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## EFFECTIVENESS OF THE CRIMINAL JUSTICE SYSTEM IN TACKLING THE MENACE OF JUNGLE JUSTICE IN NIGERIA\*

### Abstract

*Justice is a right that accrues to all and sundry by virtue of being a human. For justice to be achieved in any human society, the Criminal Justice System (CJS) must be well structured to adequately achieve its aim of justice. In Nigeria in the last decade, jungle justice seems to have unseat the rule of law in Nigeria. Events prevalent in recent times seem to suggest that a section of the Nigerian society no longer places value on human life. Lives of many people have been taken on the slightest provocation and it is becoming more alarming by the day. The development is a reflection and evidence of loss of confidence in the criminal justice system and the rule of law. The paper relied on primary and secondary sources of information and data from these sources were subjected to content analysis. The paper examined the significance of the rule of law and its implications in a society like Nigeria, the position of the law and the prevalence of jungle justice in Nigeria as well as the human rights perspective to jungle justice. The paper also discussed the effectiveness of the CJS in Nigeria, particularly, the key institutions of the CJS. The paper discovered that CJS in Nigeria is not effective and the citizenry no longer have confidence in the CJS, hence the increase in the incidence of Jungle justice. The paper recommends an overhauling of the entire CJS.*

**Keywords:** Criminal Justice System, Effectiveness, Jungle Justice, Nigeria

### 1. Introduction

It is well agreed amongst legal scholars that in any civilized society, law is the best method of social control. Law seeks to control not only human behaviours but also concerned with their interactions and order in the society. Thus, the essence of social control through law is to avoid anarchy, lawlessness and a resort to anomie (lack of social and moral). Social control is the control of social behaviours, particularly behaviours that affect others.<sup>1</sup>One of the major technic law uses to control behaviours in the society is the penal technique which compromises of the CJS. Where the citizens of any society disregard the rule of law, such society becomes a jungle and the fittest survives thereby undermining societal development in all ramifications. The emergence of jungle justice is the latest disturbing trend in Nigeria. Lives of many people have been taken on the slightest provocation and it is becoming more alarming by the day. The development is a reflection and evidence of loss of confidence in the criminal justice system and the rule of law. An appraisal of the effectiveness of the entire CJS will clearly show why there is a preference of jungle justice over the CJS.

### 2. What is Jungle Justice?

The rule of jungle justice is a disregard for the rule of law. Jungle justice or mob justice is a form of public extrajudicial killings in where an alleged criminal is humiliated, beaten or summarily executed by a crowd alleging him of committing an offence. Jungle justice is the concept of disregarding the rule of law

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<sup>1</sup> J.O. Akintayo & Abiola Sanni, 'Methods of Social Control through Law' in Abiola Sanni (ed), *Introduction to Nigerian Legal Method* (Obafemi Awolowo University Press Ltd., 2006) p.79.

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and taking matters into one's hands. More clearly put, it is the act of handing suspected criminals over to the hands and mercy of an angry mob.<sup>2</sup> In other words, jungle justice is total disregard for the rule of law. Jungle justice is no justice at all but a travesty of justice since it does not guarantee fairness to anyone.<sup>3</sup> Everyone has a right to be heard, it is a principle of natural justice. Jungle justice, as a matter of fact, violates the two cardinal principles of natural justice: *audi alterem partem* and *nemo iudex in causa sua*. The former implies that no one must be judged or condemned without fair hearing or trial, while the latter means that you cannot be a judge in your own cause. Thus, when jungle justice occur, the victims are not granted fair hearing nor fair trial and those engaged in it have become judges in their own cause. Though the victim might have committed the crime but the probability of lynching an innocent person is very high.<sup>4</sup>

