



CIVIL SOCIETY LEGISLATIVE  
ADVOCACY CENTRE (CISLAC)

# FACT SHEET NIGERIA

CRIMINAL JUSTICE PROJECT  
(2016-2020)






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# FACT SHEET NIGERIA

## Criminal Justice Project (2016-2020)



*Funded by the European Union  
EU Cocaine Route Programme*

## CRIMEJUST FACTSHEET NIGERIA

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## Project Overview



Project CRIMJUST – Strengthening criminal investigation and criminal justice cooperation along the cocaine route in Latin America, the Caribbean and West Africa is a four-year (2016-2020), joint initiative funded by the European Union (EU), implemented by the United Nations Office on Drugs and Crime (UNODC) in partnership with INTERPOL and Transparency International.

### Aims and objectives



The overall objective of the Project is to contribute to fighting effectively organized crime in general, and drug trafficking in particular, along the Cocaine route(s) in Latin America, the Caribbean (LAC) and West Africa (WA) in line with international legal instruments and human rights. The project aims at supporting a selected group of countries in LAC and WA to enhance their capacity to effectively counter OC along the cocaine route by focusing on three pillars.

### Capacity Building



Strengthening the capacities of criminal justice institutions (law enforcement and the judiciary) to detect, investigate, prosecute and adjudicate drug trafficking and related organized crime cases

### Interregional Cooperation



Fostering regional and interregional cooperation between criminal justice institutions (law enforcement and the judiciary) by promoting good practices, information exchange, networking and South-South cooperation

### Institutional Integrity



Enhancing institutional integrity and accountability of criminal justice institutions as a way to reinforce mutual trust and confidence within and between both regions, with the active involvement of civil society organizations

### Geographical scope

The geographic scope of the project reflects the overall Cocaine Routes Programme strategy and interregional links along Cocaine Routes that implicate a selected number of countries in **West Africa, Latin America and the Caribbean**.

West Africa	Latin America and the Caribbean
Cabo Verde	Dominican Republic
Ghana	Panama
Guinea-Bissau	Associated Countries: Brazil, Colombia, Ecuador, Peru
Associated Country: Nigeria	

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Funded by the European Union  
EU Cocaine Route Programme

# FACT SHEET: NIGERIA<sup>1</sup>

## I. CONTEXT

### 1. Economic, Social and Political Context

Nigeria organized in 2015 the general elections, which culminated for the first time in a ruling political party, the People's Democratic Party (PDP) losing to the opposition party, the All Progressives Congress (APC). The elections were conducted in the context of widespread insurgency, notably Boko Haram induced terrorism in the Northeast. According to the 2016 Global Terrorism Index (GTI), Nigeria is ranked to suffer the third highest impact of terrorism behind Iraq and Afghanistan. The GTI report states that in 2016, Boko Haram was responsible for 4,095 deaths in Nigeria out of the total 4,940 deaths from terrorism.

Amnesty International (AI) in its 2016/2017 report, accused the Nigerian military of human rights violations including extrajudicial killings and forced disappearances in the North East. AI also accused the military of killing at least 100 members and supporters of the group Indigenous People of Biafra.<sup>2</sup> Activities of militant groups in the oil producing Niger Delta region has also caused much unrest and has had substantial economic impact. Chevron, the multinational oil company extracting oil in the Niger Delta, blaming 'civil unrest' as a factor responsible for the loss of \$497m in its 2016 net income from a profit of \$4.6bn in 2015.<sup>3</sup>

Nigeria is tremendously rich in natural resources, especially oil and gas. The oil and gas sector accounts for about 35 per cent of GDP, and petroleum exports revenues represent over 90 per cent of total exports revenues. According to OECD, Nigeria's oil revenue has totalled 340 billion USD in exports since the 1970s making it the fifth largest producer in the world. After rebasing of the Nigerian economy in 2016, Nigeria is Africa's largest economy.

However, the size of the economy disguises the fact that the GDP per capita is only \$941.<sup>4</sup> In the second quarter of 2017, Nigeria has officially come out of a five-quarter economic contraction caused by falling oil prices. Overall, real GDP growth is predicted to pick up to 2.1% in 2018. IMF expects growth to slip back to 1.7% in 2019, given election-related uncertainty. Global oil prices are not expected to rebound over the \$70 per barrel mark, which reduces the revenue windfall from previous years. Inflation continuous to reach high levels in 2017 with an average rate of 17%.

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1. This fact sheet has been developed as part of the Criminal Justice (Crimejust) project

2. AMNESTY INTERNATIONAL REPORT ON NIGERIA 2016/2017 [HTTPS://WWW.AMNESTY.ORG/EN/COUNTRIES/AFRICA/NIGERIA/REPORT-NIGERIA/](https://www.amnesty.org/en/countries/afrika/nigeria/report-nigeria/)

3. [HTTPS://WWW.THISDAYLIVE.COM/INDEX.PHP/2017/02/01/CIVIL-UNREST-IN-NIGERIA-OTHERS-SLASH-CHEVRONS-Q4-2016-NET-INCOME-TO-415M/](https://www.thisdaylive.com/index.php/2017/02/01/civil-unrest-in-nigeria-others-slash-chevrons-q4-2016-net-income-to-415m/)

4, WORLD BANK DATA, 2017

The average growth rate of 2.1% in 2017 is weak for a country with a young and expanding population, and will hit living standards and job creation – issues that will feed back into threats to political and social stability. Poverty and massive unemployment rates, especially among the youth remain high. Accelerating the creation of productive jobs through private sector growth and improvements in skills acquisition remains a major challenge. Faltering economy, weak policy response and inefficient use of public finances hampers the service delivery of the public administration at the national and federal level alike. National budgets are frequently approved with a considerable delay, which slows down timely expenditures and implementation. For example, in 2014, only 60% of the annual budget could be implemented.

