
TOWARDS A PROACTIVE ADMINISTRATION OF CRIMINAL JUSTICE AND CIVIL SOCIETY ORGANIZATIONS IN NIGERIA*

Abstract

The Nigerian criminal justice system is yet to achieve the result that led to the enactment of the Administration of Criminal Justice Act 2015 (ACJA) which is to reduce or eradicate delays in the trial of cases, stop or prevent indiscriminate transfer of investigating officers, improve inter agency relationship between various agencies involved in the administration of criminal justice (such as the security agencies, prosecutors, the court, the correctional centers and their staffers) and the resultant oppression and violation of human rights of accused person by operatives of security agencies especially the Nigeria police. On the other hand, despite the volume of work done by Civil Society Organizations in the criminal justice sector, issues of administration of criminal justice still depend largely on internal policy actions of government institutions within the criminal justice system despite the provisions of ACJA. This paper aims to analyze the role and limitations of civil society organizations in the administration of criminal justice in Nigeria and make recommendations for an impact driven CSO in the administration of criminal justice in Nigeria.

Keywords: administration of criminal justice, administration of criminal justice act 2015 (acja), Nigerian criminal justice system (cjs), civil society organizations, Nigeria.

1. Introduction

Administration of criminal justice touches on all aspects of society and social structures including law enforcement agencies (security agencies) judicial system, correctional centers, social counselling services amongst others. The administration of criminal justice in Nigeria has been undermined by the share size of burden it contends with, given the population of the country and the capacity of the arms of the state. The system of administration of criminal justice in Nigeria involves policing, legislation, adjudication, and correctional imprisonment.

Administration of Criminal Justice Act of 2015 is the most recent legislative effort to improve the administration of criminal justice. Policing, as an aspect of administration of criminal justice in Nigeria is centrally coordinated while the judicial system is in layers of state and federal jurisdictions. The Supreme Court sits at the top of the hierarchy of the courts as the final authority in the country on issues of adjudication. The system of correctional services is also centrally controlled by the federal government.

Administration of criminal justice in Nigeria has become a major challenge. As cases pile up, victims often wait for a very long time before their matters are heard thereby delaying the time for them to get justice, while detention facilities are overpopulated due to the number of suspects held in detention while awaiting trial for various degrees of crimes. Poor funding of the criminal justice system has also led to varying degrees of corrupt and sharp practices across all the stages of justice administration in the criminal justice system. Corrupt practices by personnel in the policing, adjudication, and correctional/imprisonment process has been widely reported. Thus, leading to

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sabotage of justice against both the victim and the suspects of crime. This has in turn led to high crime rate and justice administration in Nigeria.

Across the political system, components of the society like the judiciary, the legislature, and law enforcement agencies have defined statutory role in administration of criminal justice. Other actors who play different roles in the administration of criminal justice include individual activists, religious groups, and Civil society organizations. The role of Civil Society (CS) and Civil Society organizations (CSOs) in the administration of criminal justice is increasingly gaining prominence. Civil society is that aggregation of society's members that is distinct from government as an organ of the state, and business. The organization of the members of this social aggregation or mass who share a common interest in a cause into a distinct and structured group, often non-violent and largely recognized by law, can be said to be Civil Society Organizations.

The Administration of criminal justice system of any country or state has the primary purpose of ensuring swift dispensation of justice, preservation of the society from crime and protection of the rights and welfares of the suspect, the defendant, and the victim.

In Nigeria, the narrative is not out of the ordinary, as the enactment of the Administration of Criminal Justice Act (ACJA) 2015 and Administration of Criminal Justice Laws (ACJL) of various states were promulgated to bring sanity, lawfulness and integrity to the Nigerian criminal justice system. The Act and the Laws came into being to mitigate the hardship of the Criminal Procedure Act (CPA) in the South and the Criminal Procedure Code (CPC) in the North which preceded the 1999 Constitution of the Federal Republic of Nigeria as Amended.

The CPA and CPC were archaic, loose, and out of step with democratic and contemporary trends.¹ For instance, The CPC required that those accused of a crime involving death penalty should not be released on bail unless further investigations are effected.² This made it difficult to do justice, especially in the Northern States, where the CPC was in operation.³ Similarly, under the provisions of the CPA and CPC, the penalties for conviction were restricted to imprisonment, fines, caning, haddi lashing , and death penalty.⁴

The judiciary and prisons services in Nigeria are undermined by similar problems as the police. The efforts of Nigeria towards appropriate administration of criminal justice has been in the form of policy responses and legislative actions. Administrative policies within the criminal justice system like the punishment and suspension of erring staff, quick adjudication of cases that have generated public outcry or political interests.

¹ Akudo Okpom, 'Comparative Analysis of Criminal Justice System in Nigeria and Administration of Criminal Justice Act 2015' (2021) Volume 12, No1 *Academic Discourse: An International Journal*: ISSN 2277-0364 available online at https://www.globalacademicgroup.com/journals/academic%20discourse/V12N1P25_2021 accessed on 26th October, 2023.

² ibid 11.

³ ibid 11.

⁴ ibid 12.

The National Assembly of the Federal Republic of Nigeria enacted the Administration of Criminal Justice Act, 2015 to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim. The administration of Criminal Justice Act, 2015 is a legislative action designed to reform the system and process of administration of criminal justice in Nigeria, following public outcry.

Though, the Administration of Criminal Justice Act (ACJA) 2015 made some progressive provisions. For instance, Section 270 ACJA, 2015 provides for Plea bargain where the defendant and the prosecution work out a mutually acceptable resolution of the case, furthermore, Section 460 of ACJA, 2015 provides for suspended sentence and community service to lessen the congestion in prisons and correction centers and the objective being the rehabilitation of prisoners by making them embark on productive work and the prevention of convicts who commit simple offences from associating with hardened criminals.

