

The Role of University Law Clinics in the Administration of Criminal Justice in Nigeria: A Case Study of Ahmadu Bello University Law Clinic.

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Abstract

This paper discussed the role of University Law Clinics in police stations, courts, and prisons, challenges faced by the Clinicians and Recommendations on how to effectively utilize the Clinicians in the administration of criminal justice in Nigeria, bearing in mind that University Law Clinics activities are the best avenue to impart the requisite knowledge of the law to law students. This is because the Law Clinics activities go beyond the classroom lectures, as it provides rare opportunity for law students to experience how the law works in the society. The clinical activities provide answer to the question whether law is capable of responding to contemporary societal needs and problems. It has a matchless effect on the opinions, beliefs, demeanour and values of law students. The University Law Clinics furnish law students with reasonable legal skills, exposes them to the social and economic injustice in the society and it also assist in producing legal practitioners that have public interest litigation build in their minds.

Key Words: Role, University Law Clinics, Administration of Criminal Justice

1.1 Introduction

The student-clinicians¹ in University Law Clinics are just a pictorial representation of the legal practitioners in the society, who are out to assist indigent members of the community who cannot have access to justice. Some of the inmates in prisons and police stations are innocent citizens who are out in search of a 'greener pasture' to enable them carter for their relatives. It is really unfortunate as some of them end-up in detention for longer period in contravention of their rights to personal liberty. In this article, the term role is understood to mean the function or position that somebody has or is expected to have in an organization, in society or in a relationship.² It also means the degree to which somebody/something is involved in a situation or activity and the effect that they have on it.³ Administration of Criminal Justice is the activities that are done in order to plan, organize, and the methods by which a society deals with those who are accused of having

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¹ These are law students who engaged in the activities of the Clinics.

² W., Sally, et al, *Oxford Advanced Learner's Dictionary*, (Oxford University Press, Oxford, UK, 2000) 1021

³ *Ibid.*

committed crimes.⁴ Criminal Justice System means the collective institutions through which an accused offenders passes until the accusations have been disposed of or the assessed punishment concluded. The system typically has three components: law enforcement (police, sheriffs, marshal), the judicial process (judges, prosecutors, defense lawyers) and corrections (prison officials, probation officers and parole officers).⁵

University Law Clinics⁶ are law school based non-profit organizations that provide free legal services and access to justice for part in hand-on legal work for the benefit of the indigent community under the supervision of professionally qualified members of the staff. A Law Clinic is a program that provides legal experience to law students and service to the indigent members of the society. Its main objective is professional development and ethics, by offering students the opportunity to experience the realities of legal practice and the context in which law developed, within the structured laboratory of legal education, through providing aid for those who cannot afford it, in aspects of civil and criminal law. It also includes strict lawyering, organizing workshops, and training programs.⁷

This article discussed the role played by University Law Clinics in police stations, courts, prisons, with a view to exposing some of the challenges faced by Law Clinics and recommend some possible solutions to the challenges.

1.2 Goals of University Law Clinics

Any organization established in the world must have some goals, objectives or missions it may want to achieve. The University Law Clinics are not left-out of having such goals.

A jurist on Clinical Legal Education (CLE)⁸ when commenting on the objectives of clinical activities opined thus;

Why should (a student) be forced to learn the law
exclusively in the laborious and difficult manner?
Must he be denied the privilege, which the students of
medicine, chemistry and the other sciences enjoy, of

⁴*Ibid.*, 18

⁵B. A., Garner and T., Jackson, and J., Newman, *Black's Law Dictionary*, (8th edn. Thomson West, USA, 2007) 402- 403

⁶O. A, Uka, "Students Manual for Pretrial Detention/Criminal Justice Law Clinics" (2011)3. A paper presented at the workshop organized by the Network of University Legal Aid Institutions (NULAI NIGERIA), Held at Abuja. From September 9-12.

⁷B., Ajegba, "Role of Law Clinics in the Administration of Criminal Justice". In Odinakaonye Lagi, *et. al. Campus-Based Law Clinics in Criminal Administration in Nigeria*. (NULAI Nigeria, Abuja, 2019) 113.

⁸S., Sheppard, *The History of Legal Education in the United States: Commentaries and Primary Sources*, (Lawbook Exchange Ltd, 2007) 538-539 available at <<http://en.m.wikipedia.org/wiki/Legal-Clinic>>. Assessed on 30 March 2014.

learning at the outset of his study from treatises what other original investigators have discovered? Like the student of the different sciences, the law student must learn how to make original investigations for himself, and diagnose, so to speak, the principles of law from the cases in actual litigation. But no reason can be given why he must learn the whole science of the law by his own investigations in the undigested mass of raw material in the shape of adjudicated cases. No medical school can pretend to give a complete course of instruction at the present day, without introducing into its curriculum a comprehensive course of clinics. Nor does the professor of physics or chemistry teach these sciences exclusively by the use of the text-books and pictorial representations of the various experiments as was once the practice. But the instructors of these sciences have not discarded the treatise; they have only supplemented the use of the treatise with the resort to the laboratory and operating room.

