

LAW CLINICS AND ACCESS TO JUSTICE FOR PRETRIAL DETAINEES IN NIGERIA

Abstract

The underlying principle behind legal aid is that fair trial and justice should not depend on how much money a litigant has in his pocket or how much money he can throw around, but should be a right of all and for all. This is the right to access to justice. Unfortunately however, this right appears to be a mirage in Nigeria where majority of the populace live below the poverty line, and the poor see justice as the birthright of the rich. The situation is worse for a pretrial detainee who cannot afford the service of a lawyer and he sees himself as being unfortunate for his financial predicament. In fact, the provisions on fundamental rights enshrined in the Constitution would be meaningless wordings to a pretrial detainee. This research therefore revealed that law clinics of various universities in Nigeria are stakeholders in the human rights and justice reform sector. Law clinics have relevant roles to play to ensure pretrial detainees have adequate access to justice at no cost. Hence the research recommended that the activities of the law clinic should be supported by relevant stakeholders to achieve the dream of justice for all.

Keywords: *human rights; law clinic; pretrial detainee, legal aid*

1. Introduction

The world has developed to the point of realizing that every man is born free,¹ and fundamental right is seen to be universal, inalienable and free for all. The move from the Hobbesian's theory of human's state of nature clearly reveals that, for human life not to be brutish, nasty, solitary and short, there is need to recognise and religiously uphold universal rights and freedom for human being, regardless of the race, gender, colour or background. One of these inalienable rights is access to justice. However, because of the social stratification and class struggle that pervade human existence, there is a wide gap between the rich and the poor, and a general perspective that justice is a birthright the rich. Hence, even if access to justice is fundamental rights that ought to be universal, lack of free and universal access to justice are major barriers to realising this right. The situation is even worse in the case of pretrial detainees who ordinarily cannot afford the service of a lawyer. Although the Constitution of the Federal Republic of Nigeria provides for legal aid scheme and free legal services,² yet the right to free legal service to aid access to justice remains a mirage rather than a reality for many Nigerian citizens who are poor and vulnerable. Even if the wordings of Section 46(4) of the 1999 Nigerian Constitution³ give some consoling provisions, especially in relation to the National Assembly making laws to provide for financial assistance for legal services to any indigent citizen whose fundamental rights are violated, yet funding to make these provisions operative is a challenge. It is one thing to have a suitable and laudable legal framework but implementation is a different thing. In furtherance to this constitutional provision, the National Assembly enacted the Legal Aid Act.⁴ Section 8 of the Act provides that the Legal Aid Council created under the Act will provide legal aid, advice and access to justice in three broad areas. These areas are criminal defence service; advice, assistance and legal representation in court in civil matters; and community legal services.

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¹ See the Universal Declaration of Human Rights

² Constitution of the Federal Republic of Nigeria 1999 (As Amended) s 46 (1)

³ s46(4), *ibid*

⁴ In 1976, the Legal Aid Act was enacted. The Act, which entered into force on 2 May 1977, provided in section 7(1) for legal assistance in respect of capital offences and serious criminal cases. This Act was amended by the 1990 Legal Aid Act and the 2004 Legal Aid Act, which extended the cover to criminal cases such as malicious and unlawful wounding, assault occasioning harm, affray, stealing, rape and civil claims in respect of accidents and civil claims to cover cases involving the infringement of fundamental human rights under chapter IV of the Constitution. All the above-mentioned laws have been repealed by the 2011 Legal Aid Act

It is however no news that legal aid scheme provided by the government has done the bit it could do in rendering free legal service to pretrial detainees but a lot still needs to be done. This research therefore focuses on the role of law clinics established and available in Law Faculties of Nigerian universities in promoting access to justice to pretrial detainees in Nigeria. No doubt, law clinics of various universities in Nigeria mostly comprise of law students who are yet to be qualified to practice law in Nigeria, yet this research affirms that the clinics have enormous roles to play in enhancing right to equal access to justice for pretrial detainees in Nigeria.

2. What is Access to Justice?

This is a question that is very ambiguous and devoid a straightforward answer because the concept of justice in itself means different things to different people. The perspective of Oputa, JSC is very apt in analyzing the meaning and importance of access to justice. The jurist opined that access to justice in a wider perspective connotes access to the political order, and the benefits accruing from the social and economic developments in the state.⁵ Okogbule viewed access to justice from a narrower perspective when he said access to justice refers to access to the law court for redress without restraint.⁶ Karibi-Whyte, JSC gave a judicial approach to the concept of access to justice in *Amadi v. Nigerian National Petroleum Corporation*⁷ when he said:

In my opinion a legitimate regulation of access to courts should not be directed at impeding ready access to courts. There is no provision in the Constitution for special privileges to any class or category of persons. Any statutory provision aimed at protection of any class of persons from the exercise of the court of its constitutional jurisdiction to determine the right of another citizen seems to me inconsistent with the provisions of section 6(6)(b) of the Constitution.