Sections 6 and 8(1)(2) ACJA, 2015 provides that in the event of actual arrest, a suspect is entitled to be informed of the cause of his arrest, he shall be treated with humane treatment, having regard to dignity of his person as he shall not be arrested for civil wrongs and contracts. These provisions are embedded with the sole purpose of curbing the brutality of security agencies. It is worthy to note that Section 296 ACJA, 2015 provides for a limit to the time spent on remand, Sections 314 and 319 ACJA, 2015 made provision for compensation to victims of crime, Section 15 (4) ACJA, 2015 provided for electronic recording of confessional statement and unlike the CPA and CPC, under Section 167 (3) ACJA, 2015 Women can be used as sureties. However, despite the provisions of ACJA and the efforts of the government in the administration of criminal justice, the role of civil society organizations in the administration criminal justice system remains fundamental in ensuring quick dispensation of justice, protection of the rights and wellbeing of the suspect, the defendant, and the victim especially with regards to security agencies. The enactment of the ACJA 2015 has not left the criminal Justice system of Nigeria free from difficulties ranging from delays in trial of cases to overcrowded prisons.

2. The Nigerian Criminal Justice System

Criminal Justice System refers is an embodiment of crime regulating procedure, means and techniques, which represents the whole range of instruments employed by states to enforce its set rules for the maintenance of peace, order and tranquility. It is an apparatus of society used to enforce established standards. It is an exclusive crime regulating system.⁵

Criminal justice system is an epitome of crime regulating procedures, which signifies the whole range of government agencies that operate as the instrument of the state to enforce its set rules necessary for the maintenance of peace, order, and tranquility.⁶ Criminal justice system consist of many bodies, groups, institutions or agencies that have been charged with the duties of guaranteeing social agreement and mass submission with the law, and deciding whether or not an individual is

⁵ 'Moses U.I The Nigerian Prison System and the failure of rehabilitation: An examination of incarceration alternatives, the Nigerian Academic Forum, 20(1):1-8

⁶ Benjamin Okorie, 'Criminal Justice Administration and Panic of Prison Correction in Nigeria' (2018) 1 *Journal of Law and Judicial System* 1-8.

guilty of violating the laws of the state, and the appropriate punishment to be given to such person. It is responsible for the care and rehabilitation of individuals found guilty of breaking the laws and to whom prescribed punishment is conferred.⁷

Conversely, Professor Okafor Chukwunonso holds the opinion that, calling the criminal justice system a system is a misnomer because a system stands on its own in its entirety. The only thing that is close to it in meaning maybe called a sovereign state, after which the sub systems follows which include; the economic system, the political system, and the legal system. After the sub system, comes the sub-sub system which is the correct term for criminal justice system as it is under the legal system which is in turn under the Sovereign State.⁸ Irrespective of the definitions by scholars, the criminal justice system must be effective and efficient in bringing offenders to justice, instill public confidence in the process, ensure victim and witness satisfaction with the security agencies saddled with the prosecution whilst ensuring public order, public safety, and state stability.

3. Administration of Criminal Justice System

Administration of criminal justice system as different from criminal justice system refers to the operation of activities such as apprehension, detention, pre-trial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.⁹ Similarly, The Administration of Criminal Justice Act 2015 delivers the meaning of Administration of Criminal Justice System when it highlights the purpose of the ACJA 2015. Section 1 of the ACJA states that:

The purpose of this Act is to ensure that the system of administration of criminal justice in Nigeria promotes efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim.

Consequently, the administration of criminal justice System refers to the procedures which promotes the efficient management of criminal justice institutions, speedy dispensation of justice, protection of the society from crime and protection of the rights and interests of the suspect, the defendant, and the victim.

4. Civil Society Organizations (CSOs)

CSOs became influential actors in national development in the 1990s and constitute the fourth type of regulation agent after states, international institutions and firms. In the past, CSOs have evolved significantly into a genuine constituency that interacts with other stakeholders, and is widely accepted as a major player globally in administration and governance processes. CSOs are widely accepted as an integral and indispensable part of election management specifically, and the democratization process as a whole. They are a major catalyst in the democratization process, particularly in emerging democracies. The role of CSO's in the administration of criminal justice

⁷ *ibid.*

⁸ Chukwunonso Okafo, 'Criminogenic Factors in Nigeria' (2020) *Criminology Lecture in the University of Nigeria Enugu Campus.*

⁹ Joseph Agada and Emmanuel Umbu, 'Criminal Justice Administration in Nigeria: A Critical Look at The Administration of Criminal Justice Act, 2015' (2019) 10 *Babcock University Socio-Legal Journal* 45.

is to facilitate the progress and speed up the administration of criminal justice. CSO's play fundamental roles in public interest litigations, legislation advocacy, advocacy against human rights abuses by law enforcement agencies, promotion of rule of law, and administration of criminal justice accountability among others. In Nigeria, CSOs advocacy has influenced legislations, propelled government actions on issues of public interest, amplified cases of abuses, and led to reforms, in policing, adjudication, and correctional services.

CSO's has been defined as the entirety of those organizations and networks which rest outside the formal state machinery.¹⁰ Similarly, civil society organizations are generally defined as voluntary establishments separate from the state and the market, formed by people who have mutual needs, interests and values like tolerance, cooperation and equality, and development through a fundamentally autogenous and independent procedure.¹¹ Simply, civil society organizations include non-profit and non- state organizations in which people coordinate themselves to follow shared interests in the public realm outside of their immediate family.¹² Civil Society Organization are citizens associating neither for power nor for profit.¹³

More so, Civil Society Organizations in Nigeria have full right to exist and operate in Nigeria by virtue of Chapter 4 of the 1999 Constitution of the Federal Republic of Nigeria as Amended, which provides for fundamental human rights and includes the right to peaceful association and assembly as found in Section 40 of the 1999 Constitution of the Federal Republic of Nigeria as Amended. While Section 39 of the same constitution guarantees the right to receive and impart information. Civil society organizations have a significant presence in administration of criminal justice in Nigeria. CSOs often employ different strategies to integrate their values into state policies.