From the above comment of the writer, the following goals of University Law Clinics can be deduced;

- i) To provide legal aid for indigent members of the community.
- ii) To advocate for access to justice and human right.
- iii) To serve as a laboratory where students learn through real legal practice.
- iv) To expose students to some new areas of law and vital professional skills.
- v) To serve as an avenue for capacity building for both staff and students of law.
- vi) To provide an opportunity for law students to appreciate the social perspective of legal practice.⁹

The above listed goals are summarize by Ebonyi State University Law Clinic as its mission, thus: “to develop skills in our law students through interactive teaching methodology that will equip them to grapple with modern day law practice in all jurisdictions, and develop *pro bono* culture in them before graduation.”¹⁰

⁹ C. U., Abugu, and N., Mukhtar, *University of Abuja Law Clinic Manual*. Available at <www.unibujalawClinic.com.ng> Assessed on 30 March 2014.

¹⁰ <amariomaka.blogspot.nl/2011/04/ebonyi-state-university-law-clinic-in.html?m=>>. Assessed on 16 May 2014.

1.3 The University Law Clinics and the Police.

The police being the first agency in the administration of criminal justice which an accused person comes in contact with, in line with their functions under Section 4 of the Police Act¹¹. The University Law Clinics have some enormous role to play in the police station. Some of the roles include advocacy, bail, bringing detainees to court, interviewing and counselling and contacting detainees' families. University Law Clinics being architects in the course of justice to the indigent members in the society do make interventions by way of advocacy visits to the police stations. The major goal of such visits is to develop a partnership with the police and to improve the administration of justice. A.B.U Law Clinic has partnered with the Nigeria Police Force Zaria Divisional Headquarters¹² in order to achieve the goals of the Clinic; which to some certain extent have been yielding positive results.¹³

The law enforcement agencies are empowered by the Administration of Criminal Justice Act 2015¹⁴ and Laws of other states such as Lagos and Kaduna State¹⁵ to grant bail to any person arrested in connection with any offence pending investigation or arraignment in the court for trial.¹⁶ Police bail is granted upon the suspect entering into a recognizance with or without sureties to appear at police station or court on a future date stated in the recognizance.¹⁷

Some of the accused persons remain in the police stations for days more than the days said to long periods before be reasonable for they are charged to court for trial, which is a violation of the Constitution. The University Law Clinics intervene to facilitate the bail of the accused persons in police custody. It is pertinent at this juncture to report the case of Firdausi Shafi'u which was handled by For instance, the A.B.U Law Clinic, handled the case of a the Applicant, minor girl, experiencing some psychological problems, having spiritual problem (ciwoniska) who was arrested on Thursday 3rd April, 2014 for the offence of grievous bodily harm on one Nura (the victim) 13 days earlier. The aunt of the minor Applicant reported to the Clinic on Friday 4th April, 2014 and the Clinic sent some

¹¹ Cap. P19 LFN, 2004

¹² The Clinic partners with the police during ACP A.A Maigana, the then Officer in-charge of Zaria Divisional Headquarters on 13 May, 2013.

¹³ In *Firdausi Shafi'u vs. Police*, Clinic File No: J4A/ABULC/012. The Applicant was a minor (15 years) and of unsound mind, she was arrested for causing grievous bodily harm on one Nura (the victim). She was detained for 3 days and all effort to secure her bail by her parent proved abortive. Her bail was granted with the intervention of A.B.U Law Clinic.

¹⁴ ACJA 2015

¹⁵ Lagos State Administration of Criminal Justice Law 2011 and Kaduna State Administration of Criminal Justice Law 2017

¹⁶ E., Ojukwu, *et. al.*, *Handbook on Prison Pre-trial Detainee Law Clinic*. (Network of University Legal Aid Institutions NULAI Nigeria Abuja, 2012) 65.

¹⁷ *Ibid.*

student-clinicians to the police station, who facilitated the bail of the minor girl on Saturday 5th May, 2014.

It is obvious that some of the detainees are kept in custody for long without taking them to the epitome of justice (i.e. the courts). The Clinics on their frequent visit to the police stations or on report by the relatives of the detainees facilitate the act of bringing the detainees to court for trial.

Interviewing and counseling being one of the techniques acquired by student-clinicians in the course of clinical activities are put into praxis in the police station. A writer¹⁸ said;

... the interview provides the opportunity to obtain data generally, categorize the... assess the... pre-trial detainees that qualify for the clinic's free legal assistance, and identify the immediate legal and other needs of the... pre-trial detainee while proffering immediate free legal advice. This interview is also the time to identify those... pre-trial detainees that require very little assistance and those deserving more urgent assistance.