Some important reforms have been launched in recent years to tackle the ineffective and bureaucratic public sector. The launch of the Treasury Single Account (TSA), which merges separate banking accounts for Ministries, Departments and Agencies (MDAs), has contributed to a considerable reduction of budgetary waste and embezzlement in hundreds of governmental entities. The expansion of the Integrated Payroll and Personnel Information System (IPPIS) has meant an elimination of tens of thousands of ghost workers on governmental payrolls.

The ineffectiveness and corruption within the justice and the security establishment contribute to the general sense of helplessness and perception of the lack of rule of law amongst Nigerians. According to a recent study conducted by UNODC and National Bureau of Statistics, police officers, prosecutors and judges belong to the most corrupt civil servants receiving the highest proportion of bribes amongst public officials.<sup>5</sup> The Government and legislators blame the judicial system for failing to issue prison sentences for high-corruption cases and politically exposed persons charged with corruption related crimes.

The Constitution guarantees the independence of the judiciary and permits the exercise of Sharia Law for consenting Muslims. There is the Federal High Court and a high court in each of the 36 states. States are entitled to have a Sharia court of appeal and a customary court of appeal. Nigeria practices an adversarial justice system where two legal advocates represent their parties in order to get judgement from an impartial panel or jury. Nigeria, as an ex-British colony, adopted the legal system based on the common law. The judges and prosecutors do not have investigation powers as stated in Chapter 7, Section 286(b) of the Nigerian 1999 constitution.<sup>6</sup>

## 2. Organized Crime

Nigeria stands at the centre of a number of transnational crimes. Human and drug trafficking has been constant a challenge to the authorities in Nigeria and abroad. West Africa is conveniently situated for drug and illegal weapons' trade between South America and Europe. Porous borders and the free flow of arms into and out of Nigeria has contributed both to the increase in the number of violent conflicts in the country and also to their intensity. Nigeria accounts for about 70% of the illegal small arms in the West Africa sub-region. Human trafficking, including its worst forms such as child trafficking in Benin and Nigeria, is one dominant form of increasingly sophisticated regional trend in cross-border crime that extends through international networks through West and Central Africa and into several European cities.<sup>7</sup>

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5. UNODC, NBS (2017) CORRUPTION IN NIGERIA. BRIBERY: PUBLIC EXPENDITURE AND RESPONSE, ABUJA.

6. CHAPTER 7, SECTION 286(B) OF THE NIGERIAN 1999 CONSTITUTION

7. ADETUL, V. A. (2015). NIGERIA'S RESPONSE TO TRANSNATIONAL ORGANISED CRIME AND JIHADIST ACTIVITIES IN WEST AFRICA. ABUJA.

Many analysts note that the broken political system, corrupt law enforcers and social environment, which tolerates many criminal activities as socially acceptable puts Nigeria at the epicentre of highly internationalised and organised crime.<sup>8</sup> The established linkage between the worst forms of criminality at an industrial scale and the political elite is widely observed and documented both in Nigeria and internationally. Criminal organizations from Nigeria typically do not follow the mafia-type model followed by other groups. They appear to be less formal and more organized along familial and ethnic lines, thus making them less susceptible by infiltration from law enforcement.

According to the US State Department, there are reports that drug trafficking and other serious crime is traced to high public officials including the police and the army.<sup>9</sup> The vibrant Nigerian media and even international outlets such as *Al Jazeera* or *BBC* have broadcasted numerous reports showing that Political Exposed Persons and individuals within the Nigerian police and armed forces do not only assist criminal activities but also sometimes run illegal activities including drug and human trafficking and weapons smuggling. Drug trafficking, money laundering, arms manufacturing and arms trafficking, human trafficking, advance fee fraud, armed robbery and commercial kidnapping, piracy, pipeline vandalism and cybercrime are forms of organised crime with significant Nigerian involvement nationally and internationally.

The problem is aggravated due to a considerable distrust amongst the public towards the police. In a poll conducted by the African Centre for Strategic Studies in 2016, 52% of respondents said 'Police is not our friend'. Police is constantly ranked amongst the most corrupt institutions in Nigeria. According to a survey by Transparency International (TI), 72% of Nigerians perceive police as corrupt.<sup>10</sup> The 2017 National Corruption Survey said 46.4 per cent of Nigerian citizens have had "bribery contact" with police officers.<sup>11</sup> Low levels of trust in the Nigerian police limit public cooperation critical to combatting internal security threats from irregular forces such as insurgents, criminal gangs, and extremists as shown in many parts of the country, notably in the Boko Haram infested North East. Allegations of corruption, heavy-handedness, and politicization have dogged the Nigeria Police Force.

In this context, fighting organised crime in Nigeria has been very difficult. The Government of Nigeria, painfully aware of the seriousness of the situation given the territorial losses and the rule of law breakdown in many parts of the country, has taken up some measures to curb organised crime. On the legislative level, several laws have been enacted recently including the Anti-Terrorism Act, Anti-Piracy Act, Money Laundering and Terrorism Financing (Prohibition) Act. There is, however, widespread angst that the implementation of the laws is lax at best.

Reliable statistics on organised crime are very difficult to obtain. Most of the Nigerian law enforcement agencies operate in a secretive manner with minimum information and data available to the public. The capacity to gather and collect data is extremely limited due to the lack of technical equipment, individual capacity and secrecy culture. For example, according to the National Bureau of Statistics (NBS) Report on Crime and Data In 2016, 262,934kg quantity of narcotic drug was seized in Nigeria, which represents a drop from 834,709kg seized in 2015 while 165,652kg was seized in 2014. 8,257 suspects were arrested in 2016 as against 8,778 in 2015 and 8,826 in 2014.<sup>12</sup>

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8. ELLIS, S. (2009). WEST AFRICA'S INTERNATIONAL DRUG. AFRICAN AFFAIRS 108/431, 171-196.