5. Civil Society Organizations and the Administration of Criminal Justice in Nigeria.

Civil society organizations have a lot of role they play in the progress and development of any society or country. They are vital in different segments of the society ranging from the educational sector, the economic sector, the technological sector, down to the administration of criminal justice in the State. Administration of criminal justice is a juristic delivery system or a machinery, apparatus or arrangement designed to ensure justice in the society especially in the event of criminal breach of the law. Administration of criminal justice involves the laws, the courts and the enforcement agencies

In Nigeria, the CSOs play a very important role in the administration criminal justice. The role made by the CSOs has been felt since the struggle for Independence as seen in the activities of National Congress of British West Africa (NCBWA). They were also felt in the era of Military Regime in Nigeria, protecting the human rights of Many Nigerians as observed in the activities of

¹⁰ Moses Alokpa, 'The Role of Civil Society Organizations (CSO) In The Nigerian Democratization Process, 1999 – 2015' (2015) 8(2) *International Journal of Research in Arts & Social Sciences* 336-338.

¹¹ Nana Nwachukwu, 'Mapping of Civil Society Organizations in Nigeria' (2019) *Harvard University – Berkman Klein Center for Internet & Society*. <<https://ssrn.com/abstract=3885625>> accessed 18 August 2023.

¹² The CAMA 2020 and Civil Society Organizations (Dentons ACAS LAW) <<https://www.dentonacaslaw.com/en/insights/alerts/2020/august/19/the-cama-2020-and-civil-society-organizations>> accessed 21 August 2023.

¹³ Holloway R, *Towards Self Reliance: A Handbook for Resource Mobilization for Civil Society Organization in the South* (London: Earthscan Publications Limited, 2001).

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National Association of Democratic Lawyers (NADL).¹⁴ They have a huge role to play when it comes to the Administration of Criminal Justice in Nigeria. For Instance, Civil Society Organizations have a role to play when it comes to the drafting process, in actively campaigning for or against a certain legislative provision, which involves drafting legislations and presenting it on the floor of the Legislature.¹⁵

They have a role to play in helping the victim achieve healing and stability.¹⁶ More so, these civil society organizations see their core function as speaking for, defending and furthering the rights and interests of identifiable stakeholder groups like vulnerable or underserved demographic groups.¹⁷ This position is further strengthened by Section 469 of the ACJA 2015 which established a body known as the Administration of Criminal Justice Monitoring Committee, made up of the major stakeholders of the criminal justice system including a representative of the Civil Society organization to be appointed by the committee to serve for a period of two years. The committee is saddled with the responsibility of ensuring that the intendment of the ACJA 2015 are met.¹⁸

Interestingly, Section 17 of the ACJA 2015 provides that where a person is arrested on allegation of having committed an offence, his statement shall be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an official of a Civil Society Organization who shall not interfere while the suspect is making his statement.¹⁹ Civil society organizations in Nigeria have provided the means and platform for the pursuit of justice despite the slow nature of dispensation and have been the vanguard of democratic struggle. CSOs were instrumental in kicking out military rule which by nature and practice was arbitrary, and impeded access to justice via its actions. Some civil society organizations like the CLEEN Foundation, Civil Liberties Organization of Nigeria (CLO), Nigerian Bar Association (NBA), Women Impacting Nigeria (WIN), Women's Consortium of Nigeria (WOCON), Stand to End Rape Initiative (STER), Legal Defense and Assistance Project (LEDAP), Women Aid Collective (WACOL), Network Against corruption and Human Trafficking (NACAT), and International Federation of Women Lawyers (FIDA) has made significant impact in the administration of criminal justice in Nigeria.

The CLEEN Foundation (formerly known as Center for law Enforcement Education) is a non-governmental organization founded in January 1998²⁰ with the Mission of promoting public safety,

¹⁴ Moses (n 10).

¹⁵ Yusuf A and Yahaya S, 'Crime victims and criminal justice criminal administration in Nigeria' (2014) 28(1) *Global Journal of Interdisciplinary Social Sciences* 131-146.

¹⁶ *ibid.*

¹⁷ Nana (n 11).

¹⁸ By the provision of section 470, ACJA, 2015, the Committee is to ensure that: (a) criminal matters are speedily dealt with; (b) congestion of criminal cases in courts are drastically reduced; (c) congestion in prisons is reduced to the barest minimum; (d) persons awaiting trial are, as far as possible, not detained in prison custody; (e) the relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exists maximum co-operation amongst the organs in the administration of justice in Nigeria; (f) collate, analyze and publish information in relation to the administration of criminal justice sector in Nigeria; and (g) submit report quarterly to the Chief Justice of Nigeria to keep the Chief Justice abreast of developments towards improved criminal justice delivery and for necessary action; (h) Carry out such other activities as are necessary for the effective and efficient administration of criminal justice.

¹⁹ See Also Taiwo V. FRN (2022), Maduwigwe Awelle v The People of Lagos State (2016) LPELR-41395 CA;

²⁰ 2023 marks CLEEN Foundation's Silver Jubilee.

security and accessible justice through the strategies of empirical research, legislative advocacy, demonstration programs and publications in partnership with government, civil society and the private sector.²¹ For their strives in administration of criminal justice, it has won several awards.²² In 2023, during the preparation for the general elections, CLEEN Foundation through its Executive Director while Presenting the 2023 Election Security Assessment, informed the general public and the government to take more security measures as only Kano state, Jigawa state and the FCT were safe for the elections. This was based on research conducted by the organization. It highlighted that 13 states were violence prone and the remaining 21 had pockets of violence in various quarters.²³ CLEEN Foundation is famous for the workshop it organizes for the prevention of crime. Recently, it organized a training workshop on preventing Serious Organized Crime (SOC) in the communities of two local government areas of Zamfara state. Highlights of the lectures were the roles of the Crime Prevention Partnership (CPP) and Organized Criminal Groups (OCG) within the community in the State.²⁴ CLEEN Foundation organizes trainings/workshop for heads of other civil society organizations and recently organized a training for 20 Heads of Civil Society Organization platforms in Bauchi State on how to monitor the implementation of the administration of criminal Justice Law in the State.²⁵ The CLEEN Foundation have made huge efforts in exposing the wrong doings of security agencies as a way of curbing their excesses. For instance, during the Covid-19 lock down, CLEEN Foundation gave a report of how Nigerian Soldiers flogged an elderly woman, a food seller, to death in Nasarawa state, North- Central Nigeria, for allegedly violating the lockdown order in the State, according to the report, the food seller was among the 36 people unlawfully killed by the Nigerian Security officials since the Covid-19 Lock down.²⁶

