

CORRUPTION, ECONOMIC AND FINANCIAL CRIMES: SPECIAL COURTS TO THE RESCUE

I wish to express my sincere gratitude to the organizers of this conference for inviting me to share my thought on establishing a special Court to adjudicate over corruption and other financial crimes. This is one thing we have longed for since the establishment of our Commission.

The proposal will no doubt put flesh to the provision of Section 61 (3) of the ICPC Act 2000, which requires that the Chief Judges of states should designate a court specifically to deal with corruption cases and other related matters.

The clamor for the establishment of such special courts is borne out of the desire to ensure expeditious disposal of such corruption and financial crime cases. Instances abound where cases pending in our conventional courts are stagnated and unduly delayed. Many a times, the delays may not necessarily be intentional, but are due to some factors beyond the control of the judicial officers hearing such cases. A few examples are instructive.

1. The Judges hearing corruption/economic crime cases are also saddled with the responsibility of hearing other cases, both civil and criminal. This jampacks the courts' case dockets and leads to delay.
2. The same Judges who handle corruption/economic crime cases also sit on appeal on cases from the inferior courts, notably from Magistrate's Courts and Customary Courts. During the period of Appeal Sessions, the Courts normally adjourn other cases in order to concentrate on hearing appeals. Consequently, even corruption/economic crime cases are also adjourned, which invariably leads to delay.
3. Likewise, the same Judges are assigned national assignment such as hearing election petitions, in which they are posted far away from their various jurisdictions. Cases are usually kept in abeyance pending the conclusion of election petition cases; hence, the delay.
4. Recording proceedings in long hand slows down trial process too.

A recent research by the Commission¹ (ICPC) into the reasons for delays in disposal of corruption cases found that assigning too many cases to one Judge was one of the major causes of delays. It further revealed that 83% of the respondents endorsed the creation of specialized courts to handle only corruption cases as that would expedite and fast track the prosecution of such cases and in turn lead to more convictions.

We believe that creating a special court will give impetus to the provision of Section 396(3) of the Administration of Criminal Justice Act (ACJA), 2015 which provides as follows:

- (3) Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.
- (4) Where day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.
- (5) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends
- (6) In all circumstances, the court may award reasonable costs in order to discourage frivolous adjournments.

Looking at the above provisions, one is compelled to say that it is not practicable to achieve full compliance within the existing legal framework. Hence the need for special courts for corruption/economic crimes cases.

A popular saying is that justice delayed is justice denied. Mindful that the justice being referred to here is like a 3-way traffic. Justice to the Defendant, justice to the state and justice to the victim (if any) of a criminal act, expeditious conclusion of criminal trials will bring justice to all the parties involved. To the Defendant, it will ensure that he promptly knows his fate, vis-à-vis the offence he is accused to have committed. For the state, the citizens will definitely be satisfied seeing that an alleged criminal act (especially corruption or economic crime) is expeditiously disposed of and the suspect punished, if found guilty, or discharged if found

innocent. For the victim (if any), he/she will definitely have a sense of fulfilment and satisfaction seeing that the culprit of the alleged criminal act is expeditiously punished. Generally, it is a win-win situation for everyone involved if corruption/economic crimes cases are expeditiously disposed.

Another major benefit of this proposal is that it creates specialization, and this will have positive impact in the quality of judgment they deliver. It would enable a more focused training to the judges and officers of that court.

Now that ACJA is in fourth year, the question is whether all clogs in the wheel of the criminal justice system as identified by Vice President Prof Yemi Osinbajo SAN (Attorney-General of Lagos State as he then was) have been eliminated? For the purpose of emphasis I reproduce the relevant part:

“...Besides, the loopholes in the laws and procedure have become so obvious that lawyers especially defence lawyers have become masters in dilatory tactics. It has thus, become increasingly difficult to reach closure of any kind in many criminal cases. Convictions or acquittals have become exceedingly rare”

My answer to this poser from the perspective of prosecution of corruption and financial crimes is the journey so far is not too good. The drama in the case of Olisa Metuh is instructive here. It is worthy of note that the prosecution has closed its case since October 2016. Interlocutory appeals remain in vogue through employment of technicalities by defense lawyers.

In as much as the ICPC subscribes to the establishment of special court, I make bold to say that there would hardly be any difference if the defense lawyers maintain their usual tactics of frustrating the smooth administration of justice. I therefore urge that as Ministers in the temple of justice, you champion this fight and be the vanguard of anti-corruption in Nigeria. You must avoid glorifying corruption but insist on ensuring that justice is done. We should strive to leave a good and lasting legacy for the coming generation. This will require attitudinal change by strictly adhering to the relevant provisions of the Rules of Professional Conduct for Legal Practitioners, notably Rules 14, 30 and 37, most especially Rule 30 which provides that a Legal Practitioner shall not conduct himself in any manner that may obstruct, delay or adversely affect the administration of justice. Despite these clear provisions, it is

disheartening how some lawyers derive pleasure in frustrating corruption cases by serving as the mouthpiece of their clients. We must therefore put public interest far above our client's interest.

Thanks for listening.

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