9. US STATE DEPARTMENT. (2012). MAJOR MONEY LAUNDERING COUNTRIES. RETRIEVED FROM [HTTPS://WWW.STATE.GOV/J/INL/RLS/NRCRPT/2012/VOL2/184112.HTM](https://www.state.gov/j/inl/rls/nrcrpt/2012/vol2/184112.htm)

10. TRANSPARENCY INTERNATIONAL. (2015). PEOPLE AND CORRUPTION: AFRICA SURVEY 2015 – GLOBAL CORRUPTION BAROMETER.

11. NATIONAL CORRUPTION SURVEY 2017, NATIONAL BUREAU OF STATISTICS

12. NATIONAL BUREAU OF STATISTICS (NBS) REPORT ON CRIME DATA – DRUG ABUSE AND ENFORCEMENT 2012 – 2016

However, these figures are likely to represent the tip of the iceberg. Up to this date, there is no authentic data available on the estimated number of illicit drug users in Nigeria. However, it is a well-established fact that Nigerian drug traffickers are important distributors of heroin, from importing it into the country to distribution level and selling it to lower-level street gangs.<sup>13</sup> Nigeria is at the centre of the cocaine route between South America and Europe. Nigerian National Drug Law Enforcement Agency (NDLEA) acknowledges that the Brazil-Nigeria route has become notorious for cocaine smuggling.<sup>14</sup>

The UNODC Drug situation report on Nigeria indicates that due to an increase in enforcement and political commitment, there has been a decline in the production of cocaine and heroin in Nigeria in recent years.<sup>15</sup> However, the report goes on in stating that drug trafficking remain a thriving business and a serious issue in Nigeria with a global dimension of Nigerian involvement. Nigerian gangs operate from Brazil and other South American countries though Europe and South East Asia. Looking at four countries where comparable data are available (Germany, Italy, Switzerland, and Portugal), 30% of the foreigners arrested for cocaine trafficking were from West Africa, most of them from Nigeria.<sup>16</sup>

### 3. Levels of Corruption

Since 1960, Nigeria has lost an estimated 400 billion USD to unimaginable levels of corruption and embezzlement, mostly stemming from gas and oil revenues. The natural resource 'curse' will add to other vast leakages in public spending and revenue collection, which will cost around 37% of GDP by 2030 if rampant graft is not addressed.

Nigeria has been plagued by enormously high levels of corruption and mismanagement since its independence in 1960. A study conducted by the auditing firm Price Waterhouse Coopers in 2016 projects the cost of corruption to reach 37% of GDP by 2030 if this concern is not addressed.<sup>17</sup> This equates to about 1,000 USD per capita in 2014 and will go up to nearly 2,000 USD per capita in 2030, whereby around 61% of Nigerians, as at 2010 when the last poverty count was conducted, live on less than 1.25 USD per day.<sup>18</sup>

The patience of the Nigerian public on corruption and bad governance is stretched to the limits. In the last available Afrobarometer 2015 measuring the perceptions of corruption across the African continent, 78% of Nigerians claimed that the Government is doing badly in fighting corruption. This is the fifth worst score out of 28 assessed countries. 43% of respondents claimed to have paid a bribe in the past 12 months for public service, a third worst result on the continent. The state of resignation and widespread pessimism is evident when asking if ordinary citizens can do something about corruption. Only 39% of Nigerians agree, which is the second worst result in Africa. Only Sierra Leone scores worse.<sup>19</sup>

In the leading Corruption Perception Index (CPI), which provides the point of view of expert audience, Nigeria scores 136 out of 176 countries reaching 28 points out of 100. There is a widespread sentiment

13. STEPHEN ELLIS: THIS PRESENT DARKNESS: A HISTORY OF NIGERIAN ORGANISED CRIME. LONDON: HURST & COMPANY, 2016

14. NDLEA (2017) NIGERIA'S NATIONAL DRUG CONTROL MASTER PLAN (NDCMP) FOR 2015 TO 2019. [HTTP://WWW.NDLEA.GOV.NG/V1/](http://www.ndlea.gov.ng/v1/) ACCESSED ON THE 1ST OF NOVEMBER, 2017.

15. [HTTPS://WWW.UNODC.ORG/NIGERIA/EN/DRUG-RESPONSE/DRUG-SITUATION.HTML](https://www.unodc.org/nigeria/en/drug-response/drug-situation.html)

