# A Critical Review of the Book “Witness Protection and Criminal Justice in Africa: Nigeria in International Perspective” Focus: Chapters 1 and 7

**By:**

Serah Sanni, PhD

April 6, 2024

**Introduction**

This review focuses on Chapters 1 and 7 of the book ‘Witness Protection and Criminal Justice in Africa: Nigeria in International Perspective’ by Suzzie Onyeka Oyakhire. The review reflects on specific aspects adopted in discussing witness protection and the complexities surrounding its practice in the Nigerian context as presented by the author.

**Chapter 1: Overview of Witness Protection**

Chapter 1 effectively lays the groundwork for the book, addressing the foundational issues surrounding witness protection and its conceptual ambiguity. It establishes the need for legal and conceptual clarification, particularly in the context of recent developments in Nigeria. The interdisciplinary approach, global comparative analysis, and the focus on both advanced and emerging jurisdictions contribute to the richness of the chapter and the book. The exploration of witness protection's evolution further solidifies the importance of witnesses in the criminal justice system and sets the stage for a comprehensive analysis in subsequent chapters. The chapter emphasizes the early developmental stage of witness protection in various countries, with a particular focus on Nigeria. It adeptly highlights the ambiguity surrounding the concept of witness protection by pinpointing five critical areas of obscurity: definition, beneficiaries, nature of crimes, protective measures, and administrative control.

The author articulates the challenges arising from the lack of a universal definition and the absence of a dedicated international instrument for witness protection. The book critically examines the conflation of witness protection with related concepts, such as whistle-blower's protection, victim protection, and informant protection, emphasizing the implications of such conflation. The focus on Nigeria underscores the urgency for clarification in the face of recent developments.

Notably, an interdisciplinary approach is evident in the book’s reliance on data from various fields; criminal law, criminal justice, criminology, human rights, and international law, providing a well-rounded foundation for the analysis. The comparative perspective, incorporating advanced jurisdictions like the US, Australia, UK, and Canada, as well as emerging trends from South Africa, Kenya, Brazil, and Mexico, enriches the discussion and positions the Nigerian case study within a global context. The chapter acknowledges the largely descriptive nature of scholarly literature on witness protection, paving the way for the book's unique contribution in conceptual and legal clarification.

In terms of the evolution and emergence of witness protection in Nigeria, the chapter highlights the significance of witnesses in most criminal justice systems. The author clearly emphasized the indispensable role of witnesses as the cornerstone for successful prosecutions. It introduces the concept of

witness protection in response to the reluctance of credible witnesses to testify due to fear of reprisals or intimidation by defendants. The author introduces the discussions on the formal protection of witnesses by tracing its origin back to the United States in the 1960s, where it emerged as a strategy against organized crime. The international recognition of witness protection in various jurisdictions, coupled with its evolving nature is well highlighted. The discussion on witness protection as a strategy against organized crime provides historical context, establishing the link between witness protection and combating impunity. A review of the international spread of witness protection as evidenced by its adoption in various countries no doubt sets the stage for a more comprehensive exploration in subsequent chapters.

While the chapter draws from international debates and institutional practices, incorporating more empirical data, especially from the Nigerian context, could enhance the analysis in the book.

**Chapter 7: Institutional Framework for Witness Protection: Challenges and Prospects**

This chapter provides a detailed examination of the administrative and institutional practices of witness protection in Nigeria. It explores different models suitable for implementing witness protection objectives, with a specific focus on the absence of a comprehensive legislative framework in Nigeria. The chapter emphasized the pivotal role of comprehensive witness protection legislation in formal systems by identifying a specific inadequacy in the Nigerian legal framework; that is, the absence of a dedicated legislative framework for witness protection. This lack of a specialized law enforcement authority poses a significant challenge, and the chapter rightly proposes a need to analyze international institutional practices for guidance.

A crucial strength of the chapter lies in its comparative analysis of administrative structures for witness protection. The recognition that the global design of witness protection is not homogenous is evident. Drawing distinctions between prosecutor-based systems (e.g., the US and South Africa), police-based structures (e.g., Canada and Australia), and independent structures (e.g., Kenya and Indonesia) provides a nuanced understanding of the varied approaches to witness protection.

In discussing challenges, the chapter draws from the experiences of Kenya and South Africa, the two African states where witness protection has been formalized. This inclusion is significant considering the shared political, economic, and social structures with Nigeria. The discussion on policy transfer highlights the impact of differences in political institutions, legal traditions, and bureaucratic cultures on the outcomes of witness protection policies. This wholistic approach provides valuable insights into potential challenges within the Nigerian context.

The chapter raises a critical question regarding the formality of witness protection systems. It distinguishes between formal and informal systems, acknowledging the ad hoc nature of current practices in Nigeria due to the absence of an established legislative framework. The analysis classifies protection systems into formal (specific witness protection legislation) and informal (relying on government policy documents or general criminal procedure laws). In addition, this chapter effectively draws on the experiences of Kenya and South Africa to elucidate challenges inherent in informal systems. The discussion goes beyond procedural protective measures to address long-term protection mechanisms. The identification of discrepancies in protection measures for similar categories of witnesses facing similar threats emphasizes the inadequacy of informal systems.

Chapter 7 not only identifies challenges but also lays the groundwork for proposing solutions and enhancements. It successfully navigates the complexities of witness protection, particularly within the administrative and institutional frameworks. The analysis of different global models, the exploration of challenges based on African experiences, and the distinction between formal and informal systems contribute to the depth of the chapter. Finally, the emphasis on the inadequacies of informal systems and the need for a comprehensive legislative framework establishes a foundation for the subsequent discussions on prospects for witness protection in Nigeria.

Chapter 7 excels in its comparative analysis of administrative structures for witness protection, highlighting differences between prosecutor-based, police-based, and independent systems. Also, the inclusion of South African and Kenyan practices as case studies for institutional challenges adds relevance to the African context, aligning with the book's focus. Specifically, the exploration

of challenges arising from policy transfer, especially from developing countries, provides valuable insights into the contextual adaptability of witness protection measures. In terms of areas for further research, expanding on the discussion of long-term protection mechanisms and their effectiveness, with reference to specific cases or examples, could strengthen the argument. Also, investigating the collaborative efforts between different law enforcement agencies in Nigeria and how it impacts witness protection could provide practical insights.

**Conclusion**

While chapter 1 effectively lays the groundwork for the book by addressing the foundational issues surrounding witness protection and its conceptual ambiguity, chapter 7 maintains clarity of exposition by projecting a holistic understanding of the challenges and prospects associated with witness protection through comparative analysis. This makes both chapters an invaluable contribution to the discourse on witness protection in Africa generally and Nigeria specifically. The interdisciplinary approach, global comparative analysis, and the focus on both advanced and emerging jurisdictions contribute to the richness of both chapters. The book emerges as a comprehensive resource on witness protection. The clarity of language and organization aids comprehension. Both chapters are strong in their conceptual foundations and comparative analyses. To enhance these chapters, further research could focus on empirical data, stakeholder perspectives, and case studies.

View online: A Critical Review of the Book “Witness Protection and Criminal Justice in Africa: Nigeria in International Perspective” Focus: Chapters 1 and 7

Provided by Afronomicslaw