On counseling student-clinicians after interviewing the detainee, offer the necessary assistance by way of advice on how to secure legal representation or to facilitate the bail of the detainee from police custody. Some of the detainees in police custody are just out from their various homes in search of a '*greener pasture*'; they become victims of circumstance or fall into trouble and detained by the police without the knowledge of their relative/family members. Student-clinicians assist in linking the detainees with their family members/relatives, help in educating the relatives on the processes of securing the bail of their wards and how to seek assistance from the court in the event their wards fundamental rights as enshrined in the constitution is violated.

1.4 The University Law Clinics and the Courts

The opium of justice and the last hope of the common man which the community repose confidence on to administer justice is the court. The Supreme Court in *Adeleke v. Awoniyi* has this to say about the administration of justice by the courts;

It is now beyond the place of argument to say that as officers of the court we do not owe a duty to our society or community. The welfare of the public is satisfied with the standard of administration of justice. It is our firm conviction that either in civil case or

¹⁸ E., Ojukwu, *et. al.Op. cit.* n. 16, 159

criminal trial, the stake which the community has in seeing that justice is done is so great that when and if it turns out that justice is not done society frowns at and condemns what has been handed down as justice by the court.¹⁹

In line with the above decision from the apex Court in Nigeria, University Law Clinics tends to play some vital roles in courts in order to see that justice is done to the accused, victim of the crime, and the society at large.²⁰

The Law Clinics play these roles in Courts through the instrumentality of public interest litigation provision contained in the Fundamental Rights Enforcement Procedure Rules 2009. One author opined thus; "... the rules permit Human Right activities, Advocates and Non-Governmental organizations (NGO) to bring human right applications on behalf of potential applicants."²¹ In view of the above rules, the requirement of *locus standi* is abolished. Human Rights may now be enforced by;²² anyone acting in his own interest, anyone acting on behalf of others, or anyone acting in public interest, or any association acting in the interest of its members or others. Some of the roles of the Clinics in Courts include advocacy, legal representation and watching proceedings.

The University Law Clinics do make interventions in the courts by way of advocacy visits to the courts. The major goal of such visits is to develop a partnership with the courts in order to have easy access to the records of proceedings, First Information Report (FIR), and other public documents which the clinics may require to facilitate access to justice for their clients. A.B.U Law Clinic has partnered with many courts in Zaria and Kaduna, and the goal of such partnership is achieved to some extent.²³

The Rules of professional conduct barred a student from performing some act which includes; representing clients in courts as lawyers, signing court originating applications, writs, pleadings, motions, franking agreements claiming to be a lawyer or pretending to be a lawyer.²⁴ Despite the above limitations to student-clinicians, being paralegals they can intervene in processing the administrative bail for indigents prisoners by deposing to

¹⁹ (1962) 1 ALL NLR, 260

²⁰ See; Oputa JSC (as he then was) in *Josiah v. State* (1985) 1 NWLR, 125 at 140

²¹ A.A., Akume, "The Abolition of Locus Standi and Statutes of Limitations in Fundamental Rights Enforcement in Nigeria", *Human Rights Review: An International Human Rights Journal*, (Department of Public Law, Ahmadu Bello University, Zaria, Nigeria and The National Human Rights Commission of Nigeria, 2010) 399.

²² *Ibid.*

²³ Many FIR have been retrieved from various courts in Zaria, which assist in facilitating the bail application of pre-trial detainees.

²⁴ E., Ojukwu, *et. al. Op. cit.* n. 16, 193

affidavits²⁵ from the facts they gathered as a result of the interview conducted in prisons with the inmates. There is nothing in any law that prevents student-clinicians from representing the prisoners before the courts registrar to get information, and to process bail for those unable to fulfill the post bail conditions.

University law clinics also engages the services of *pro bono* lawyers. The Coordinators²⁶ in A.B.U Law Clinic have filed motions for the bail applications of many prisoners. In *Usman Abdullahi v. C.O.P*²⁷ the accused person was arrested on 26th February, 2013 after his return from work at the 19:00 hours by the police and charge on First Information Report (FIR) which alleged that he committed the offence of sodomy. The accused briefed the author (the then Director of Litigation) at Zaria prison on 10th February, 2014 on the facts. H. Bala Esq, file application for his bail; which was supported by 12 paragraph affidavit deposed to by the author. The court granted the application.

It should be noted that drafting the affidavits and processing the release of the FIR are all the efforts of the student-clinicians in their paralegal capacity.