### **3. Importance and Purpose of the Criminal Justice System**

CJS is a series of government agencies whose goal is to identify and catch the law breakers and to inflict a form of punishment on them. CJS is a very important part of society because it is the enforcement mechanism of the laws put in place in a society. CJS ensures that justice is done to those who have committed crimes. In other words, the CJS is the justice mechanism in any society. The CJS is responsible for delivering justice to all, by convicting and punishing the guilty and helping them stop offending, while protecting the innocent.<sup>5</sup> The central purpose of the CJS is to deliver an efficient, effective, accountable and fair justice process for the public.<sup>6</sup>

### **4. Prevalence of Jungle Justice in Nigeria**

Nigeria is believed to have the highest rate of jungle justice in Africa with citizens taking laws into their hands for even the pettiest crimes.<sup>7</sup> Jungle justice have manifested in different forms in the last decade in Nigeria. As more and more Nigerians shun the instrumentality of the law in the settlement of disputes, several innocent citizens are getting maimed and killed. Jungle justice has become a recurrent decimal in many parts of Nigeria. The ugly trend is in the form of public extrajudicial killings, beating or humiliation of suspected criminals without recourse to law enforcement agencies. On many occasions, petty crimes are met with severe punishments. There are instances whereby innocent citizens who made mistakes were manhandled while, on many occasions, others were found to be victims of mistaken identities.<sup>8</sup> Notable examples include the Aluu four lynching, Ugonna Obuzor, Toku Lloyd, Chiadika Biringa, and Tekena Elkanah, all students of the University of Port Harcourt were lynched in 2012 after they were falsely accused of being thieves in Aluu, a community in Port Harcourt, Rivers state. They were humiliated, beaten with sticks and even a policeman was caught hitting them with the butt of the gun. As the crowd continued

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<sup>2</sup> A. Onuh, 'Jungle Justice: A Vicious Violation of Human Rights in Africa' *Africa News* <<http://answersafrica.com/jungle-justice-a-vicious-violation-of-human-rights-in-africa.html>> accessed on 7 April 2019.

<sup>3</sup> *ibid.*

<sup>4</sup> 'Killing of DELSU Student and Friend is Evil – Police Condemns Jungle Justice in Badagry Lagos, Nigeria' 1 August 2013. <<http://naijagists.com/jungle-justice-in-badagry-lagos-nigeria-killing-of-delsu-student-friend-is-evil-no-one-has-the-right-to-kill-police/>> accessed on 9 March 2019.

<sup>5</sup> Garside Richard, The Purpose of the criminal justice system, *Centre for Crime and Justice Studies* 17 March 2008 <<https://www.crimeandjustice.org.uk/resources/purpose-criminal-justice-system>> accessed on 7 September 2019.

<sup>6</sup> *ibid.*

<sup>7</sup> 'Jungle Justice: A Nation Out for Blood' *Proudly Yoruba*, 14 July 2016 <[www.proudlyoruba.com/jungle-justice-a-nation-out-for-blood/](http://www.proudlyoruba.com/jungle-justice-a-nation-out-for-blood/)> accessed on 17 January 2019.

<sup>8</sup> Jungle Justice as Normal Justice, 25<sup>th</sup> August, 2017. <<https://www.dailytrust.com.ng/news/editorial/jungle-justice-as-normal-justice/211527.html>> accessed on 15 January 2018.