The Nigerian Bar Association (NBA) is a nonprofit professional association of all lawyers admitted to practice law in Nigeria and a member of all statutory bodies that regulate the Nigeria Bar and Bench. The NBA boasts of over 120,000 Lawyers with active branches across the 36 States and the Federal Capital Territory of Nigeria.²⁷ It is engaged in the advancement and protection of human rights, the rule of law and good governance in Nigeria providing pro bono services to the indigents of the society.²⁸ The NBA engages in training and very recently in collaboration with MacArthur Foundation trained police officers as critical stakeholders in the implementation of the administration of Criminal Justice Act in Warri, Delta State.²⁹ The NBA has made tremendous

²¹ 'About CLEEN Foundation' (CLEEN Foundation) <<https://cleen.org/about-us/>> accessed 22 August 2023.

²² Ibid.

²³ 'Only Kano, Jigawa, Fct Safe for Elections-CLEEN Foundation' (Punch,9 February 2023) <<https://www.google.com/amp/s/punchng.com/only-kano-jigawa-fct-safe-for-elections-cleen-foundation/%3famp>> accessed 22 August 2023.

²⁴ 'NGO organizes workshop on crime Prevention in Zamfara' (Tribune, 24 July 2023) <<https://tribuneonline.com/ngo-organises-workshop-on-crime-prevention-in-Zamfara/>> accessed 22 August 2023.

²⁵ 'Bauchi: CLEEN Foundation Trains CSOs to Monitor ACJL Implementation' (Independent, 7 June 2023) <<https://independent.ng/bauchi-cleen-foundation-trains-csos-to-monitor-acjl-implementation/>> accessed 22 August 2023.

²⁶ 'Covid-19: Nigerian Soldiers Allegedly Flog Food Seller to Death' (Premium Times, 7 June 2020) <<https://www.premiumtimesng.com/news/headlines/396613-covid-19-nigerian-soldiers-allegedly-flog-food-seller-to-death.html?ztc=1>> accessed 23 August 2023.

²⁷ 'Nigeria Bar Association (NBA)' (Devex) <<https://www.devex.com/organizations/nigeria-bar-association-nba-148257>> accessed 23 August 2023.

²⁸ 'The Nigeria Bar Association' <<https://nigerianbar.org.ng/about>> accessed 23 August 2023.

²⁹ '<<https://newsdiaryonline.com/nba-macarthur-foundation-train-police-lawyers-on-administration-of-criminal-justice-act>> accessed 27th October 2023.

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impact in the administration of criminal Justice thus, the NBA in curbing the abuses of government and its security agents in the administration of criminal justice has introduces several techniques to be adopted by government in administration of criminal justice. The chairperson, of NBA, Enugu Branch, Charles Nwagbara, advised that President Tinubu must facilitate the amendment of the 2011 Fundamental Rights Enforcement Procedure Rules and empower the National Human Rights Commission (NHRC) to promote and protect human rights in the country, monitor rights abuses and assist victims.³⁰ He also advised that human rights desks should be established in all the law enforcement agencies.³¹

The government recognizes the advices given by the NBA on best practices concerning the Administration of Criminal Justice. In July 2019, the NBA advised the Federal government through the chairman, NBA Ikere chapter, Ekiti State, Oludayo Olorunfemi, that community policing is the best strategy against the killings experienced throughout the Country. He made this statement in a Press Conference foreshadowing the maiden edition of the Ekiti Branch law week.³² The NBA has over the years filed criminal suits and Petition against security agencies for their abuse of human rights and other cruel acts. A case in hand is the Petition dated November 26, 2021 against the Ebonyi State Commissioner of Police, CP Aliyu Garba, over the alleged gruesome murder of Mrs. Amaechi Gloria Enyi.³³ The NBA is not resting in pursuing the observance and implementation of the ACJA and rises whenever the need arises to condemn unlawful activities of the government in administration of criminal justice. The NBA gave a wide condemnation over the invasion of a Federal High Court, Abuja by agents of the Department of State Services (DSS), in an attempt to re-arrest Omoyele Sowore and Olawale Bakare despite being on bail granted by the Federal High Court. The Publicity Secretary of the NBA made demands that the Federal Government of Nigeria and the National Assembly should immediately investigate the shameful conduct by the DSS and that the Director-General be immediately suspended.³⁴

Women's Consortium of Nigeria (WOCON): The Women's Consortium of Nigeria is a non-governmental, non-profit, nonpartisan and non-religious organization that is dedicated to the enforcement of women and children's rights and the attainment of equality, development and peace. It was founded and registered by Late Chief Olateru-Olagbegi on 25th August 1995 with its headquarters in Lagos State.³⁵ It holds a United Nations Special Consultative Status.³⁶ Its activities have primarily focused on issues of gender-based violence (GBV) especially campaigns against

³⁰ 'What Tinubu Must Do to Curb Human Rights Abuses in Nigeria-NBA Chairperson' (Premium Times, 9 June 2023) <<https://www.premiumtimesng.com/regional/ssouths-east/603433-what-tinibu-must-do-to-curb-human-rights-abuses-in-nigeria-nba-chairperson.html>> accessed 23 August 2023