University Law Clinic being an ocean deep with work to be done move into the ‘*nooks and crannies*’ of any case referred to Legal Aid Council(LAC) by the Clinic or which it has interest in. Whenever there is a case in court which the Clinic has interest in and there is need for justice to be done assigned to LAC lawyer, the Clinic usually send some student-clinicians to the court to watch how the lawyer is handling the case. A.B.U Law Clinic watched proceedings in the cases of *Ahmad Dan Asabe*²⁸ and *Kasimu Abdul*²⁹ at Chief Magistrate Court Chediya Zaria. The former case is a case of defilement of 3 years old girl, and the latter, is case of defilement of 3 under-age girls. Both cases were referred to Criminal Department of Legal Aid Council, Kawo Secretariat Kaduna and the clinicians persisted in watching the proceedings whenever the court is sitting on the cases.

1.5 The University Law Clinics and the Prison.

The prisons are the final level/unit in the administration of criminal justice system. When any person is accused of committing any offence and he is detained in prison as awaiting trial, it is only fair that he is assisted to have his case expeditiously dispensed with by a court of competent jurisdiction. But it is very unfortunate nowadays in Nigerian prisons’ to find prisoners who are remanded without any access to justice and the reasons one will get is the police investigation and holding charge; which a writer said “A judicial

²⁵ Student-Clinicians in A.B.U Law Clinic has deposed to affidavits in support of numerous bail applications drafted by their coordinators.

²⁶ A., Is’haq Esq, Hassan Bala Esq, Dalhat Idris Esq, among others.

²⁷ Clinic File No; J4A/ABULC/001. Suit No: KDH/Z/71/14

²⁸ Clinic File No; LAC/AJPP/ABULC/038, See. A.B.U Law Clinic Report of cases for the Month of October 2013.

²⁹ Clinic File No: LAC/AJPP/ABULC/044.

acknowledgment that the only way to properly and lawfully keep an accused person in custody pending investigations is to remand him without charge for... years is a huge set back to our march to civility and widening of the frontier of liberty.”³⁰In view of the above injustice some prisoners faced in Nigerian Prisons, the University Law Clinics have tremendous roles to play in the prison, such as prison visits, contacting families, intervention through the prison authorities, bail and legal representations.

Student-clinicians in various University Law Clinics intervene in the cases of many prisoners when they embark on prison visitation, since the prisoners are always confined within the four-walls of the prison. The prisoners yearn for the opportunity of such visits to at least express their feelings.³¹At the prisons, the student-clinicians could do so many things starting with interviewing and counseling, categorization of cases and classification of prisoners, observation and ascertainment of prison conditions/human rights violations, assist in jail delivery programmes, collect data on prisoner’s welfare, and re-orientation/education and other assistance to released prisoners and detainees.³² With NULAI Justice For All “J4A” Project, A.B.U Law Clinic frequently visit Zaria prison to get the aforementioned information, in order to take the necessary steps to make the prisoners have access to justice. The visit conducted on 10th February, 2014 to Zaria prison in company of 12 clinicians records the following information:

- a. Functional capacity of facility - 377;
- b. Number of detainees in prison - 239;
- c. Number of Female detainees - 3;
- d. Number of children/under aged persons in custody - 0;
- e. Number of detainees awaiting/pretrial - 128;
- f. Number of convicted detainees - 111;
- g. Number of detainees on trial - 48;
- h. Number of detainees with legal representation- 9;
- i. Number of detainees without legal representation - 39; and
- j. Number of detainees interviewed by clinic - 11.³³

There are so many pre-trial detainees in the prison that their relatives did not know their whereabouts or at times know their whereabouts; but choose to abandon the prisoner because of his malfeasance behaviour or lack of finance to pursue the case to its logical conclusion. Cases abound where families believe their children had been lost by death or

³⁰O. A., Uka, “Holding Charge Syndrome: Need for Judicial Rethink”, In: *The Clinic Insight*.(Faculty of Law, Abia State University, Uturu, Nigeria, 2011) 1, 26

³¹E., Ojukwu, *et. al.Op. cit.* n. 16, 158.

³²*ibid*

³³ These information were obtained from the Officer in-charge of Zaria prison; CSP Mato Mahmud Umar, in fulfilling the requirement of NULAI on Prison Pre-trial Detention Report Form.

other calamities when they actually languishing in prison.³⁴The A.B.U Law Clinic assists in linking the prisoners with their relatives, and also assists to educate and informed the relatives on the processes of securing the bail of the prisoner, and how to seek redress from the court in the event of violation of their wards fundamental rights as enshrined in our *grund norm*. A.B.U Law Clinic has linked many prisoners with their relatives and the most recent at the time of writing this paper is the case of *Abdul Isma'il v. C.O.P*³⁵ where the prisoner was abandoned by his relatives after series of attempt to secure his bail proved abortive. The Clinic facilitated his bail application through a private practitioner in Kaduna and requested that the relatives provide a reliable surety.

