develop faith and invest in the sector through cooperation and collaboration. Effective collaboration in the sector, whether through proper investigation, prosecution and adjudication depends on an engaged and active public. A public that is willing to assist the investigators with information, assist the prosecution by stepping forward as witnesses and assist the court with honest and fearless testimonies. A public that is supportive, encouraging and patient with the sector, instead of constantly discrediting and being disdainful of the sector.

All these parts of the sector must collaborate effectively together. No one sector can do it alone and not one sector can take the blame. Synergy is the new language and it must be preached and practiced. It will of course require new skills to be learned even in the separate sectors to prepare them on how to relate with other sectors that make up the entire justice sector. It will require respect and

appreciation of the various sectors, even understanding and trust, elements that can engender collaboration building.

In the Department of Public Prosecution of the Federal Ministry of Justice, guidelines have already been issued for prosecutors, what you call Code for Public Prosecutors against the background of the ACJA. Amongst other things, these guidelines are intended to engender collaboration with other players in the sector.

Today, the decision to prosecute is a serious step. Fair and effective prosecution according to the guidelines is essential to the maintenance of law and order. It is the duty of prosecutors to make sure that the right person is prosecuted for the right offences and to bring offenders to justice wherever possible. Prosecutors must always act in the interest of justice and not solely for the purpose of obtaining a conviction. This is the new paradigm shift that disposes us to assist and collaborate with the other sectors, be they investigators or adjudicators to advance justice.

I am aware that the Court has guidelines or codes just as I believe the investigators are equally guided. While the prosecutor

does not act for victims or their families in the same way as solicitors act for their clients, we must form an overall view of the public interest.

The old Latin maxim “ubi jus ubi remedium” continue to stare us in the face and collaboration is key if the justice sector must deliver on its mandate and ensure justice for all regardless of their social status in our country.

Let us look at a hypothetical situation. A man is arrested on the suspicion that he committed an offence. He is brought to the Police Station where he is detained. This is how the stakeholders are involved:

- 1) The Police and Lawyer: At the Police Station where the person is arrested or detained. He could be subjected to a line of questions. Section 35(2) of the Constitution (as amended) states that the person shall have the right to remain silent or avoid answering any question on the advice of a legal practitioner (the Lawyer).

Secondly, section 35 (3) of the Constitution (as amended) states that the person must be informed in writing or a language that he understands the facts and grounds surrounding his arrest.

2) The Judge or Court: Section 35(4) of the Constitution (as amended) states that the suspect must be brought before a court within a reasonable period of time. The reasonable period of time being:

- a) 24 hours where a court of competent jurisdiction is within a 40km radius;
- b) A period of 48 hours or longer (as the court may determine) in any other case;
- c) Two months from the date of his arrest in the case where the person has not been entitled to bail; and
- d) Three months from the date of his arrest in the case where the person has been released on bail upon such conditions as are necessary.

Section 36 (1-12) of the Constitution (as amended) states the rules which a court must abide by or consider at trial.

3) The Law Enforcement Agent or Agency: Section 35(6) of the Constitution (as amended) states that a person who has been unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person specified by law, which in this case is either the Police or Law Enforcement Agent.

It is important to note at this point that each stakeholder must know their role. The Police must inform the suspect of his or her rights (the right to remain silent, the right to Legal Counsel, the understanding of these rights). The Police should also inform the suspect the offence for which he or she is being arrested for and must charge him or her to Court within a reasonable time as aforementioned.

The Courts are well aware of their role in Section 36 of the Constitution but what tends to happen is that Court orders are not obeyed or respected by the Law Enforcement Agencies and the Courts sometimes give conflicting orders or judgements which also go a long way in defeating coordination or harmonisation in the Justice Sector. The result being a lack of confidence in this Sector.

As mentioned earlier, the ACJA addressed some areas to aid coordination among stakeholders. Section 106 of the ACJA has made the prosecution of suspects the exclusive purview of lawyers. Therefore, the Police and Lawyers have no choice but to collaborate together in the coordination of the Justice Sector.

Section 296 ACJA places a burden on Law Enforcement Agencies by stating that a suspect shall not be remanded for more than 14 days at first instance and renewable for a time not exceeding fourteen days where “good cause” is shown. At the expiration of the remand order, if Legal Advice is still not issued, the court shall issue hearing note to the Inspector General of Police and Attorney General of the Federation or the Commissioner of Police or any other authority in whose custody the suspect is remanded to inquire into the position of things and adjourn for another period not exceeding fourteen days for the above mentioned officials to come and explain why the suspect should not be released unconditionally.

My Lords, ladies and gentlemen, the key to coordination in the justice sector is leadership. May I add good leadership. Good

leadership puts the interest of the justice sector and the community as a whole before those of any specific sector.

For us to achieve this synergy will require leaders of all of us from the various sectors, investigators, prosecutors and adjudicators. It will also require intense efforts at building and sustaining this collaboration, a phenomenal task not undertaken lightly, but shouldered by the various stakeholders in this sector, but most importantly by our people.

We in the various sectors must have the vision and flexibility to embrace change, to continuously adapt and improve our personal performance and our commitment to service. Like every challenge, the challenge of the justice sector coordination will definitely task our creativity and intelligence to formulate new ideas.

In conclusion, while I wish all who are partaking in this induction great success in your future assignments, permit me to stress that what is required of you indeed all of us now, is to take the lead and be proactive in forging our own destiny. This will not be

easy, as the future will bring daunting, unforeseen challenges and we must be ready to face anything.

On behalf of the DPPF, I thank you for the invitation and for your attention.

God bless us all.