³¹ *ibid.*

³² 'Insecurity: NBA reveals best Strategy against those killing Nigerians' (Daily Post, 18 July 2019) <<https://www.google.com/amp/s/dailypost.ng/2019/07/18/insecurity-nba-reveals-best-strategy-killing-nigerians/%3famp=1>> accessed 23 August 2023

³³ 'NBA Petitions Ebonyi CP over 'murder' of lawyer's wife' (Punch, 30 November 2021) <<https://www.google.com/nba-petitions-ebonyi-cp-over-murder-of-lawyers-wife/%3famp>> accessed 23 August 2023

³⁴ 'Court Invasion By The DSS is 'Legendary And Unrivalled', Says NBA' (Channels, 8 December 2019) <<https://www.google.com/amp/s/www.channelstv.com/2019/12/08/court-invasion-by-the-dss-is-legendary-and-unrivalled-says-nba/amp/>> accessed 23 August 2023

³⁵ 'About Women's Consortium of Nigeria' (Women's Consortium of Nigeria) <<https://www.womenconsortiumofnigeria.org/?q=about-us>> accessed 23 August 2023.

³⁶ *ibid.*

human trafficking of women, youth and children³⁷ in a bid to see that the administration of criminal justice System is implemented. For example, in May 2021, it organized a community outreach which took place at the palace of the Olu of Iwaya, His Royal Highness Babatunde Adegbenro Ajaga to sensitize Iwaya women against sexual and gender-based violence.³⁸ Similarly, more recently, in May 2023, WOCON collaborated with Nigeria Women Association Verona Italy and Denny Welfare Hub Lagos, to conduct an awareness program on the risks of Human trafficking and irregular migration to Europe. The Program took place at WOCOM's headquarters at 13 Okesuna Street, Lagos Island and it was attended by community elders and market women.³⁹

WOCON has made huge attempts to compel Nigerian security agents to do their work in the Administration of Criminal Justice in Nigeria. For instance, in celebration of Worlds Day Against Child Labor, WOCON Lagos team made an advocacy visit to the Force Intelligence Board (FIB) at the Force Headquarters at Kam Seleem House Obalende to encourage the Force to cooperate with CSOs in the eradication of Child Labor growing rapidly in the Lagos State.⁴⁰

6. Limitations of Civil Society Organizations in the Administration of Criminal Justice in Nigeria

The Nigerian society is yet to feel the impact of ACJA 2015 and according to the Global organized crime index, it ranks fifth among countries affected by organized crime globally, second among 54 countries in Africa and first among 15 countries in West Africa.⁴¹ Part of the reasons for the failure of the ACJA in achieving its purpose is due to the fact that the government and its agencies are yet to effectively implement the provisions of the Act. More so, Civil society organizations are yet to reach the zenith in ensuring that criminal justice is properly administered in Nigeria. The Failure of Civil Society Organization in the administration of criminal justice in Nigeria may be seen in the following:

6.1 Inability of Civil Society Organizations to make financial donations to the Judiciary.

It is important to note that the delay in trial cases affect the administration of justice and is perceived as being adverse to the attainment of substantial justice.⁴² This delay has eaten deep into the administration of justice that the Chief Judge of Lagos State Honorable Justice Opeyemi Oke lamented that there was a backlog of over 3000 cases in various courts in Lagos State.⁴³ The root cause of delay has been attributed to inadequacy of courtrooms, infrastructural facilities and poor

³⁷ *ibid.*

³⁸ 'Iwaya Women Sensitized on Human Trafficking' (The Nation, 29 May 2021) <<https://thenationonlineeng.net/iwaya-women-sensitised-on-human-trafficking/>> 23 August 2023.

³⁹ 'Awareness Raising Programme: "Risks of Human Trafficking & Irregular Migration to Europe" (Women's Consortium of Nigeria) <<https://www.womenconsortiumofnigeria.org/?q=photo-galleries-activity-updates-report/awareness-raising-programme-risks-human-trafficking>> accessed 23 August 2023.

⁴⁰ 'WOCON Lagos Team Paid an Advocacy Visit to The Force Intelligence Board' ((Women's Consortium of Nigeria) <<https://www.womenconsortiumofnigeria.org/?q=content/wocon-lagos-team-paid-advocacy-visit-force-intelligence-board>> accessed 23 August 2023.

⁴¹ 'Nigeria Ranks Fifth among Countries Affected by Organized Crime-Buratai' (Punch 18 July, 2023) <<https://www.google.com/amp/s/punchng.com/nigeria-ranks-fifth-among-countries-affected-by-organised-crime-buratai/%3famp>> accessed 23 August 2023.

⁴² Agbonika John, 'Delay in the Administration of Criminal Justice in Nigeria: Issues from a Nigerian Viewpoint' (2014) 26 *Journal of Law, Policy and Globalization* 130-136.

⁴³ Joan Monye, Patience Obiagbaos and Richard Obidiegwu R, 'Where are we in Curbing the Delays in Administration of Criminal Justice in Nigeria?' (Punuka 13 October 2020) <<https://Punuka.com/where-are-we-in-curbing-delays-in-administration-of-justice-in-nigeria/>> accessed 25 August 2023.