A scholar on CLE said; “The mere fact of the prisons visit by the clinic is a necessary intervention with the prison authority and this could go a long way in achieving for the prisoner rights enforcement or protection of some basic rights.”³⁶With the partnership the Clinic has entered with prisons’ authority, the authorities usually contact the clinic whenever any prisoner case is pathetic and needs urgent assistance. A.B.U. Law Clinic also intervene through the prison authority by providing the necessary welfare needed in the prison. In 2013, A.B.U Law Clinic bought a ball for the prisoners in Zaria prison, so as to reduce the pain of incarceration the prisoners go through in prison.

It is very obvious that students are not qualified to represent clients or any prisoner in court to secure bail. But student-clinician being paralegals are not stopped anywhere in any law to represent any person before a court Registrar to get information like FIR, condition attached to sureties for prisoners already on bail without surety et cetera. The Clinic also engages the service of a *pro bono* for assistance based on information obtained in the process.³⁷In A.B.U Law Clinic the Coordinators provide such *pro bono* service to the prisoners. They H. Bala Esq filed bail applications, which were granted Usman Abdullahi.³⁸ The Clinics also engage the services of LAC lawyers.

The Chief Judge and other Judges in the states are umpire in the temple of justice. They decide who goes to prison and who should be freed from the prison. A.B.U Law Clinic intervened at the level of Chief Judge of Kaduna State. It drew the attention of the Chief Judge to cases deserving attention during jail delivery exercises, and actually intervening during such exercises on behalf of the clients.³⁹ Advocacy visits to the Chief Judge and other Judges in the state also helps in drawing the attention of the Judges to alarming number of poor persons languishing in Prisons, and thereby persuading more frequent jail

³⁴E., Ojukwu, *et. al.Op. cit.* n. 16, 163

³⁵Clinic File No: J4A/ABULC/023, Suit No: ZAK/152c/2013.

³⁶E., Ojukwu, *et. al.Op.cit.* n. 16

³⁷*Ibid.*, 167

³⁸Supra.

³⁹E., Ojukwu,*et. al.Op. cit.* n. 16, 165

delivery visits.⁴⁰ This was achieved by A.B.U Law Clinic with Justice Garba Abdul High Court II Zaria (May His Soul Rest in Peace).

a) Intervention through Private Legal Practitioners and Other Organizations.
Law Clinics engaged in prisons and pre-trial detention cases through Private Legal Practitioners who render *pro bono* services and those willing to offer some of their time and skills free of charge.⁴¹ The private legal practitioners face some challenges with *pro bono* services due to time factor and lack of motivation from the persons they are assisting. The clinicians "... can reduce the impact of this and thereby encourage more lawyers to render *pro bono* services by assisting the lawyers with the preparation of necessary letters, petitions, writs, motion, pleadings, and brief where a matter is to be pursued in court, so that the lawyer will only have to deal with the actual court representation."⁴² A.B.U Law Clinic clinicians assist their coordinators who carried out the *pro bono* services with such preparation of legal documents.

With respect to the intervention through other organizations, A.B.U Law Clinic partners with Non-Governmental Organizations who have objectives that are akin to that of the Law Clinics like NULAI Nigeria; the 'mother-board' of all University Law Clinics in Nigeria. Although students cannot make formal representations in courts in Nigeria, as paralegals they can make limited representations before court registrar to represent prisoners and pre-trial detainees.⁴³ The Record Officer of Zaria Prison commended the legal representations A.B.U Law Clinic rendered which led to the release of Jafaru Adamu -said "kai! I have not seen a student organization that have perform this, other organizations come here (i.e. prison) and after interviewing the prisoners they will never come back again". some awaiting trial detainees detained beyond the constitutionally stipulate periods without justification.

1.6 Challenges Faced by University Law Clinics in the Administration of Justice in Nigeria.

University Law Clinics being organizations with some track-record in providing *pro bono* services to indigents and vulnerable members in the society faced a lot of challenges while carrying out activities. Some of the challenges are;

1.6.1 Lack of Cooperation from the Police, Courts and Prisons officials.

Lack of cooperation from the officials in the agencies set by government for the administration of justice is one of the major challenged the University Law Clinics are facing. Most at times and for several reasons the officers of these agencies do not cooperate

⁴⁰*Ibid.*

⁴¹*Ibid.*

⁴²*Ibid.*p.166

⁴³*Ibid.*p.167

with the Clinics. In the cases of prisons and the police sometimes the officers see the Law Clinics as coming to interfere in their official duties which they pretend to be doing ‘so well’.

In cases of the courts, the student-clinicians at times are faced with negative reactions from the courts officials like the Clerks, Registrars who are of the view that the student-clinicians are not fully enrolled to be lawyers and for this reason lack the capacity to handle the cases they are trying to pursue. A Registrar in one Magistrate court in Zaria has this to say in response to the request for the FIR of a particular client; “you people as student don’t have the right to request any public document.” It seems the Registrar is not aware of the law enacted by the National Assembly which provides thus: “Notwithstanding anything contained in any other Act, Law or Regulation, the right to any person to access or request information, whether or not contained in any written form, which is in custody or possession of any public official, agency or institution however described, is hereby established.”⁴⁴ The student-clinicians in A.B.U Law Clinic receive more cooperation from courts and prisons while the police officers attain the peak in failure of cooperation.

