

Report from The Department of Public Prosecutions

THE DECISION TO PROSECUTE

The Office of the
Honourable Attorney-General of the
Federation and Minister for Justice,
launched **National Policy on Prosecution**. July 12, 2016.

The Department of Public Prosecutions is one of the mainstream Departments in the Federal Ministry of Justice. Its primary functions include:

- Proffering Legal Advice or Opinion to the Nigerian Police and other Enforcement Agencies, Ministries and Extra-Ministerial Departments on criminal matters and letters.
- Public prosecution of accused person in all court of competent jurisdiction including the High Court, Federal High Court, Court of Appeal and Supreme Court within and outside the Federal Capital Territory, Abuja
- Defending criminal action in courts of competent jurisdiction on behalf of Honourable Attorney-General of the Federation, such as entering *Nolle-prosequi* authorized by the Honourable Attorney-General of the Federation, Bail matters, Human Rights enforcement actions etc, Trafficking in minors and young women from the purpose of sexual exploitation;
- The Department of public Prosecutions provides legal advisory services to MDAs and supervises External Prosecutors who are prosecuting criminal cases in various courts in the country.

The Department of Public Prosecutions performs these functions on behalf of the HAGF.

Overview of activities

By virtue of Section 174 of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which vests powers on the Honourable Attorney-General of the Federation to institute, take over, continue or discontinue with matters in Nigerian Courts except Court Martial. The years under review (2015 - 1st quarter of 2017) witnessed significant increase in criminal matters which can be attributed to organized crimes such as Terrorism and Oil theft and vandalism.

Cases prosecuted by the Department of Public Prosecution

S/N	NATURE OF CASES	2015	2016	2017	TOTAL
1	Petitions	3,709	1,500	100	5,309
2	Criminal Conspiracy & Cheating	761	1,000		1,761
3	Terrorism	5	-	-	5
4	Rape	5	6	2	13
5	Vandalisation (Pipeline)	4	3	-	7
6	Vandalisation (Electrical)	3	2	1	6
7	Conspiracy/Armed Robbery	500	853		1,363
8	Fatal Motor Accident	23	40		63
9	Culpable Homicide	10	10	5	25
10	Unlawful Possession of Fire Arms	5	6		11
11	Extraditions and Mutual Legal Assistance	Total Number of Incoming Requests			636
		Total Number of Outgoing Requests			311
		Total Number of Incoming Requests forwarded to the Competent Authorities for Execution			503
		Total Number of Incoming Requests			309
		Total			1,840
12	Magistrate Cases from the Police after the Passage of ACJA 2015	1,200	800		2,000
TOTAL		2,617	2,933	108	12,412

Challenges

The general working conditions of those who work in the Department of Public Prosecution presents a critical challenge. In particular, there is the need to make the best use of limited resources to foster a culture of continuous development and learning. Specific challenges facing the development include:

- Delay in the production or forwarding of case files to the HAGF office by the law enforcement agencies
- Prolonged and inconclusive investigation by law enforcement agencies
- Inability of lawyers to secure the services of the Police IPOs to testify as witnesses in court
- Lack of funds to sponsor witnesses to court
- Issue of witness protection by Courts