



Enhancing Judicial Integrity: Arrest of Court Judges

The events unfolding since Saturday 8th October 2016 involving the State Security Services, SSS (or the Department of State Security Services, DSS) and arrest of judicial officers have been cause for concern.

The arrests over allegations of corruption came at an auspicious time given that in July 2016 we launched our Judicial Integrity Project aimed at increasing social accountability of our judicial sector. Stakeholders within and outside the judicial sector agree on the need to cleanse the judicial system and rid it of corruption.

It is important for us to understand the background underpinning the actions that took place during the weekend namely:

1. The public confidence in the judiciary has dwindled over the past years. A study in 2010 by the Economic and Financial Crimes Commission (EFCC) and the National Bureau of Statistics (NBS), with support from the United Nations Office on Drugs and Crime (UNODC) found the judiciary receiving the largest bribe among other Nigerian institutions stained with corruption.
2. The National Judicial Council has taken steps to sanction over 70 judges in the past five years. The most recent decisions made public on the 30th September 2016.
3. The Department of State Security Service (DSS) is the primary domestic intelligence agency for the country. Beyond the gathering of intelligence within the country, it also has a responsibility of to defend the country against domestic threats, uphold and enforce the criminal laws of the country and to provide leadership and criminal justice services to both federal and state law enforcement organs.

At Partners West Africa–Nigeria: Rule of Law and Empowerment Initiative, accountability of the judicial sector to the laws of the land and to average Nigerians cannot be compromised. The process of achieving this ‘cleansing’ which we all clamor for needs to be done within the remits of the law and mandate of all agencies involved so that it stands the test of open, transparent prosecution in the courts of law.

The National Judicial Council (NJC) has the responsibility of ensuring that the independence of the judiciary is maintained, it also has a responsibility for investigating accusations and petitions of corruption that are brought before it against judges. It is our belief that if the NJC has become ineffective, steps need to be taken to ensure that its internal accountability mechanisms are strengthened so as to ensure it plays its rightful role within the judicial oversight system in a timely manner. Findings of disciplinary allegations that have been investigated and found to be tainted with criminality should be handed over to the appropriate authority for prosecution.

The fight against corruption should be systemic aimed at building effective institutions which is one of the critical pillars of a viable democracy. Failure to do this creates a group of sympathizers that can take advantage of the lack of due process to continue to perpetrate actions that undermine the credibility of the nation state.

In the light of the above, we would like to call for the immediate release of the judges arrested, while the appropriate agencies take over investigation and prosecution of the cases. The Judicial Discipline Regulations issued by the NJC in 2014 remain the relevant tool in the circumstances. In order to maintain the sanctity and integrity of the judiciary, we recommend that the SSS/DSS bring the complaints against the said judicial officers to the NJC stating the details of findings against them. We believe that anybody found wanting should be made to face the full extent of the law because nobody irrespective of the position he or she occupies is above the laws of the land.

'Kemi Okenyodo

Executive Director

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