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working conditions.⁴⁴ In Nigeria, civil society organizations are not known for donations to the Judiciary to help improve the court system and its facilities however, may donate to the police⁴⁵ but not to the judiciary. In recent times popular donations that has been made to the Judiciary are the donation of seats by law students to the Oyo judiciary⁴⁶ and a donation of a court house to Ekiti state judiciary by Wole Olanipekun, SAN.⁴⁷

Many civil society organizations may be said to be timorous when it comes to donating to the judiciary as they fear that their donations may be seen as an interference with the course of justice as seen in Wole Olanipekun's instance.⁴⁸

6.2 Poor Management of Funds: civil society organizations are said to carry out their activities, especially in the administration of criminal Justice⁴⁹, based on the donations they get from the general public and variety of funding mechanisms.⁵⁰ However the funds or donations given to them to ensure that the provisions of the ACJA 2015 are implemented are mismanaged and inadequately utilized for the administration of Criminal Justice. A case in hand is in Delta state, where a vehicle donated to a civil Society organization to facilitate efforts by the group to curb incidents of police brutality was sold without any authorization. Some say however, that it was leased however popular opinion is the vehicle was sold for the personal enrichment of certain representatives of CSO in the state.⁵¹

6.3 Involvement in Crime: Civil society organizations have a role to play in helping the victims of crime achieve healing and stability,⁵² however there are instance where they are seen in harming the victim they are meant to protect. Some civil society organizations use their association as a camouflage to commit crime as exposed by the head of Special Control Unit Against Money Laundering, (SCUML) at the Economic and Financial Crimes Commission (EFCC), Angela Nworgu, who said that Non-Governmental Organizations (NGOS) serve as promoters of criminal activities.⁵³ She said that these NGOS serve as channels through which corrupt individuals launder

⁴⁴ Agbonika John (n42).

⁴⁵ As NOPRIN civil organizations raised concern about the utilization of the donations to police formations in the country. See Ayodele Oluwagbemi, 'Nigerian Police: A force surviving on donation' (Punch, 13 February, 2016) <<https://www.google.com/amp/s/punching.com/nigeria-police-a-force-surviving-on-donation/%3famp>> accessed 25 August 2023.

⁴⁶ Ifedayo Ogunyemi, 'Law Students Donate Seats to Oyo Judiciary' (Nigerian Tribune, 31 January 2021) <<https://tribuneonline.com/law-students-donate-seats-to-oyo-judiciary/>> accessed 25 August 2023.

⁴⁷ Chidi Odinkalu, 'Wole Olanipekun's donation of Ekiti court house could harm Nigeria's Judicial System' (Peoples Gazette, 29 January, 2023). <<https://gazettengr.com/chidi-odinkalu-wole-olanipekuns-donation-ekiti-court-house-could-harm-nigerias-judicial-system/>> accessed 25 August 2023.

⁴⁸ *ibid.*

⁴⁹ Emphasis are mine.

⁵⁰ Amy McDonough and Daniela C. Rodriguez, 'How Donors Support Civil Society as Government Accountability Advocates: A Review of Strategies and Implications for Transition of Donor Funding in Global Health' (2020) 110 *Globalization and Health*. <<https://doi.org/10.1186/s12992-020-00628-6>> accessed 25 August 2023.

⁵¹ Paul Osuyi, 'Crisis Rocks Human Rights Community over alleged Sale of Donated Vehicle' (The Sun, 16 April, 2023) <<https://sunnewsonline.com/crisis-rocks-human-rights-community-over-alleged-sale-of-donated-vehicle/>> accessed 25 August 2023.

⁵² Yusuf A and Yahaya S(n15).

⁵³ Sain Tukur, 'NGOs Involved in Money Laundering, EFCC Says' (Premium Times, 6 September, 2012) <<https://www.premiumtimesng.com/news/99149-ngos-involved-in-money-laundering-efcc-says.html?ztc=1>> accessed 25 August 2023.

money.⁵⁴ Recently, the Lagos Zonal Head of EFCC, Ahmed Ghali in emphasizing the registration of CSOs with Special Control Unit against Money Laundering, confirmed the statement of Angela Nworgu,⁵⁵ that CSOs can be used by money launderers and terrorists under the guise of obtaining funds for the promotion of civil rights and charitable purposes.⁵⁶

6.4 The Actions of Pro Government Civil Society Organizations: The failure of civil society organizations in the Administration of Criminal Justice is observed in the trend of some civil society organizations to be economical with the truth so as to gain support and favor from the Government instead of condemning their hideous actions resulting to crime. For instance, ahead of the 2019 general presidential elections, over 300 civil society organizations in Nigeria endorsed President Muhammadu Buhari of the All Progressive Congress, APC for President, based on his good performance in the area of security.⁵⁷ Some of the leading organizations in the group are the initiative for Minority Rights in Nigeria, Centre for Social Justice, Equity and Transparency, Foundation for Unemployed Nigerians, Africa Civil rights Congress and several others⁵⁸The actions of these civil society organizations show the Partisan nature of some civil society organizations as shown by the coalition led by Okpokwu Ogenyi, a Benue South native, and an aspiring APC politician linked to at least ten other pro-government NGOs which preferred to focus on championing Buhari’s candidacy rather than promoting a free and fair electoral process.⁵⁹

Another clear instance of the actions of these pro government civil society organization may be seen in the reactions to the 2020#EndSARS protests, which condemned the brutal, abusive practices of the Nigerian Police’s Special Anti-Robbery Squad (SARS). Some civil society organizations championed Nigerians’ right to peacefully protest against police brutality while also condemning incidences of looting and attacks on security personnel. Pro-government civil society organizations on the other hand contradicted the protests in its totality.⁶⁰ They also disparaged international media coverage of the Lekki shootings, (in which soldiers killed ten unarmed protesters) with the Coalition of Oduduwa Descendants calling it a “Fake news.”⁶¹

6.5 Lack of Know-How: In Nigeria, many civil society organizations fail in their role to ensure that the administration of criminal justice is properly executed due to the fact that they do not have the requisite knowledge and skills to carry out their duties and objectives. This fact was sustained in a communique of a two days’ civil society roundtable/training on strengthening relationship between human rights and the business objectivities held in Port-Harcourt Rivers State, where it was observed that “civil society organizations still lack adequate knowledge and institutional

⁵⁴ *ibid.*

⁵⁵ Emphasis are mine.

⁵⁶ ‘EFCC Charges NGOS, CSOs on SCUML Registration’ (Economic and Financial Crimes Commission) <<https://www.efcc.gov.ng/efcc/news-and-information/news-release/6941-efcc-charges-ngos-csos-on-scu-ml-registration>> accessed 25 August 2023.