to watch without doing anything, the mob dragged them through the mud, wrapped car tyres filled with petrol around their neck and set them ablaze.<sup>9</sup> Sometime in October 2015, an angry mob at Ungwan-Rukuba New Road, around the Nasarawa area of Jos, burnt a 25-year-old man, Mantau Rati Black, for allegedly stabbing one Sati Samola to death.<sup>10</sup> On 17<sup>th</sup> February, 2016, Akinnifesi Olubunmi, was accused of being gay and was attacked on when he was caught pants down with a politician in Ondo State. He was mobbed, beaten to stupor and ended in the hospital. He died the following day.<sup>11</sup> In March 2016, two robbery suspects have been reportedly buried alive by two siblings at Igbokoda, headquarters of Ilaje Local Government Area of Ondo State for allegedly stealing N130,000. The siblings-Omoniyi Alaleran and Oluwaseun Enikuomehin- accused Igbekere Orisabinole and Ogbaro Erinbo of stealing their mother's money.<sup>12</sup> Also in June, 2016, a suspected pickpocket was sent to his early grave yesterday for stealing N500 from the pocket of a man who was boarding a bus at Alaba bus stop, along Orile-Badagry expressway, Ajeromi-Ifelodun local government area of Lagos State. Unknown to the pickpocket, some people who were watching him raised the alarm which attracted an angry mob that clubbed him to death.<sup>13</sup> In July 2016, one Mrs Bridget Agbahime was killed by an angry mob in Kano on allegations of blasphemy.<sup>14</sup> In July 2016, two men suspected to be kidnappers met their doom when they were burnt to death by an angry mob in Benue. It was gathered that the men who were three, had tried to kidnap a businessman around the Bristow Roundabout in Gboko, when luck ran out on them and they were apprehended. The mob then descended on them and beat them to pulp before setting two of them on fire while the police arrived just in time to save the third suspect from suffering the same fate as his partners in crime.<sup>15</sup> In September 2016, a certain young man was reportedly burnt to death by an aggrieved crowd for attempting to snatch a motorcycle from a victim in Ikot Ekpene, Akwa Ibom State. According to reports, his alleged partner in crime zoomed off and left him behind for the angry crowd -after seeing that their plan had failed. The unlucky one was caught and immediately set ablaze.<sup>16</sup> About 3 years ago, a lady was subjected to the worse treatment after she was caught stealing at Shoprite Mall in Lagos. She was stripped naked and sexually manhandled. An iron rod was inserted into her private part just because she was caught stealing.<sup>17</sup> In

<sup>9</sup>J Onoyume, 'Uniport Four: Different versions of why they were killed' *Vanguard*, 17 October 2012 <[www.vanguardngr.com/2012/10/uniport-four-different-versions-of-why-they-were-killed/](http://www.vanguardngr.com/2012/10/uniport-four-different-versions-of-why-they-were-killed/)> accessed on 9 April 2017.

<sup>10</sup> B Basse, 'Angry Mob Burn Man Accused of stabbing Neighbour to Death' *PulseNg*, 15 October 2015 <<https://www.pulse.ng/news/local/in-jos-angry-mob-burn-man-accused-of-stabbing-neighbour-to-death/y7bq6rd>> accessed on 7 April, 2019.

<sup>11</sup> '7 Most Gruesome Jungle Justice Cases in 2016' 17 November 2016. <<https://www.nigerianbulletin.com/threads/7-most-gruesome-jungle-justice-cases-in-2016-photos.226510/>> accessed on 7 April, 2017.

<sup>12</sup>A Filani, 'Two Buried Alive in Ondo for Alleged N130,000 Theft', 23 March, 2016. <<https://www.today.ng/news/nigeria/96523/two-buried-alive-in-ondo-for-alleged-n130000-theft>> accessed on 7 April 2017.

<sup>13</sup>Y Hassan, 'Mob Clubs Pickpocket to Death Over N500' 18 June, 2016 <<https://www.today.ng/news/nigeria/139333/mob-clubs-pickpocket-death-n500>> accessed on 7 April 2017.

<sup>14</sup> 'The Anti-Jungle Justice Bill' *Daily Trust*, 2 December, 2016. <<https://www.dailytrust.com.ng/news/editorial/the-anti-jungle-justice-bill/174157.html>> accessed on 9 April 2017.

<sup>15</sup> '7 Most Gruesome Jungle Justice Cases in 2016' (n.11).

<sup>16</sup> *ibid.*

<sup>17</sup> N. Ikeke, 'Jungle justice: 13 times Nigerians went too far' January 2017. <<https://www.naij.com/1052467-jungle-justice-13-times-nigerians-went-far-photos-will-break-heart-pieces.html>> accessed on 7 April 2017.