1.6.2 Illiteracy and Poverty

Illiteracy is a great challenge to University Law Clinics. It is very obvious that majority of the prisoners, pre-trial detainees and members of the public are illiterate due to the failure of government to comply with provision of Section 18 of the Constitution⁴⁵ which provides for the educational objective of the government⁴⁶. The student-clinicians find it very difficult at times to convince the prisoners and the populace during sensitization for the mere reason that they could not understand the extent to which their rights are trampled upon or infringed and the method to be adopted in getting remedy. This illiteracy rate affects the perception of Nigerians about their persons and dignity, knowledge, respect, human rights and enforceability of rights generally and right to dignified human existence in particular.⁴⁷ These facts result to the unenthusiastic beliefs of the prisoners, pre-trial detainees and their relatives that the Law Clinics cannot fight for the course they advocate for.

On the other hand, poverty is another great challenge of the Law Clinics. It is a known fact that majority of Nigerians live below the poverty line of \$1.90 per day.⁴⁸ Poverty being one of the clog in the wheel of one’s psychological thought, affect the role the Law Clinics play

⁴⁴ Section 2(1), Freedom of Information Act, 2011.

⁴⁵ 1999 as amended in 2011.

⁴⁶ The provisions of Chapter 2 of the Constitution is not justiciable, however, a responsive government would take proactive steps to promote its justiciability and compliance.

⁴⁷ E., Ojukwu, *et. al. Op. cit.* n. 16, 170

⁴⁸ S., Onyewu, Nigeria’s Poverty Profile is Grim. It’s time to move beyond handouts <<https://theconversation.com...nigeria...>>. Assessed on 27 November 2021

in the administration of justice. Some relatives of the prisoners or pre-trial detainees once called upon by the Clinic in respect to their relatives in detention whether in prisons or police stations, the first respond is usually “we don’t have money”, not knowing that bail is free. It further affects the extent to which these people can cooperate with the Law Clinics in the pursuit of their freedom.⁴⁹ These challenges have been reduced to some certain extent by the introduction of NULAI “Justice for All (J4A) Project”, which provide funds to Law Clinics to facilitate its activities in police stations, courts and prisons.

1.6.3 Limitations as to the Right of Representing Clients

Amnesty International opines thus: “the assistance of counsel is a primary means of ensuring the right to a fair trial, including the right to be tried without delay.”⁵⁰ But to my greatest dismay, most of the inmates do not have counsel. Amnesty International further report that;

In Nigeria, however, 91 Legal Aid Lawyers simply cannot deal with the larger number of suspect in the country, who needs assistance, so the right to legal counsel is for most poor inmates, no more than an empty promise. Consequently, only one in seven inmates awaiting trial and one in five convicted inmates in Nigeria have legal representation.⁵¹

Despite the above challenges prisoner and pre-trial detainees faced, the student-clinicians cannot represent their clients in courts because of the combine effect of sections 4, 5, and 8 of Legal Practitioners Act⁵² which imposed limitations on the practice of law. It is very obvious that student-clinicians play some “... major roles in preparation, drafting of documents, counseling of clients, filing and taking of the requisite steps for the proper adjudication of... cases by the appropriate courts, it seems that this statutory inhibition is a big setback.”⁵³ More so, the Law Clinics have limited number of lawyers to handle their cases and there are many cases that need urgent assistance in the Clinics.

1.6.4 Corruption

Another challenge facing Law Clinics in Nigeria is corruption. Corruption is the clog in the wheel of our development and it is the number one enemy of this country. It is the only sickness that many Nigerians are infected and affected with. Student-clinicians are faced

⁴⁹E., Ojukwu, *et. al. Op. cit.* n. 16, 171

⁵⁰ Amnesty International, *Nigeria Prisoners’ Rights Systematically Flouted*, (Amnesty International, International Secretariat, London, UK, 2008) 14

⁵¹*Ibid.*

⁵² Cap L11 LFN 2004.