16. UNODC (2013) TRANSNATIONAL ORGANISED CRIME IN WEST AFRICA: A THREAT ASSESSMENT, VIENNA.

17. PWC. (2016). IMPACT OF CORRUPTION ON NIGERIAS ECONOMY.

18. NATIONAL BUREAU OF STATISTICS. (2010). NIGERIANS LIVING IN POVERTY RISE TO NEARLY 61%. ABUJA.

19. TRANSPARENCY INTERNATIONAL. (2015). PEOPLE AND CORRUPTION: AFRICA SURVEY 2015 – GLOBAL CORRUPTION BAROMETER.

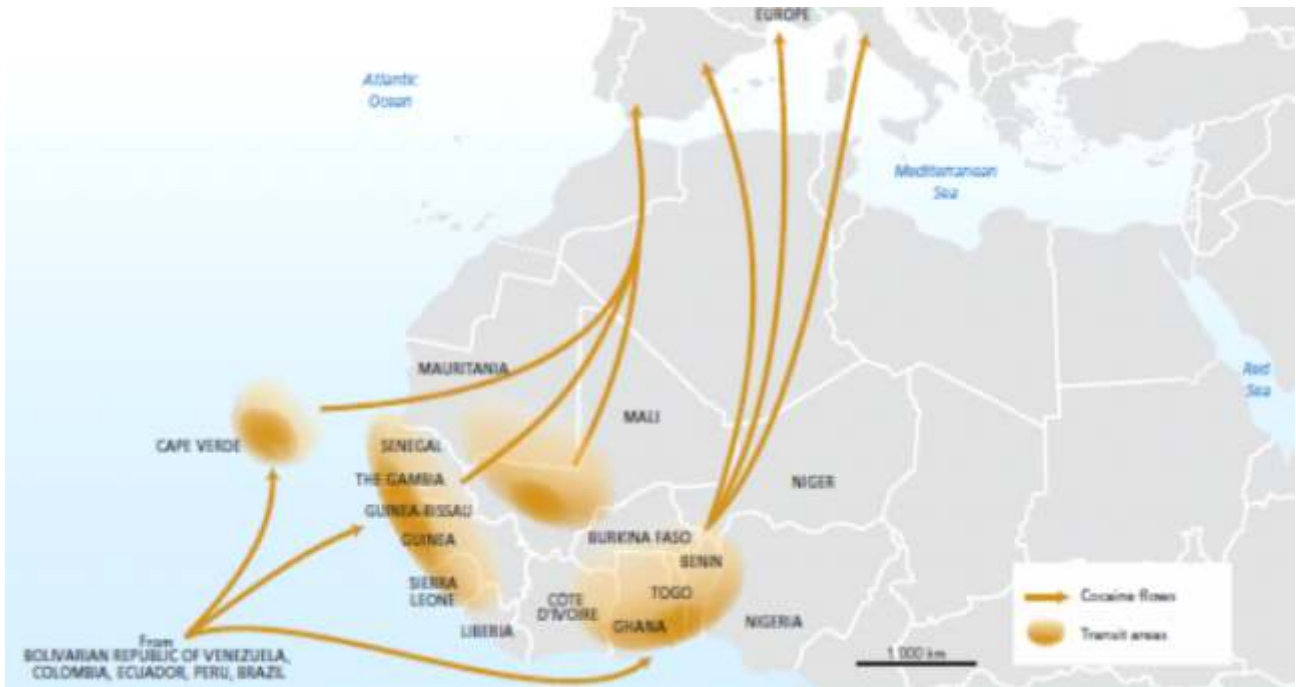


amongst the public that corruption is a 'way of life' for Nigerians, especially for the political class and business elites. It is worrying that law enforcers and armed forces are perceived as the most corrupt institutions. The social and traditional media bring daily shocking stories of blatant corruption in every corner of the Nigerian public and private life.

#### 4. Geopolitical Context

Geographically, Nigeria is an African entry point in the cocaine route to other parts of Africa, Europe and Asia. There is also a famous human trafficking route from Nigeria, through North African countries in the Sahara via the Mediterranean Sea to Europe.

Nigeria has a total of 4,477kilometers boundary length. To the west is the Republic of Benin with about 809km boundary length, to the north is Niger Republic with about 1,608km, to the North East is Chad a relatively short 85km boundary length, Cameroun is to the East with 1,975km boundary length and the Atlantic Ocean is to the South with a coastline length of 853km.<sup>20</sup> These vast borders have proven to be very difficult to control. The porosity of Nigeria's borders has serious security implications for the country. Law enforcement agencies and security services are poorly organised, ineffective and, frequently, too corrupt to control the influx of drugs and other transnational crime to enter and exit Nigeria.



Source: 1: UNODC Transnational Organized Crime in West Africa 2013, p. 15

20. [HTTPS://WWW.CIA.GOV/LIBRARY/PUBLICATIONS/THE-WORLD-FACTBOOK/GEOS/NI.HTML](https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html)

With the porosity of Nigeria's border, the security of Nigeria is threatened by the flow of arms, criminals, terrorists, drugs and thriving illegal human trafficking operations. In the past few years, Nigeria has experienced the movement of Boko Haram members in and outside the country. These fighters come in at will and leave when the military begins an offensive against them, fleeing to neighbouring nations like Chad, Niger and Cameroon.<sup>21</sup>

## 5. Security and Defence Policies

Nigeria has had series of National Drug Control Master Plan (NDCMP) dating back since 1999. The current master Plan which has taken effect from 2015 and is expected to last till 2019.<sup>22</sup> The master plan is divided into four chapters, which aims to address the gaps in current responses. Nigeria has, in recent times, placed more effort in transparency and accountability, whose lack many Nigerians believe is a major criminal problem in the country.

Due to her size, population and economy, Nigeria is an active member in collaborative activities against organized crime in her region. Nigeria partners with other countries in the West African region to combat organized crime. Nigeria is also a member of the Multi National Joint Task Force to combat terrorism and other criminal activities plaguing the Lake Chad basin and its environs.

The military and security expenditures in Nigeria are significant. Civil society estimates that the 2017 defence and security budget reaches 3.7 billion USD (about N1.12trn Naira), equating to 15.36% of government spending. However, exact figures on security expenditures are difficult to obtain. Virtually the entire Ministry of Defence budget is classified as secret. There is a total absence of any form of an external oversight including the Ministry of Finance and legislators. The Nigerian army has been, in the past, accused of a sale-off in weapons and equipment, including to terrorist groups.

In recent years, civil society organisations have become more outspoken on the role of security services in matters of organised crime and corruption. Some forms of abuses of military and other security forces are better monitored and scrutinised by the public. However, the Freedom of Information Act (FoIA) 2011 puts law enforcers and the defence sector out of reach of public scrutiny. Reporting of abuses by security establishment is also a risky business including frequent verbal and physical threats against whistle-blowers and civil oversight.