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September 2019, a man alleged to have snatched a phone from a woman in Delta State was lynched by an angry mob while trying to escape.<sup>18</sup>

These are just random occurrences of jungle justice in Nigeria. Jungle justice is spreading across the nook and cranny of Nigeria at an alarming rate and it is highly disturbing that jungle justice is becoming more appealing than legal justice.

### **5. Human Rights Perspective of Jungle Justice**

Where, after all do universal rights begin? In small places, close to home—so close and so small that they cannot be seen on any map of the world. Yet they are the world of the individual person: The neighbourhood he lives in; the school or college he attends; the factory, farm or office where he works. Such are the places where every man, woman and child seeks equal justice, equal opportunity, equal dignity without discrimination. Unless these rights have meaning there, they have little meaning anywhere. Without concerted citizen action to uphold them close to home, we shall look in vain for progress in the larger world – Eleanor Roosevelt<sup>19</sup>

All human beings have the right to be treated with dignity and respect. Such dignity and respect are afforded to people through the enjoyment of all human rights and are protected through the rule of law. The principle that the enjoyment of all human rights is *both the means and the goal* of development is a long-standing one. Human rights are not just an abstract ideal. They imply concrete rights of the individual and concrete obligations of the state. They must be protected by all states and respected by all individuals and legal entities. Human rights principle hold up the vision of a free, just and peaceful world and set minimum standards for how individuals and institutions everywhere should treat people, and empower people with a framework for action when those minimum standards are not met.<sup>20</sup> According to Kofi Annan, Former Secretary-General to the United Nations,

Human Rights are what reason requires and conscience demands. They are us and we are them. Human rights are rights that any person has as human being. We are all human beings; we are all deserving of human rights. One cannot be true without the other.<sup>21</sup>

They are very important to the protection and maintenance of dignity and respect for every individual. It is believed that by virtue of being human, there ought to be protection against unjust and degrading treatment. It recognizes human dignity and honour as exceptions from any kind of abuse. Human rights are an evolving body of international law beginning with the Universal Declaration of Human Rights (UDHR) and the treaties and declarations that derived from it. These agreements require governments to ensure that the conditions necessary for all people to fully enjoy their rights are met. The UDHR states in Article 1 that all human beings are born free and equal in dignity and rights. It further states in Article 3 that everyone has the right to life, liberty and security of person and in Article 5 that no one shall be subjected to torture or to cruel, inhuman or degrading treatment. There is the universal acceptance of human rights in

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<sup>18</sup> 'Jungle Justice: Unidentified Phone Thief Allegedly Burnt to Death in Delta' *The Nation*, 24 September 2019 <<https://thenationonline.net/jungle-justice-unidentified-phone-thief-allegedly-burnt-to-death-in-delta/>> accessed on 25 October 2019.

<sup>19</sup> *Teaching Human Rights* (New York; United Nations, 1963) p. 1.

<sup>20</sup> N. Flowers, (ed) 'Human Rights Fundamentals' <<http://hrlibrary.umn.edu/edumat/hreduseries/hereandnow/Part-1/whatare.htm>> accessed on 14 October 2019.

<sup>21</sup> United Nations Press Release, 9 December 1997. <<http://www.un.org/press/en/1997/19971209.SGSM6419.html>> accessed 25 October 2015.

principle on domestic and international plane.<sup>22</sup> The principles of human rights in international law and practice and in the policies of states have been the bedrock of public policy around the world. It has very recently become the legal duty of International Law to respect, protect and promote human rights. Globally there has been a drastic change in the level of commitments to human rights.