⁵³E., Ojukwu, *et. al. Op. cit.* n. 16, 174.

with serious demand of gratification from the officers of the agencies set by government to administer justice (must especially the police and courts officers). The police sometimes see the student-clinicians as coming to interfere in their official duties; because once the clinicians are available they hardly extort the relatives of the pre-trial detainees. On the other hand, the court officials always request something (money) from the students for discharging their duties of providing public documents.⁵⁴

1.6.5 Increase in Crime Rate

Increase in crime rate makes the population of the prisoners and pre-trial detainees to increase almost every day and the clinicians are few in number, which is another challenge facing University Law Clinics. In view of this increase in number of persons seeking *pro bono* services of the clinics in prisons and police stations, it therefore means the student-clinicians are faced with excess workload which they cannot handle all. Again, there are very few law clinics in Nigeria, not evenly spread in areas with prisons and pre-trial detention centres.⁵⁵

1.6.6 Lack of Cooperation by Traditional Law Teachers and Practitioners

This posed a serious challenge to University Law Clinics in Nigeria because some traditionalist in the legal parlance are not ready to be transformed. The traditionalist, see the student-clinician as “running faster than their shadow” by engaging in activities a legal practitioner should have being doing. In some faculties “experience from existing law clinics confirms that these aberrant ... would rather schedule lectures or tests, on days fixed for prison visits to sabotage the exercise. Such conflicts dampen the spirit and moral of the students.”⁵⁶ On the other hand, the aberrant legal practitioners look the student-clinicians who go to court to perform some clinical activities with contempt and even threaten to raise alarm for impersonation.⁵⁷

1.6.7 Inadequate Logistic in University Law Clinics

Most of the Law Clinics in Nigeria have limited infrastructure, conveyance bus, equipment's and fund for their activities. A successful program in the Clinic needs alot of logistics and most often the student-clinicians use their personal money for transportation to prisons, courts, police stations and other detention centers.⁵⁸

⁵⁴ See Freedom of Information Act, 2011. As the Director of Litigation, A.B.U Law Clinic, I have experience such challenges in the courts and police station in Zaria. In one of the cases handle by the Clinic, bail was refused by the police the day we intervene (Friday), till Saturday.

⁵⁵ E., Ojukwu, *et. al.Op.cit.* n. 16, 171-172.

⁵⁶ *Ibid.*, 176

⁵⁷ Students introduce themselves as clinicians from Ahmadu Bello University Law Clinic, Zaria whenever they go to court.

⁵⁸ In A.B.U Law Clinic the major challenges are equipment, funding and conveyance bus, but as to the issue of bus, the faculty assist with its bus. As to equipment, the Clinic has no standard library for research, however

1.6.8 Lack of Training for Student-Clinicians

To have a positive result in the activities of Law Clinics in Nigeria there is need for adequate training of clinicians, so that they can master the tools of clinical activities. It is really unfortunate that some universities have not even incorporated the CLE into its curriculum; there you find senior clinicians training the new/junior clinician which is not adequate. Using student to train clinicians that will serve the citizens in the community will not be in the interest of the Clinics.

1.6.9 Distrust by the Relatives of the Prisoners/Pre-trial Detainees

Student-clinicians often faced some challenges from the relatives of the prisoners/pre-trial detainees. Some relatives of the detainees after the follow-up activities of the law clinic in respect to their ward in prison or police custody, boycott the law clinics for the conclusion of the entire process. They end-up paying money in courts and police stations before their relatives are release.⁵⁹

1.6.10 Lack of Awareness on the Relevance of University Law Clinic

There is very little recognition or generally low level awareness on the relevance and role the law clinic could play in the criminal justice system.⁶⁰ This lack of awareness is as a result of the student-clinicians tight schedules in classes, which hardly give them the opportunity to go round the communities to inform the public about the activities of the clinics and the places where the clinics can be traced in case of any legal assistance and advice.

1.7 Conclusion and Recommendations

In view of the challenges enumerated above, the following recommendations are suggested for the enhancement of clinical activities in University Law Clinics in Nigeria.

- a. The faculties should adopt Clinical Legal Education into its curriculum and Nigerian Universities Commission (NUC) should make it a condition precedent for the accreditation of any Law Faculty in Nigerian Universities that it must have CLE as a course.⁶¹
- b. Students should be made to understand that the legal profession is equally time consuming and demanding and that the experiences gained as clinicians will help them

the Clinic had received donation of books and journals from different authors and from Departments. On the issue of funding, NULAI sponsored Prison Pre-Trial Detainees program.

⁵⁹ A.B.U Law Clinic handle a case of two co-accused in prison who are granted bail, but no surety to stand for them. The Clinic contact their families, inform them about the condition needed for sureties. Alas, the day fixed by the Clinic for the relatives to come so that their relative bail will be finalize, they connive with a warder who took them to the court and the bail was perfected, but they were extort.

⁶⁰E., Ojukwu, *et. al.Op. cit.* n. 16,170

⁶¹ NUC has made it mandatory on all Faculties of Laws to introduce Clinical Legal Education course. Faculty of Law, Ahmadu Bello University, Zaria has adopted Clinical Legal Education as a core course for the year three students with capable, committed, competent and vibrant clinical law teachers to teach the course.

fit easily into the profession in the future and if possible some reward either in kind or cash should be attached to participation so as to boost the students morale.