## 6. Investigative Journalism

Up until 2011, all Governmental business was ranked under various levels of secrecy. Even today, various restrictions are contained in the Criminal Code, the Public Complaints Commission Act, the Penal Code, to name only a few. Public servants are still made to swear to an oath of secrecy when employed. Even crucial national interests such as lucrative contracts with oil, gas and extractive industries, salaries of politicians such as legislators and ownership of companies, are shrouded in

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21. [HTTP://WWW.REUTERS.COM/ARTICLE/US-NIGERIA-SECURITY-NIGER-INSIGHT/REGIONAL-ARMIES-STRUGGLE-IN-LAST-PUSH-AGAINST-BOKO-HARAM-IDUSKCN1051QI](http://www.reuters.com/article/US-NIGERIA-SECURITY-NIGER-INSIGHT/REGIONAL-ARMIES-STRUGGLE-IN-LAST-PUSH-AGAINST-BOKO-HARAM-IDUSKCN1051QI)

22. [HTTPS://WWW.UNODC.ORG/DOCUMENTS/NIGERIA/DRUG-RESPONSE/NDCMP\\_BOOK\\_1706152.PDF](https://www.unodc.org/documents/nigeria/drug-response/NDCMP_BOOK_1706152.PDF)

secrecy. This basic lack of open access to public information means that citizens are unable and grow increasingly disillusioned about meaningful participation in governance. Journalists and activists are denied access to information that is critical for accurate reporting and unravelling the web of corruption in Nigeria. Students also find themselves bared from reading documents necessary for their research.

While the legislative provision seems to be sufficient, journalists, activists and the public at large do not utilize the FoIA as it should. The reason is that practical challenges in applying the Law makes it practically impossible for an individual to follow a case and break the culture of secrecy. Many legal exemptions constitute a legal impediment. For example, as reported elsewhere in this report, the entire budget of the Ministry of Defence is classified as secret. Even suppliers for purchasing of military uniforms or boots are secret. There is also a low public awareness on the Law as the public believes, and is disillusioned, that public agencies are out of reach for ordinary citizens. Only 17% of respondents, in one survey, acknowledge to have heard about the FoIA. Other practical challenges include poor bookkeeping and knowledge management within the Government. The fact that there is no public institution such as an Ombudsman or Information Minister, which would advocate on the part of the citizens for active or passive information disclosure, underscores the operational difficulties.

The Nigeria media space has experienced some suppression in the coverage of some topics. In 2014, the army was accused of a crackdown on print-runs in the country.<sup>23</sup> The Nigerian Government has been accused by Amnesty International of arresting and detaining at least 10 journalists and bloggers without trial. The report also mentioned that Nigerian Journalist Ahmed Salkida was declared wanted, arrested and briefly detained by the Nigerian army for facilitating the release of a video on the Chibok girls. The report states that after his release, his passport remained confiscated.

## 7. Summary of Key Indicators

INDEX	SCORE
<u>CPJ's Global Impunity Index, if applicable</u>	12/13 (2016)
<u>TI's Corruption Perception Index</u>	28/100 (2016)
<u>WGI – Voice and Accountability</u>	35.96/100 (2016)
<u>WGI – Rule of Law</u>	13.94/100 (2016)
<u>WGI – Control of Corruption</u>	13.46/100( 2016)
<u>Freedom House, Freedom of the Press</u>	51/100 (2017)
<u>Freedom House, Freedom in the World Score</u>	50/100 (2017)

23. [HTTP://WWW.REUTERS.COM/ARTICLE/US-NIGERIA-MEDIA/NIGERIAN-NEWSPAPERS-ACCUSE-ARMY-OF-SEIZING-PRINT-RUNS-IDUSKBN0EH1U320140606](http://www.reuters.com/article/us-nigeria-media/nigerian-newspapers-accuse-army-of-seizing-print-runs-idUSKBN0EH1U320140606)

## II. LEGAL FRAMEWORK

Question	Yes	No	Comment: Please include law(s) and agency in charge of implementing and enforcing law(s)
1. Has the country criminalized participation in criminal group pursuant to UNTOC, Art. 5?	Yes		<p>1.The 1999 Constitution of the Federal Republic of Nigeria,</p> <p>2.The Money Laundering (Prohibition) Act, 2011(As Amended) (Harmonized Act No. 11, 2011 And Act No. 1, 2012), AntiTerrorism Act, Anti -Piracy Act, Money Laundering and Terrorism Financing (Prohibition) Act</p> <p>Police, civil defense, NDLEA, EFCC, ICPC, NAFDAC, Immigration, Customs</p>
2. Has the country criminalized the laundering of proceeds of crime pursuant to UNTOC, Art. 6?	Yes		<p>1.The Money Laundering (Prohibition) Act, 2011(As Amended) (Harmonized Act No. 11, 2011 And Act No. 1, 2012),</p> <p>2. The Economic and Financial Crimes Commission (Establishment Act) 2002,</p> <p>3. Corrupt Practices and Other Related Offences Act 2000</p>
3. Has the country criminalized Money Laundering pursuant to UNTOC, Art. 7	Yes		<p>1.The Money Laundering (Prohibition) Act, 2011(As Amended) (Harm onized Act No. 11, 2011 And Act No. 1, 2012),</p>
4. Has the country adopted laws criminalizing corruption and measures against corruption pursuant to UNCAC and UNTOC, Art. 8 and 9?	Yes		<p>1. The 1999 Constitution of the Federal Republic of Nigeria</p> <p>2. Corrupt Practices and Other Related Offences Act 2000</p> <p>3. Code of Conduct Bureau and Tribunal Act CAP C15 2004.</p> <p>4. Public Procurement Act 2007</p> <p>5. Freedom of Information Act 2011</p>
5. Has the country criminalized the obstruction of justice pursuant to UNTOC pursuant to UNTOC, Art. 23?	Yes		<p>1.The 1999 Constitution of The Federal Republic of Nigeria.</p> <p>2. Criminal Code Act Laws of The Federation 1990</p> <p>3. Corrupt Practices and Other Related Offences Act 2000</p>
6. Has the country enacted specialized criminal laws targeting the following types of organized crimes: trafficking in persons, smuggling of migrants, trafficking in firearms? See UNTOC's three protocols on Trafficking	Yes		<p>1.National Agency For Prohibition of Trafficking in Persons Act (NAPTIP) 2003,</p>

