Book Symposium Introduction: Witness Protection and Criminal Justice in Africa: Nigeria in International Perspective

By:

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I am excited to introduce the symposium on my book Witness Protection and Criminal Justice in Africa: Nigeria in International Perspective (Routledge, 2023). My initial knowledge of witness protection or even the idea of the concept, was limited to scenes from blockbuster movies from Hollywood. However, a personal encounter with police officers from a specific police station in Lagos, Nigeria, raised some concerns about my safety and the possibility of retaliation by these officers against whom I had made a formal complaint. This singular encounter got me curious about the mechanisms if any, were in place within the Nigerian criminal justice system to protect people from intimidation, threat of reprisal or actual reprisal attacks that they might be exposed to for reporting civil wrongs or criminal activities or for cooperating with criminal justice actors in the discharge of their duties. This curiosity coincided with my pursuit for

doctoral studies and so, witness protection formed the subject of my research. This book is a revised version of my doctoral thesis.

Recent years have witnessed significant reforms in various aspects of the criminal justice sector in several African countries including Nigeria. New crime threats in Africa especially organised criminal activities, terrorism, violent and serious crimes as well as the incidence of witness intimidation have necessitated witness protection as part of criminal justice reform strategies. Under the auspices of the African Union, the Principles and Guidelines on the Right to a Fair Trial and Legal Assistance in Africa 2003 and the African Union Model Law on Universal Jurisdiction over International Crimes, encourage member states to adopt witness protection measures. These are however not binding but persuasive and aimed at influencing African states on the importance of establishing witness protection frameworks in their territories.

In Nigeria, the relevance of witness protection as a critical aspect of criminal justice administration is increasingly becoming evident. Recent developments in Nigeria such as the prosecution of Boko Haram members for terrorism, prosecution of former government officials and high profile individuals for economic and financial crimes as well as Nnamdi Kanu for treason, brought to the fore the need to clarify the legal and conceptual issues that underlie the framework for protecting witnesses. The concept of witness protection is characterised by ambiguity about its precise meaning, thereby subjecting it to different interpretations. Using the Nigerian case study, my book illustrates the obscurities inherent in the concept of witness protection. These obscurities are discussed around five critical themes: the definition of witness protection; the scope of beneficiaries requiring protection; the nature of crimes necessitating protection; the nature of protective measures and the administrative control of witness protection. The book thus explored the concept of witness protection which is still at an early developmental stage in Nigeria.

The book draws from international debates, legal developments, and institutional practices from other jurisdictions as a basis for developing Nigerian efforts in witness protection. It adopts two distinct perspectives: the criminal justice perspectives and human rights perspectives as heuristic tools for analysing the concept and to separate the disparate influences that shape how witness protection is construed. These distinctions are utilised throughout the

book as an integrated way of conceptualising the concept of witness protection.

The witness protection practices from South Africa and Kenya, are highlighted to reflect African country contexts and emerging trends which capture some modifications to the established trends. Given the similar socio-economic, socio-cultural, and socio-political peculiarities they share with Nigeria, their inclusion in the book provides a basis for considering challenges that may arise when developing a witness protection system in Africa.

By discussing the practice of witness protection within the Nigerian context, my book contributes to African conversations on the topic of witness protection. Specifically, it draws attention to the broader issues inherent in importing policies from developed criminal justice systems into developing systems. The book confirms that a range of social factors such as religion and cultural belief may affect the effectiveness of witness protection in African states. Accordingly, factors that constrain and enable policy transfer should be considered while developing witness protection.

Despite the noted challenges, the book makes useful recommendations that can be used in making normative proposals for developing a witness protection framework in Nigeria. They are also useful for other African countries as part of criminal justice reform. There is need to continue conversations about the importance of witness protection as a critical strategy for enhancing criminal justice objectives.

This symposium brings together the reflections of scholars who offer their unique perspectives on the book. I thank the reviewers who have taken out time to contribute to this book review symposium. In his review, Dennis Jjukko adopts a human security framework to assess the concept of witness protection as discussed in book. His review emphasizes the importance of political security as a specific dimension that an effective witness protection architecture must consider. Simo Vaatainen approaches his review from the perspective of a witness protection practitioner. His review highlights the similarities in the heuristic tools adopted in the book to conceptualise witness protection. Serah Sanni’s review focuses on chapters 1 and 7 of the book. Her review highlights the strengths of the chapters in contributing to the overall objective of the book and highlights specific areas for further research.

I am grateful to the editors of Afronomics Law for inviting me to convene this book review symposium and for providing me with such a reputable platform to share my research.

Contributors

Dennis Jjuuko is a doctoral candidate of global governance and human security at the University of Massachusetts Boston. He is also an alumnus of the African Leadership Centre's Peace and Security Fellowship for African Scholars at King's College London.

Simo Vaatainen is an international expert on victim and witness protection and support in the context of international criminal courts and tribunals. He is the former Chief of Victims and Witnesses Unit at the International Criminal Court (2004-2009), the Special Tribunal for Lebanon (2009-2011) and an UN Investigative Body (2019-2023).

Dr Serah Sanni, is a Notary Public and member of the Chartered Institute of Arbitration England. Her research interest focuses on criminal law and justice, specifically on Plea Bargain.

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