⁵⁷ ‘War on Terror: 300 CSOs Endorse Buhari for Second Term’ (Vanguard, 21 December, 2018) <<https://www.vanguardngr.com/2018/12/war-on-terror-300-csos-endorse-buhari-for-second-term/>> accessed 28 August 2023.

⁵⁸*ibid.*

⁵⁹ Matthew T. Page, ‘Fake Civil Society: The Rise of Pro-Government NGOs in Nigeria’ (2021) *Carnegie Endowment for International Peace* 16-19.

⁶⁰ *ibid.*

⁶¹ ‘Coalition of Oduduwa Descendants Lauds Nigerian Army’s Testimony at Lagos Panel’ (The Leader, 15 November 2020) <<https://www.theleaderng.com/coalition-of-oduduwa-descendants-lauds-nigerian-armys-testimony-at-lagos-panel/>> accessed 28 August 2023.

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capacity on human rights education and programing to widen civic space for promoting respect for human rights by government and corporations in Nigeria”.⁶² Similarly, Celestina Chukwudi and Samuel Ojo highlights the fact that civil society organizations have failed to upgrade their methods of operation even as the Government have a penchant to be the primary source of information and guidance for civil society organizations, giving the Government an advantage over them on delicate matters. This is due to the fact that the structural and organizational foundation of the majority of civil society organizations are deficient.⁶³ In another hand, the majority of the offices of these civil society organizations are occupied by cherry-picked employees who do not have the essential qualifications and know-how to manage such businesses, and they are retained in provisional structures in urban areas.⁶⁴

Many civil society organizations in Nigeria lack expertise and organizational discipline as some of these groups were internally incongruous with any clear goal or purpose. This makes them an all comers job that lack coordination.⁶⁵ Lastly, there is scarcely or no cooperation among CSOs in Nigeria. Many CSOs lack the means and capacity for collaboration. CSOs with more resources are hesitant to share information because they often see each other as competitors for donor support⁶⁶ showing their lack of know how. Apart from the failures of civil society organizations in ensuring proper administration of criminal justice in Nigeria, other factors limit them from performing their duties in the Administration of criminal Justice in Nigeria effectively. These factors include:

6.6 Government Legislation: Nigeria by virtue of its constitution defines a broad and inclusive civic space for civil society organization.⁶⁷ However, in recent times, the legislations made by the government, have devious provisions which tend to restrain the operations of civil society organizations from ensuring a proper administration of criminal Justice in Nigeria. For instance, the recent Passage of the Companies and Allied Matters Act (CAMA) 2020 has generated a lot polemics regarding some of its provisions in Part F Particularly Sections 838, 839, and 842.⁶⁸ Some civil society organizations have opined that the recent CAMA regulations are particularly resonant of the directions of the reposed 2016 NGO Bill sponsored by Umar Bubar Jirbril, which aimed to inter fare with the assets of civil society organizations.⁶⁹ The CAMA 2020 appears to be passionate on magnifying governmental powers to suspend and remove the trustees of an association, thereby taking over the administration or management of the association’s property and bank credits.⁷⁰ More so, the new CAMA, gives the commission power to unilaterally upset and displace the

⁶² ‘Communique of A Two Days’ Civil Society Roundtable/Training On Strengthening Relationship Between Human Rights and The Business Objectivities Held in Port-Harcourt Rivers State’ (OXFAM) < <https://nigeria.oxfm.org/latest/press-relase/communique-two-days-civil-society-roundtabletraining-strengthening> > accessed 28 August 2023.

⁶³ Celestina Chukwudi and Samuel Ojo, ‘Civil Society Organizations and Sustenance of Democratization in Nigeria’ (2023) 16(1) *African Journal of Politics and Administrative Studies* 18-33

⁶⁴ *ibid.*

⁶⁵ *ibid.*

⁶⁶ Nana (n 11).

⁶⁷ See section 39 and 40 of the 1999 Constitution of the Federal Republic of Nigeria which provides for freedom to receive and impact information and freedom of peaceful association.

⁶⁸ Daniel Kanu ‘Civil Society Groups Demand Urgent Review of CAMA 2020’ (The Sun, 27 August 2020) < <https://sunnewsonline.com/civil-society-groups-demand-urgent-review-of-cama-2020/?amp> > accessed 28 August 2023.

⁶⁹ *ibid.*

⁷⁰ *ibid.*

expressed intensions and aspirations of the members of civil society organizations, relegating their constitution or memorandum of association, rendering it unimportant.⁷¹ Furthermore, the provisions of sections 838, 839, and 842 of CAMA 2020 undermine the constitutionally protected freedom of association.⁷² It interferes with the rights of these civil society organizations to associate and self-govern freely.⁷³ Similarly, the new functions of the Corporate Affairs Commission replicate the roles of existing regulatory agencies charged with revealing and punishing financial crimes such as the Special Control Unit Against Money Laundering (SCUML) and Economic and Financial Crimes Commission (EFCC)⁷⁴ Thus, there are no provisions authorizing associations to use their internal controls to take remedial actions when their activities go off track. This denies registered civil society organizations the opportunity to use their internal mechanisms to self-correct or remedy any perceived or actual wrongs.⁷⁵

However, should any external Intervention arise, it should be done as a last alternative where internal procedures have been ineffective in dealing with corporate governance issues.⁷⁶ Sadly, Section 842 CAMA provides that the commission may dissolve an association with a dormant bank account and transfer the amount standing to their credit to other associations, this provision interferes with the rights of members of an association to freely dispose of their assets upon dissolution. It replaces the rules that govern how owners can use or dispose of their property.⁷⁷ Other additional legal frame work which impede the activities of civil society organizations include: The Companies Income Tax Act 2006, Taxes and levies Act 1998, Value Added Tax 1993, VAT Amended Act 2007, Federal Inland Revenue Service (Establishment) Act 2007, National Planning Commission Act 2013, The Money Laundering Prohibition Act 2011 (as Amended) and Terrorism (Prevention) Act 2011.⁷⁸