<p>in Persons, Smuggling of Migrants and Trafficking of Firearms.</p> <p>Are there laws that target other specific types of organized crime such as drug trafficking or cybercrime?</p>		<p>2. Immigration Act 2015.</p> <p>3. National Drug Law Enforcement Agency (NDLEA) Act CAP N30, 2001</p> <p>4. Cybercrimes (Prohibition, Prevention, ETC) Act, 2015.</p> <p>5. National Agency For Food Drug Administration and Control Act CAP N1, 2004.</p> <p>6. Firearms Act 1990</p> <p>7. Trafficking in Persons (Prohibition) Enforcement and Administration Act, 2015.</p> <p>8. Terrorism Prevention Act 2013</p>
<p>7. Has the country established the criminal, civil or administrative liability of legal persons for participation in serious crimes involving organized crime pursuant to UNTOC, Art. 10?</p>	<p>Yes</p>	<p>1. The 1999 Constitution</p> <p>2. Criminal Code Act Laws of The Federation 1990</p> <p>3. Administration of Criminal Justice Act 2015</p>
<p>8. Does the country have legal and procedural mechanisms to allow law enforcement agencies to identify, trace, freeze, or seize assets and confiscate the proceeds of crime? See UNTOC, Art. 12, UNCAC Arts, 51 to 59</p>	<p>Yes</p>	<p>1. The Economic and Financial Crimes Commission (Establishment Act) 2002,</p> <p>2. Corrupt Practices and Other Related Offences Act 2000</p> <p>3. Criminal Procedure Act 2004</p>
<p>9. Does the country have a law enabling law enforcement to overcome bank secrecy laws to obtain evidence such as bank, commercial and financial records pursuant to UNCAC, Art. 40? For guidance see TI's <a href="#">Just for Show: Reviewing G20 Promises on Beneficial Ownership</a></p>	<p>Yes</p>	<p>1. Freedom of Information Act 2011</p> <p>2. Code of Conduct Bureau and Tribunal Act CAP C15 2004.</p>
<p>10. Does the country have a law protecting whistleblowers pursuant to UNCAC, Art. 33? For guidance see <a href="#">TI's Principles for Whistleblowing Legislation: OECD Whistleblowers Protection Frameworks, Compendium of Best Practices and Guiding Principles for Legislations</a></p>	<p>No</p>	<p>There is a whistleblower policy. The appropriate legislation has been drafted but is in early stages of adoption and passing into a law.</p>
<p>11. Does country have laws and procedures for the protection of witnesses and victims pursuant to UNTOC, Art. 24 and 25, UNCAC, Art. 32?</p>	<p>No</p>	<p>There is only a policy protecting identity of whistle blowers.</p>
<p>12. Does country have extradition and mutual legal assistance treaties? See UNTOC, Art. 16 and 18; UNCAC, Arts. 45 and 46</p>	<p>Yes</p>	<p>Corrupt Practices and Other Related Offences Act 2000</p>

### III. MAPPING OF INSTITUTIONS

#### Investigation Powers: The Nigerian Police Force



The Nigerian Police Force has constitutionally vast responsibilities for maintenance of public order and safety of the citizens including the power to investigate. Police have extensive powers to investigate crimes, arrest suspects, grant bail and prosecute accused in court.

A number of other institutions have a constitutional mandate to investigate. The Economic and Financial Crimes Commission (EFCC) is empowered to investigate economic and financial crimes and is charged with the responsibility of enforcing the provisions of other laws and regulations relating to economic and financial crimes. It is a key agency in fighting terrorism and organised crime.

Independent Corrupt Practices and Other Related Offences Commission (ICPC) investigates allegations of corrupt practices made against any person or authority in Nigeria, even if the allegations arose in civil disputes.

The National Drugs Law Enforcement Agency (NDLEA) is primarily responsible for coordinating all drug laws and policies previously conferred on any statutory body in the country including campaign to check the abuse of narcotics and psychotropic substances. The Agency has the power to launch investigation to be conducted as to whether any person has committed an offence in relation to its mandate.

#### Prosecution Powers: The National Drug Law Enforcement Agency (NDLEA)



The Ministry of Justice at both the state and federal levels are at the forefront of public prosecution in Nigeria. Usually the personnel of these Ministries in the Department of Public Prosecution conduct prosecution of criminal cases, including cases of organised and transnational crime. The Attorney General is the Chief Prosecutor of the State. The Director of Public Prosecution (DPP) and other counsel often assist the Attorney General in his chambers.

Specialised institutions are also entrusted for prosecution powers in clearly defined areas. NDLEA, National Agency for Food Drug Administration and Control, the Independent Corrupt Practices and Related Offences Commission (ICPC), the Economic and Financial Crimes Commission (EFCC), and the three arms of the Armed Forces (Army, Air force and Navy), conduct prosecution in relation to offences committed by their members.

The Nigerian Police is a major stakeholder in the administration of criminal justice system in Nigeria. Section 4 of the Police Act, provides for the general duties of the police as follows: "The police shall be employed for the prevention and detection of crime, the apprehension of offenders, the protection of

law and order, the protection of life and property and the due enforcement of all laws and regulations with which they are directly charged, and shall perform such military duties within or without Nigeria as may be required by them, or under the authority of this or any other Act.” In terms of prosecution, Section 23 of the Police Act provides that Police shall institute and undertake, takeover and continue or discontinue criminal proceedings against any person before any court of law in Nigeria and any police officer may conduct in person all prosecutions before any court.