- c. On cognizance cases; Faculties of Law in Nigeria Universities and other Human Rights organizations should frequently organize conferences for judges in Magistrates and other inferior Courts to inform them about their statutory duties and the effect of non-compliance with such statutory provisions. As Lord At kin said in *Ohene Moore v. Akesseh Tayee*⁶² that "... their Lordships, like any other court, are bound by the statute law, and if the statute law says there shall be no jurisdiction in a certain event, and that event has occurred, then it is impossible for their lordship or for any other court to have jurisdiction". The Supreme Court also reiterate the issue of courts compliance with statutory provisions in the case of *Olaolu v. F.R.N*⁶³, where it held thus:

Each arm of government must keep within its own boundaries of duty, the legislature making law and in this case where its intention is clear and leaves no room for guesswork, effect must be given to those words. Then the judiciary or the courts for adjudicating within the specific ambit of those words of the statutes.

- d. On holding charge, the Magistrate or any other Judge before whom application for remand of an accused person is filed in order to further investigate any allegation, should always quashed such frivolous application and the Law Clinics should also put "*all hands on deck*" to facilitate the trial and bail of any accused person remanded on holding charge.
- e. The Faculties should provide computers with full internet appliances/facilities to the Clinics, so as to make the student-clinicians acclimatize with the global village. Because in the nearest future, the legal materials and authority will be actively on net as put by a writer, thus;

Legal practice and the administration of justice will no longer be dominated by print and paper in tomorrow's legal paradigm. Instead, legal systems of the information society of evermore powerful information technologies. We will no longer suffer from excessive quantity and complexity of legal materials.... Legal risks will be managed in advance and of problem

⁶² (1993) 2 WACA, 43

⁶³ (2016) 3 NWLR (pt. 1498) 133 at 163

occurring and so dispute preemption rather than
dispute resolution will be the order of the day ...⁶⁴

- f. Adequate finance should be allocated by the government and the stakeholders to ensure smooth functioning of the Law Clinics. Funds could also be raised from Non-Governmental Organization (NGOs), law firms, and donation of buses for clinical activities by philanthropists.
- g. There is need to insert *pro bono* provisions of legal aid by any lawyer in the Legal Aid Act, so as to guarantee sustainability of legal aid and encourage Legal literacy. Such *pro bono* clause should be a condition for the sustenance of right of audience before the court. In India there is a duty upon any lawyer to render Legal Aid. Section IV Rule 46⁶⁵ provides that;
Every advocate shall in the practice of the profession of law bear in mind that any one genuinely in need of a lawyer is entitled to legal assistance even though he cannot pay for it fully or adequately and that within the limits of an Advocates economic condition, free legal assistance to the indigent and oppressed is one of the highest obligations an Advocate owes to society.

And the provision of Section 18(2)⁶⁶ which provides that, “A legal practitioner who applies to be appointed to the rank of Senior Advocate of Nigeria shall be required to show evidence of diligent conduct of not less than three *pro bono* cases in the legal year immediately preceding his application”, should be strictly adhere to and if possible amended to include any appointment in the public service.

- h. Law Clinics should strive to maintain a cordial working relationship with the police and courts officials, and the government should make the remuneration of the courts and police officials attractive so as to curtail the high demand of gratification. *Bad eggs* among the officials of the two agencies should be relieved of their appointments so as to serve as a deterrent.
- i. Student-clinicians should be allow to represent their clients in Courts like Area Courts Customary Courts, Sharia Courts etc. in company of their Coordinators. In countries like America, law students (Clinicians) are allowed to represents their clients in some courts⁶⁷.
- j. The Faculties should appoint other staff for the Clinics who are Legal Practitioners so as to reduce the task on the coordinators and proper remuneration should be given to

⁶⁴K. M, Danladi, *Legal Research*, (Unpublished) (Department of Public Law, A.B.U, Zaria, 2014) 11

⁶⁵ Bar Council of Indian Training Rules 1995

⁶⁶Legal Aid Act2011

⁶⁷K. M., Omoragbon, “Celebrating a Decade of Clinical Legal Education in Nigeria. It is not yet Uhuru!,” 2012 available at <www.northumbria.lawblog.wordpress.com>. Assessed on 30 April 2014.

the coordinators by those organizations who engaged the Clinics with project like NULAI and LAC.

- k. The Clinics should organized frequent internal workshops for students on clinical activities.

The best practical experience any Law Student could get in Nigerian Universities is through clinical activities.

In this article, we have seen how University Law Clinics moved into the '*nooks and crannies*' of the police force, courts and prisons to provide access to justice for the vulnerable and even the influential members of the society. In addition, student-clinicians have been applying the techniques of mediation and negotiation in resolving disputes between parties amicably within a very limited period of time; which ordinarily could have lasted for years in courts for adjudication. It is very vital for Law Students to have the knowledge of CLE in the University before moving to Nigerian Law School.