6.7 Attacks and Harassment of Human Rights Activist: In Nigeria, many of the activities of civil society organizations to ensure the administration of criminal justice system has been impeded by Government activities and that of the public. From the side of the government, the ban of Twitter in June 2021 was an attack on civil society organizations, as a plan to clamp down opposition, seeing that digital activists like BudgIT have used online tools and the social media platform to monitor the implementation the policies of the Nigerian government as lot of civil society organizations are increasingly engaging with online influencers to amplify their events.⁷⁹

Similarly, civil society organizations in Nigeria have recorded the highest digital security attacks in West Africa by a report of West Africa Civil Society Institute (WACSI).⁸⁰ The report also disclosed that 45percent of civil society organizations in West Africa are unaware of national laws

⁷¹ *ibid.*

⁷² *ibid.* see also Section 40 of the 1999 constitution of the Federal Republic of Nigeria as Amended.

⁷³ *ibid.*

⁷⁴ *ibid.*

⁷⁵ *ibid.*

⁷⁶ *ibid.*

⁷⁷ *ibid.*

⁷⁸ CSOs and the Nigerian Civic space in 2021 (Policy and Legal Advocacy Centre) < www.placng.org > accessed 28 August 2023.

⁷⁹ *ibid.*

⁸⁰ Fortune Eromosele, 'CSOS in Nigeria Record Highest Digital Security Attacks' (Vanguard, 29 April 2023) <<https://www.vanguardngr.com/2023/04/csos-in-nigeria-record-highest-digital-security-attacks-report/amp/>> accessed 30 August 2023.

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and regulations on digital security. The civil society organizations in this region, are confronted with a multiplicity of digital security challenges that threaten their efforts in pursuing their obligations.⁸¹ Sadly, the majority of civil society organizations do not have ample knowledge and training on how to protect themselves from digital threats and attacks.⁸² More so, the rapport between CSOs and the state is generally characterized by misgiving and tension as state officials have viewed civil society organizations as competitors of power, influence, and legitimacy in the public domain rather than as partners enhancing development in society.⁸³ Civil society organizations have received harassment and attacks for the role they play in human right activism even though the reoccurring attacks on CSOs put Nigeria in the negative global spotlight.⁸⁴

6.8 Funding and Support: Another limitation of civil society organization in ensuring a proper administration of the criminal justice system in Nigeria is the lack of funds, financial strength or support to carry out their duties. In emphasizing this point, Dr. Okere opined that technical and financial capacity constraints are part of what limits smaller CSOs' ability to participate in policy discussions,⁸⁵ to see to the proper administration of criminal justice.⁸⁶ More so, Nana Nwachukwu showcases a data report indicating that an estimated 14000 registered CSOs are not financially active due to lack of predictable funding, as some organizations can go years without getting funded.⁸⁷ In 2019, the Africa Civil Society Sustainability index recorded project-based funding and reliance on international funding as a substantial obstacle to organizational development of CSOs across the African CSO domain. In Nigeria, the index shows CSO financial viability to be the second weakest area threatening sustainability as there are close to one million CSOs in Nigeria, both registered and unregistered, with thousands of groups competing with each other to respond to requests for proposals. However, the level of donor funding available may not be the most important issue for CSOs, as donor funding received is usually earmarked for certain projects and does not extend to covering operational costs. This means that there are often no resources to train and invest in staff of these CSOs.⁸⁸ Thus, they are incapable of improving their staff and skills in ensuring a proper administration of criminal justice system in Nigeria.

7. Conclusion and Recommendations

The role of civil society organizations in the Administration of Criminal Justice in Nigeria is well captured in the Administration of Criminal Justice Act 2015 and the constitution of the Federal Republic of Nigeria 1999 as Amended provided a constitutional backing. The CLEEN Foundation, NBA and other CSO's clearly play vital roles in the administration of criminal Justice in Nigeria.

⁸¹ *ibid.*

⁸² *ibid.*

⁸³ Action Aid and Development Information Network, (2007) 'Civil Society in Nigeria; Contributing to Positive Social Change' (2007) *CIVICUS Civil Society Index: Nigeria*.

⁸⁴ Adedapo Adesanya, 'Coalition Condemns Rising Attacks on Human Rights Activists' (Business Post, 11 November 2020) < <https://businesspost.ng/general/coalition-condemns-rising-attacks-on-human-rights-activists/> > accessed 30 August 2023.

⁸⁵ Luminous Jannamike, 'Despite Progress, Nigerian CSOs Struggle to Influence Policy, Say Experts' (Vanguard, 20 June, 2023). <<https://vanguardngr.com/2023/06/despite-progress-nigerian-csos-struggle-to-influence-policy-say-experts/>> accessed 31 August 2023.

⁸⁶ Emphasis are mine.

⁸⁷ Nana (n 11).

⁸⁸ 'The Need for Localization of Development Funding for Nigerian CSOS' (Devex Partnerships, 7 September, 2022) <<https://www.devex.com/news/the-need-for-localization-of-localization-of-development-funding-for-nigerians-csos-103886/>>

However, the desired goal is yet to be attained as a result of the various challenges in the justice delivery process, delays in trial of cases, Indiscriminate transfer of investigating police officers, lack of coordination among agencies charged with criminal justice reform (such as the police, prison prosecutors, and the courts), oppressiveness and constant violation of human rights by the Nigerian Police, overcrowded prisons in the various correctional centers of the various states persist as a result of limitations and challenges of the CSOs.

It is recommended that the Security agencies see the Civil Society organizations as partner in the administration of criminal justice rather than rivals, stop the ill treatment of CSOs and call on their assistance in the course of investigations when the need arise.

Legislations and friendly policies should be made to encourage the activities of civil society organizations in the administration of criminal justice in Nigeria while the Judiciary should acknowledge and promote the role of civil society organizations in the administration of criminal Justice.