## Judicial Powers: The Federal High Court



The Federal judicial power in Nigeria is exercised by the Federal Courts, which adjudicate in disputes arising between individuals, governments and corporations in accordance with the law.

*The Supreme Court* is the highest court in Nigeria and an institution of last resort in the justice system.

*The Court of Appeal* has exclusive jurisdiction to hear and determine appeals from the Federal High Court, High Court of the Federal Capital Territory, State High Court, Sharia Court of Appeal, Customary Court of Appeal, National Industrial Court, a court-martial or other tribunals prescribed by an Act of the National Assembly.

*The Constitutional Court* deals within the jurisdiction in respect of matters relating to the interpretation or enforcement of the Constitution among other duties.

*The Federal High Court* has exclusive jurisdiction in civil cases and matters relating to the revenue of the Government of the Federation such as taxation, customs and excise duties, banking, copyright, admiralty, citizenship, etc.

In addition, at the federal level are the Sharia Court of Appeal and the Customary Court of Appeal. The Grand Khadi and Khadis preside over the Sharia Court while the President of the Customary Court and other Judges preside over the Customary Court of Appeal. The Sharia Court of Appeal exercises appellate and supervisory jurisdiction in civil proceedings on Islamic Law. The Customary Court of Appeal exercises appellate and supervisory Jurisdiction in Civil Proceedings on Customary Law.

The National Judicial Council is an institution vested by the Constitution with far-reaching powers and roles. It preserves the independence of judiciary, oversees that judiciary is committed to the rule of law, supervises financial autonomy of judiciary, enforces integrity and discipline of judicial officers and oversees the technical and infrastructural capacity of the judicial system in Nigeria.

By virtue of its size, resources and mandate, the Nigerian Police Force is the main agency tasked with security of lives and properties in Nigeria. The EFCC, ICPC are focused on financial crimes and other related matters, the National Drug Law Enforcement Agency combats drug related crimes. EFCC, ICPC and NDLEA have dual powers of investigation and prosecution.

The Nigerian Police Force has the Criminal Investigation Department (CID), the Economic and Financial Crimes Commission has the Special Control Unit against Money Laundering (SCUML). These two institutions are principally the most important in combating organised crime in Nigeria. The

National Drug Law Enforcement Agency (NDLEA) supervises the coordination in the fight against drug-related crime, including the transnational, organised crime. The institution is also responsible for policy coordination and has powers to investigate and prosecute through specialised departments.

Institution/ Specialized Unit, if any	Under which branch's jurisdiction?	Is it independ ent under constituti on?	Legal Mandate	Investigate s	Prosecute s	Adjudicate s	External Oversight Body/ies	Legal mandate of external oversight body
National Police, Narcotics Division	Executive/ Ministry of Justice	N	To detect, prevent, investigate drug- related and other crimes; protect public safety	Y/N	Y/N	Y/N	Ministry of Justice  A/C agency  Comptroller General  Civilian Review Board	Monitor/Investigate/sanctio n  Monitor/investigate/sanctio n  Audit  Monitor/investigate
Nigeria Police Force NPF, Criminal Investigatio n Department (CID)	Executive/Min istry of Interior	N	Prevention and detection of crime, apprehension of offenders, preservation of law and order, protection of lives and property and the due enforcement of laws and regulation with which they are directly charged and the performance of military duties within and outside Nigeria as may be required by the Nigerian police Act or any other act.	Y	Y	N	Police Service Commissio n  Ministry of Interior	To dismiss, exercise disciplinary control over any office holder in the Nigerian police Force (other than the Inspector General of Police) and for related purposes.  Fostering the maintenance of internal security and citizenship integrity for the promotion of good governance.
National Drug Law Enforcement Agency,	Executive/Min istry of Justice	N	To enforce laws, against the cultivation, processing, sale, trafficking and use of hard drugs and to investigate persons suspected to have dealings in drugs and other related matters	Y	Y	N	Presidency	General Oversight
Independent Corrupt Practices and other related offences Commission	Executive	Y	To prohibit and prescribe punishment for corrupt practices and other related offences.	Y	Y	N	Presidency	Oversight, Sanctions



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Economic and Financial Crimes Commission, Special Control Unit Against Money Laundering SCUMUL	Executive	Y	Supervision, monitoring and regulation of the Designated Non-Financial Institutions (DNFI) as regards compliance to Nigeria's Int'l Money Laundering and Combating the Financing of Terrorism (ML/CFT regime).	Y	Y	N	Presidency	Oversight, Sanctions,
Federal High Court	National Judicial Council	Y	To determine causes and matters within the exclusive legislative list.	N	Y	Y	National Judicial Council	Regulatory, oversight, Sanctions
National Judicial Council			To perform disciplinary functions as well as appointment and nomination of executive members of the Judiciary, advising the President of Nigeria and Governors on issues related to the judiciary.	N	N	N	The Presidency	Oversight of the judiciary/ judicial officers

## **IV. INTER-AGENCY COORDINATION**

The law specifies mandates of specific institutions involved in prosecution and investigation. However, these roles overlap in practice. The coordination in the fight against organised crime is hampered by the rivalry amongst the law enforcement agencies. Some institutions, such as EFCC, have also stretched their mandate and struggle to remain focused on specific tasks.

The National Security Council coordinates, in theory, all security-related challenges including organised crime. However, this Council meets at the very high level of the senior Ministers and heads of security services with minimum impact on the division of responsibilities between different agencies.

Coordination is carried out but recent rancour between the Economic and Financial Crimes Commission, Department of State Security, which is under the Office of the National Security Adviser and The Ministry of Justice, have shown that this coordination is only partially effective. The chronic inability to exchange information and data on the aggregated level and also on cross-sectoral, individual dossiers impacts the effectiveness. This results in poor conviction rate due to incomplete evidence from the prosecution in complex cases of transnational, organised crime.