The UDHR has become a standard by which the dignity and worth of the human person can be measured. It has come to be regarded as possibly the single most important document created in the twentieth century and as the accepted world standard for human rights and is seen as an essential foundation for building a world in which all human beings can, in the centuries to come, look forward to living in dignity and peace.<sup>23</sup> The UDHR is a powerful instrument for the achievement of human dignity and peace for all. On the national level too, states have taken measures to protect the rights of the individuals by incorporating the provisions relating to it in their constitutions.<sup>24</sup> For example in Nigeria, Fundamental Human Rights are entrenched in our *grundnorm*, Chapter IV of the 1999 Constitution of the Federal Republic of Nigeria states among other things that Every person has a right to life, and no one shall be deprived intentionally of his life, save in execution of the sentence of a court in respect of a criminal offence of which he has been found guilty in Nigeria<sup>25</sup> and also that every individual is entitled to respect for the dignity of his person, and accordingly, no person shall be subjected to torture, or to inhuman or degrading punishment or other treatment and no person shall be held in slavery or servitude.<sup>26</sup> Human rights is not an abstract idea, they imply concrete rights of the individual and concrete obligations of the state and must be protected by all states and respected by all individuals and legal entities. Justice is the major essence of human rights. The assertion of human rights presupposes an organized and conscious effort at bringing justice to bear on the entire life of man. Justice is predominantly anchored on equality; this was aptly elucidated by Thomas Jefferson (the 3<sup>rd</sup> President of United States) thus: ‘We hold this truth to be self-evident that all men are created equal, that they are endowed by their creator with inalienable rights that among these are life, liberty and the pursuit of happiness.’<sup>27</sup>

In other words, the concepts of human rights and the rule of law are two sides of the same principle, the freedom to live in dignity. There is no rule of law within societies if human rights are not protected and vice versa; human rights cannot be protected in societies without a strong rule of law. The rule of law is the implementation mechanism for human rights, turning them from a principle into a reality.<sup>28</sup> The rule of law and human rights therefore have an indivisible and intrinsic relationship that has been fully recognized since the adoption of the Universal Declaration of Human Rights, in which it is stated that it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law.<sup>29</sup> As a matter of fact rule of law reduces the

<sup>22</sup>HO Agarwal, *International Law and Human Rights*, 17<sup>th</sup> ed., (Central Law Publications 2010) p. 730.

<sup>23</sup>P. Bailey, P. ‘The Creation of the Universal Declaration of Human Rights’ <[www.universalrights.net/main/creation.htm](http://www.universalrights.net/main/creation.htm)> accessed on 28 September 2016.

<sup>24</sup>Agarwal, (n.22) p. 731.

<sup>25</sup>Section 33 of the 1999 Constitution of the Federal Republic of Nigeria.

<sup>26</sup>Section 34 of the 1999 Constitution of the Federal Republic of Nigeria.

<sup>27</sup>EA Udu, *Human Rights in Africa* (Mbeyi & Associates, Isolo, Lagos, 2011) p.6.

<sup>28</sup>United Nations and Rule of Law, ‘Rule of Law and Human Rights’ <<https://www.un.org/ruleoflaw/rule-of-law-and-human-rights/>> accessed on 9 April, 2019.

<sup>29</sup>ibid.

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violation of human rights in a society where it is strictly upheld.<sup>30</sup> It has been said that rule of law and judicial independence were instrumental in securing both economic and physical integrity rights.<sup>31</sup> Thus, rule of law helps to protect human rights. Since the essence of human rights is justice and the rule of law helps to achieve this, jungle justice is a clog in the wheel of legal justice. Jungle justice is a vicious violation of human rights. It makes a society that indulges in it barbaric and unsafe to live in. It is the duty of every Government to ensure the protection of human rights through the law and its agent.

