



“Entry into the criminal justice system in Nigeria is easy. Once inside, suspects easily become entrapped in prolonged periods of pretrial detention.”

– Anthony Nwapa, Co-ordinator, Reform of Pretrial Detention and Legal Aid Nigeria, 2008.

- ▶ Over 70% of the prison population are detainees who are awaiting trial.
- ▶ Capital offenders often spend over 5 years in pretrial detention.
- ▶ Over 20% of the prison population has been awaiting trial for over a year.
- ▶ The current imprisonment rate is relatively low, but steadily increasing.

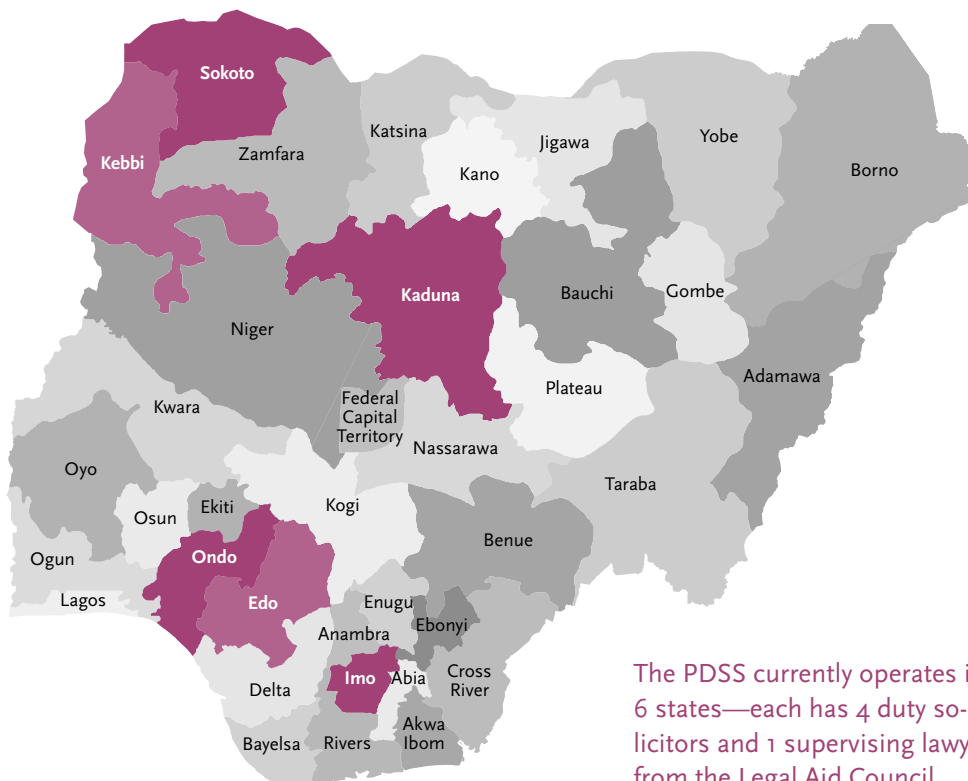
Detainees in Nigeria face an array of obstacles as they attempt to navigate their way through the criminal justice system. Many spend months or even years in detention before they appear in court, and many cases get lost in the system.

A number of factors contribute to the serious state of pretrial justice:

- suspects are often arrested by the police before the start of an investigation and the police often have little or no information linking them to a specific crime;
- magistrates do not have the authority to hear capital cases such as armed robbery or murder, but can remand suspects in custody typically without a fixed court date;
- most suspects do not have access to legal representation. In 2005, 75 % of detainees in pretrial custody did not have access to a lawyer.

The Duty Solicitor Model

In 2005 the Police Duty Solicitor Scheme (PDSS) launched a project to provide basic legal assistance to suspects at police stations and in prisons. The project works with duty solicitors; recent law graduates who work under the supervision of a lawyer from the Legal Aid Council.



The PDSS currently operates in 6 states—each has 4 duty solicitors and 1 supervising lawyer from the Legal Aid Council.

24/7 Assistance

- On call 24 hours a day, 7 days a week
- Offer assistance within the first 48 hours after arrest
- Provide information on rights and explain the criminal justice process
- Give basic legal advice
- Contact family members
- Apply for police bail on behalf of suspects
- Represent suspects in court

By providing prompt ‘on call’ support the duty solicitors are able to resolve problems, challenge unfounded arrests and help ensure cases proceed through the system. They are often the only people who provide systematic support, tracing the path of an arrested person all the way through the justice system.

Results

According to an independent evaluation conducted in 2012 the most significant impact of the PDSS has been its success in ‘fast tracking’ cases towards bail hearings and reducing the time spent in police custody. In the six participating states suspects now spend an average of 24-36 hours in police custody – a significant reduction compared with figures of up to 6 months in previous years and in line with constitutional provisions and international standards

During its first year the duty solicitors succeeded in reducing the percentage of detainees held in police custody by 88 percent in Imo, 86 percent in Kaduna, 31 percent in Ondo and 61 percent in Sokoto.

Policy Developments

REPLACE has worked with different justice sector stakeholders to advocate reforms and look at ways to build a sustainable system of legal assistance at police stations. This has resulted in a number of important policy developments:

- A regular, **mandatory review of cases** has been introduced by the chief judges of Imo, Ondo and Sokoto states. Reviews must be carried out every three months and can only be carried out three times - ensuring a maximum period of pretrial detention of nine months.
- A **new Legal Aid Act** was adopted in 2011 following a consultative drafting process involving lawyers from the duty solicitor project. The Act repeals the old act, provides for a legal aid and access to justice fund and gives the Legal Aid Council the authority to access and inspect detention facilities across the country.
- Commitment by the **Legal Aid Council to take over the management of the duty solicitor scheme and expand to other states**. This follows an independent review of the scheme that highlighted its impact and recommended institutionalisation within the Legal Aid Council.

Building on these developments REPLACE has launched a national campaign for expansion of the duty solicitor scheme to all police stations in Nigeria to ensure coverage by a duty solicitor at every police station. Consultations are also underway to advocate the introduction of a Police Force Order which would require the police to inform suspects of their right to legal assistance and facilitate access to a duty solicitor. Combined these further steps present the most viable strategy to ensure that every arrested and detained person receives legal assistance at the most vulnerable stage of the criminal justice process.

Rights Enforcement and Public Law Centre REPLACE

REPLACE is a rights-based organization with a mandate to ensure equal protection and promotion of legal, constitutional and human rights for all individuals. REPLACE seeks to participate in the creation of democratic institutions that operate with the highest standards of professional ethics and integrity. Programming focuses on the execution of projects that advance the effective administration of criminal justice in Nigeria.

REPLACE's work forms part of a collaborative effort with the Global Campaign for Pretrial Justice which aims to address the over-reliance on pretrial detention and promote greater access to legal assistance. Criminal justice organizations are working to document the scale and consequences of the problem, pilot innovative practices and advocate reform.

In 1990 Ernest, an 18-year-old living in Imo State was arrested by police and held in jail on suspicion of robbery. However, the alleged victim of the robbery did not exist, there were no witnesses and the only documentation was Ernest's statement denying the allegation. Ernest's case never went to trial and he was only released, after 18 years in pretrial detention, when one of the duty solicitors uncovered his case.

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