## **V. INTERNATIONAL COLLABORATION**

The Nigerian Police Force, the Independent Corrupt Practices and other Related Matters Commission and the EFCC have been mandated to coordinate with international organizations like INTERPOL in combating crime.

Despite the existence of the ECOWAS Convention on Mutual Administrative Assistance in Customs Matters of 1982, the Convention on Mutual Assistance in Criminal Matters of 1992 and the Convention on Extradition of 1994, cooperation in criminal and law enforcement matters is still at a very low level among West African countries. An important institution of ECOWAS in the fight against transnational organised crime and terrorism is the Inter-Governmental Action Group against Money Laundering in West Africa (GIABA), which was established in 2000.

The recent passage of the Mutual Assistance in Criminal Matters Bill is further supposed to smoothen the data and intelligence exchange with foreign jurisdictions on issues dealing with organised crime and connected illicit financial flows.

The bilateral cooperation between Nigeria and other countries has recently gathered pace. However, the practical arrangements at the levels of the Nigerian law enforcement agencies and relevant departments are not always adequate and up to the standard to handle international issues effectively.

## VI. CISLAC at Glance



*Civil Society Legislative Advocacy Centre (CISLAC) is non-governmental, non-profit legislative advocacy, information sharing and research organization, arising from the felt need to address defects in the legislative advocacy work of civil society and open the window through which legislators can also access civil society groups. It aims to strengthen the work of Civil Society on Legislative Advocacy and bridge the gap between legislators and the Civil Society.*

*The formation of CISLAC arose from the context of the fact that the return to civilian rule in Nigeria was achieved largely by the struggles of the organizations of Civil Society especially the Human Rights and pro-democracy groups. Many activists lost their lives in the demonstrations, and sometimes, violent eruptions which characterized agitation for democracy and the opening of the democratic space in the context of authoritarian military rule and dictatorship.*

*Civil Society Legislative Advocacy Centre (CISLAC) is currently one of the major civil society organizations in Nigeria with a primary focus on legislation and legislative processes. CISLAC is also engaged in policy/legislative advocacy, civil society capacity building and media engagement. CISLAC works to train and enlighten civil society on policymaking, the responsibilities of the legislature, and the existing policies and legislations affecting Nigerian citizens. It also aims to ensure that the legislature at local, state and federal levels are aware of their relationships with other government bodies and have a responsibility of acting as a voice for the people.*

*CISLAC was integrated as a corporate body (CAC/IT/NO22738) with the Nigeria's Corporate Affairs Commission (CAC) on the 28th December 2006. Prior to this incorporation, however, CISLAC had actively been engaged in legislative advocacy work since 2005. The organisation is also compliant with the Anti-Money Laundering Act 2007.*

*The Organisation reports to SCUML, any transaction that is above One thousand dollars, detailing the payee, purpose and the other KYC (Know Your Customer) requirements. This is done on a weekly or monthly basis depending on the volume of transactions and to ensure appropriate compliance with anti-money laundering laws.*

*CISLAC is also registered organisation under the National Planning Commission. In recognition of its broad perspective, CISLAC was granted an ECOSOC status by the United Nations in 2011 giving it the mandate and the instrumentality of the United Nations. CISLAC is duly registered in accordance with the provisions of Section 5(1) (a) of the Money Laundering (Prohibition) Act, 2011 of the Economic and Financial Crime Commission (EFCC). It is the national contact of Transparency International (TI).*

*CISLAC through its engagement of the governance processes in Nigeria has contributed towards the passage of several primary legislation such as the Fiscal Responsibility Act, Violence against Persons Prohibition Act, National Tobacco Control Act, National Health Act, Public Procurement Act, and Nigeria Extractive Industry Transparency Initiative Act which promotes transparency and*

*accountability in governance as well as the domestication of international conventions at the Federal and state levels in Nigeria through advocacies, presentation of memoranda and public enlightenment programmes and media engagement.*

*CISLAC along with other civil society organizations campaigned and advocated for passage of the Freedom of Information Act. CISLAC is among the movement advocating for the passage of such pieces of legislation as Disability Bill, Gender and Equal Opportunity Bill, Whistleblower Protection Bill, Prison Reform Bill, etc.*

*CISLAC has created civil society awareness through publication and dissemination of monthly newsletter—Legislative Digest which have been in circulation for both public and legislative consumption since October 2006. It has been a central medium of accountability, as it provides citizens a platform to monitor the performance of their Legislators, and a channel for Civil Society Organizations advocacy on critical issues that require legislative intervention. Also, CISLAC has a wide range of publications such as Textbooks and Policy Briefs, which examines policies requiring amendment and providing recommendations.*

*As a renowned CSO in Legislative advocacy in the region, CISLAC has on several occasions shared its experience on best practices for legislative advocacy on invitation from its international partners such as the World Bank Parliamentary Forum and the United Nations Millennium Campaign/Sustainable Development Goals in African countries such as Kenya and Zimbabwe. Similarly, Ghana, Kenya, and Democratic Republic of Congo have also requested support from CISLAC for replication of its work in Legislative advocacy. In many West African countries such as Liberia, Sierra Leone, Ghana, Cameroon, Niger, Togo and Benin Republic, CISLAC has carried out experience sharing and advocacy exercises on the Extractive Industry Transparency Initiative processes through supporting the passage of extractive industry initiative laws in these countries. CISLAC also undertakes capacity building for legislators, CSOs and Media on policy engagements in the above countries.*

*CISLAC's sub-granting experience includes grants to national organisations. With skilled, committed, experienced and proactive leadership and employees, particularly in the areas of coalition building, tenacious advocacy, community mobilization and the clout needed to engage lawmakers at all levels, the organization has proven capacity to attract international solidarity, engage policy makers and mobilize local civil society groups and communities into action.*



## Implemented in Nigeria by:




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