### **6. An Examination of the Effectiveness of the Criminal Justice System (CJS) in Nigeria**

CJS is the system of practices and institutions of government directed at upholding social control, deterring and mitigating crime, or sanctioning those who violated laws with criminal penalties and rehabilitation efforts. CJS is the system of law enforcement that is directly involved in apprehending, prosecuting, defending, sentencing and punishing those who are suspected or convicted of criminal offenses.<sup>32</sup> Simply put, it is a mechanism of social control. CJS is also a process where the various components co-ordinate their independent functions by processing the criminal suspect from one stage to the other.<sup>33</sup> An effective CJS is key to the maintenance of law and order in any civilized society. In Nigeria, the problem has never really been the existence of law to take care of certain areas but the adequacy of the available law and particularly, the enforcement of the law. Lack of trust and confidence in the criminal justice system has been discovered to be a major factor responsible for the increase in jungle justice in Nigeria. The CJS has one way or the other compromised its standard in handling and processing of criminal offenders.<sup>34</sup> The three major CJS mechanisms are the law enforcement, court system and the Correction system.

#### **Law Enforcement**

In Nigeria, the policing system is one of the major problems of the CJS. The police in some cases, have been alleged to have collected bribes and released suspects who returned to the society to take revenge on those who reported them to the police. The police, in some instances, have also been alleged with betrayal of informers or turned round to treat as suspects or offenders patriotic citizens who reported crimes, including murder, and burglary, and even motor accidents.<sup>35</sup> For these reasons, many Nigerians, even when they are victims of crimes, feel reluctant to report to the police. Corruption also is a major factor, many a times, culprits handed over to or arrested by the police wriggle free from prosecution by bribing their way out. For instance, a vigilante group arrested a man on his way to dispose of an eight year old girl he had raped and mutilated for ritual purposes, and handed him over to the police in Rivers State. Later on, the Police reported that the suspect had escaped from detention before anyone could come to terms with the

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<sup>30</sup>P Randall, 'Human Rights and Rule of Law: What's the Relationship?' (2005) 36 *Georgetown Journal of International Law*.

<sup>31</sup> C Apodaca, 'The Rule of Law and Human Rights' (2004) 87 *Judicature* 292, 297-98.

<sup>32</sup> English Oxford Living Dictionaries 'Criminal Justice System' <<https://en.oxforddictionaries.com>> accessed on 12 January 2018.

<sup>33</sup> D Iwarimie-Jaja, *Criminology: The Study of Crime* 2<sup>nd</sup> ed. (Springfield Publishers, 2003).

<sup>34</sup> G Kpae & E Adishi, 'Jungle Justice and Criminal Justice Administration in Nigeria: The Need for Reform of the Justice System' (2017) 5(4) *International Journal of Innovative Legal and Political Studies* 19 <[www.seahipaj.org](http://www.seahipaj.org)> accessed on 15 January 2017.

<sup>35</sup> 'Why resort to jungle justice?' 16 January 2013 <<http://www.vanguardngr.com/2013/01/why-resort-to-jungle-justice/>> accessed on 9 April 2017.

story surrounding the murder of the victim.<sup>36</sup> Incidence like this feed the arguments of those in support of the jungle justice when the police can confidently say that a suspected criminal was able to walk out from their facility, this proves that the police is incapable of taking up its own part of the CJS. In an interview with some residents in Lagos state, they all concluded that handing over a suspect to the police is a waste of time. Some of them stated that:<sup>37</sup>

I am not in support of jungle justice but I won't stop anybody if they want to lynch any criminal. Handing criminals over to the police is not effective, as we have seen over time. Most times, the criminals come back to 'punish' the community when they are released from custody, better to get rid of them once and for all.

Another person had this to say:

I do not support mob action but Nigerian police cannot be trusted as most of the criminals end up paying their way out of custody without any form of punishment or trial, hence, people are angry with the police over inefficiency and corruption.

Another person also stated that

In other places, when a crime is committed, the chances that the perpetrators will be caught and brought to justice are high, but in Nigeria, nobody is caught and the perpetrators roam about free and even taunt their victims in some cases. People are tired and frustrated, the government makes promises to make the state unbearable for criminals, but it seems the criminals have constructed room and parlour here and are very comfortable.

Another stated:

If they arrested criminals, they grant them bails without diligent investigation. These criminals will be released and they will still roam the streets and continue their devilish acts. This is why Nigerians have no confidence in the police and it has greatly increased the rate of jungle justice in Nigeria.

A resident in an area where killings were rampant said they caught one of the suspects and were trying to set him ablaze but the police prevented the mob action and they reluctantly handed him over to the police. The resident claimed that ever since the police arrested the suspect, they are yet to hear anything about the case again, arguing that if they had burnt him that day they would be sure that justice had been served.<sup>38</sup> Thus, often times, the police have been alleged to compromise justice and very shoddy in investigating and prosecuting criminal cases leading to criminal cases lingering forever.<sup>39</sup> In summary, the law enforcement agent which is the first point of call of the CJS in Nigeria seem to have failed in their duties and majority of the citizenry seems to have pass a vote of no confidence on them. This has been a major factor responsible for the rise of jungle justice in Nigeria.

<sup>36</sup>M Madukovich, 'Inglorious Policing Encourages Jungle Justice in Nigeria' 25 August, 2017 <<https://www.linkedin.com/pulse/inglorious-policing--encourages-jungle-justice-nigeria-madukovich>> accessed on 17 January, 2018.

<sup>37</sup>S Ezea, "Rising, Worrying Cases of jungle Justice in Nigeria" *The Guardian* 19 August 2017 <<https://t.guardian.ng/saturday-magazine/rising-worrying-cases-of-jungle-justice-in-nigeria/>> accessed on 17 January 2018.

<sup>38</sup> *ibid.*

<sup>39</sup>P C. Oparah, 'Rising Cases of Jungle Justice and the Justice System in Nigeria' 15 April 2019 *Sahara Reporters* <<http://saharareporters.com/2010/04/15/rising-cases-jungle-justice-and-justice-system-nigeria-peter-claver-oparah>> accessed on 25 October 2019.

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### **Court System**

The role of the judiciary in any democratic society is unique, the only way to avoid jungle justice is to give judgments that must stand the test of time. Access and undue delay to justice should be a character of every good CJS. Slow dispensation of justice by the judiciary is a contributory factor. Jungle justice still occurs in Nigeria because it is perceived to be a faster way of getting justice. It has become an accepted fact in Nigeria that cases must last several years in court before they are concluded.<sup>40</sup> Under such circumstances, citizens would naturally be reluctant to initiate actions and seek legal justice. For them, the process of litigation or adjudication is slow, cumbersome and bureaucratic. It is very common to see suspects spend years awaiting trial. Justice delayed is justice denied. Sometime in November 2014, the Nigerian Prisons Service stated that it holds 56,785 inmates around the country with 37,875 of them awaiting trial.<sup>41</sup>

### **Correction/Prison System**

There are also allegations of dangerous but moneyed criminals conniving with prosecution and prison authorities to evade detention and trial. There are so many prison inmates in Nigerian prisons awaiting trial which often leads to prison breaks with prisoners escaping without a trace.<sup>42</sup> For instance, an investigative journalist, Fisayo Soyombo carried out an undercover inquiry to reveal corruption in Nigeria's justice system, particularly among the police and prison service.<sup>43</sup> The journalist feigned an offense and was arrested, detained and charged to court and subsequently remanded in prison which gave him the opportunity to investigate the police and prison (renamed as the Nigerian Correctional Service) from within. He exposed in his publication the drug abuse, sodomy, bribery, pimping and corruption in Ikoyi Prison, Lagos, Nigeria. In his words:

Seeing the lack of restraint with which they discuss acts of bribery and corruption, I approach them for guidance on the allocation of accommodation in prison. Apparently, it's a high-wire fraud involving prison officials in court and those in the yard proper. You can get a cell for N30,000 [naira] [US\$83], one of the warders told me. You can also get for N100,000 [US\$ 277] or N150,000 [US \$ 417]. You can even get a N1.5 million [US \$ 4,170] cell'....Another warder cuts in, don't worry, you can never suffer in prison yard, he says, as long as you have your money

Reports have it that Fisayo Soyombo is at risk of arrest for his undercover inquiry, but this has been denied by the head of Nigeria's Correctional Service Ja'afaru Ahmed, claiming that an investigative panel has been set up to establish the authenticity of Fisayo Soyombo's exposé and bring the culprits to book if found

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<sup>40</sup> TA Aguda, *The Crisis of Justice* (Akure, Nigeria, Eresu Hills Publishers, 1986) pp. 15-16.

<sup>41</sup> A Mohammed, 'Nigeria Prisons Holds Over 56,000 Inmates; Over 30,000 Awaiting Trial' 6 November 2014 <<http://www.premiumtimesng.com/news/top-news/170701-nigeria-prisons-holds-over-56000-inmates-over-30000-awaiting-trial.html>> accessed on 9 April 2017.

<sup>42</sup> B Ayorinde, 'Nigeria: A Reformatory Approach to the Criminal Justice System in Nigeria' 18 February 2014 <[www.mondaq.com/Nigeria/x/293894/Public+Order/A+Reformatory+Approach+To+The+Criminal+Justice+System+In+Nigeria](http://www.mondaq.com/Nigeria/x/293894/Public+Order/A+Reformatory+Approach+To+The+Criminal+Justice+System+In+Nigeria)> accessed on 17 January 2018.

<sup>43</sup> F Soyombo, 'Undercover Investigation (II): Drug Abuse, Sodomy, Bribery, Pimping...The Cash-and-Carry Operations of Ikoyi Prisons' *The Radar* 21 October 2019 <<https://www.thecable.ng/undercover-investigation-ii-drug-abuse-sodomy-bribery-pimping-the-cash-and-carry-operations-of-ikoyi-prisons>> accessed on 19 November 2019.



guilty.<sup>44</sup> All these allegations of corruption in the criminal justice system contributes to the loss of confidence in the latter by the populace.

#### **Other Factors**

Lack of awareness or ignorance of the laws by Nigerians could also be blamed for the prevalence of jungle justice. Jungle justice in Nigeria also stem from unemployment and lack of trust in the government. Also some religious tenets encourages jungle justice, for example in some parts of Nigeria, especially in the North where jungle justice is meted out on the slightest allegation of blasphemy.

#### **7. Conclusion**

Jungle justice is barbaric and has in no way reduced the crime rate in the country, and the probability of killing an innocent person in error cannot be overlooked. As citizens, putting law into our hands is not the best way to curb criminal activities in our society. A nation where people begin to take laws into their own hands has a very dangerous situation and everything must be done to ensure that the rule of law is always strictly adhered to. As Nigerians, there must be a reorientation of our minds and redefine our values as a people. The law already set out procedure to be followed to bring a suspect to face the consequences of his action. The rule of law should be the only option in all circumstances because some victims may be innocent. The major factor responsible for jungle justice i.e. lack of trust and confidence in the criminal justice system, though worth considering should not be a justification for taking human lives because all life matter regardless of whose it is. Also there should be an overhauling of the criminal justice system to restore the confidence citizens have in it. The police should ensure speedy investigations are carried out and not sabotage the fight for justice. The government should also ensure more judges are appointed to spread the work load on the few working so that justice is not delayed. Jungle justice is a no and should not be heard of in a civilized society, action must be taken as soon as possible to curb this barbaric behaviour in Nigeria. Until the Nigerians see definite change in the CJS and can trust the legal justice system to do its job, there might be no end to jungle justice in Nigeria anytime soon.

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<sup>44</sup> Global Voices ‘Nigeria Journalist under Threat of Arrest for exposé of Police and Prison Corruption’ 23 October 2019<<https://advox.globalvoices.org/2019/10/23/nigerian-journalist-under-threat-of-arrest-for-expose-of-police-and-prison-corruption/>> accessed on 13 November 2019.