From the perspective of an actor on penal and prison reform, the Penal Reform International⁸ gave the following recommendation: ‘Access to justice should be considered in its broad sense to encompass: access to a fair equitable set of laws; access to popular education about laws and legal procedure; as well as access to formal courts and, if preferred in any particular case, a dispute resolution formed based on restorative justice’. It can therefore be distilled from the above perspectives of writers that access to justice entails the overall procedural and substantive mechanisms designed to ensure that the citizens of a country have a free, unrestricted and unbiased opportunity to seek redress to every legal issue or violation of their legal rights within the legal system.

3. Who is a Pretrial Detainee?

The concept of ‘pretrial detainee’⁹ is often times confused with prisoner, perhaps because a good number of pretrial detainees in Nigeria are kept in prison custody pending the duration of their trial alongside prisoners.¹⁰ A pretrial detainee is a defendant who is held before trial on criminal charges either because the established bail could not be posted or because the release was denied.¹¹ Often times, pretrial detainees stay

⁵ C A Oputa, “Rights in the Political and Legal Culture of Nigeria” (1989) Idigbe Memorial Lectures, Lagos, *Nigerian Law Publications* p50

⁶ N Okogbule, N (2005) “Access to Justice and Human Rights Protection in Nigeria: Problems and Prospects” vol.3(2) *Sur International Journal on Human Rights* 96-97

⁷ (2000) 10 NWLR (PT674) 76

⁸ Penal Reform International (Scharfe W., ed.) “Access to Justice in Sub Sahara Africa: The Role of Traditional and Informal Justice System” in Stapleton A., *Access to Justice in Africa and Beyond* 4

⁹ An pretrial detainee is often times also referred to as “an awaiting trial inmate”

¹⁰ This is more peculiar for detainees who are charged with capital offences and the court has denied them bail or those admitted to bail but could not meet up/perfect the bail condition(s) or those who, though arrested and charged with capital offence, are arraigned before a Magistrate Court which lacks jurisdiction to try such offence and the Magistrate orders that they be remanded in prison custody pending the outcome of legal advice from DPP’s office. This practice is often referred to as “holding charge” in Nigeria.

¹¹ Bryan A. Garner (ed.) *Black’s Law Dictionary* 8th edition 480

long in prison, especially in countries like Nigeria with slow process of criminal justice administration. The situation even gets worse for some pretrial detainees who end up staying in prison longer than the maximum period of sentence they could possibly have been given if convicted for the offence with which they were charged.¹² Nevertheless, there is a clear difference between a pretrial detainee and a prisoner. A prisoner is a person who has been convicted by the court of law and is serving the terms of imprisonment ordered by the court.¹³ The Nigerian Prison Act¹⁴ likewise defines a prisoner as any person lawfully committed to prison custody. In essence, a prisoner is simply a person lawfully serving prison sentence.

4. Law Clinics and Pretrial Detainees

For the purpose of this research, the definition of law clinic provided by the Network of University Legal Aid Institutions (NULAI) Nigeria would be adopted as a working definition in this discussion. Law clinic is a law office in a university managed by law students in the discharge of pro bono or voluntary services, and pretrial detainee is a person detained in the prison by the state for an offence committed against the laws of the state prior to or pending trial.¹⁵ It is a trite principle of law that an accused person is presumed innocent until proved guilty by the court.¹⁶ In essence, a pretrial detainee is not a convict yet, he or she still enjoys the right to presumption of innocence, but their perpetual detention in custody constitutes an infringement or denial of their rights. Some of these rights available to pretrial detainees are right to a counsel of his or choice, right to bail, right to remain silent, right to dignified human treatment, right to prompt trial and so on. It is however unfortunate to discover that a pretrial detainee cannot fully enjoy these rights unless there is a legal service provided to ensure these rights are not violated. Therefore a pretrial detainee is almost helpless in the administration of criminal justice process in Nigeria if he or she lacks legal representation. Bad enough, many of these pretrial detainees lack requisite knowledge of the rights available to them under the law. Some of the pretrial detainees who do not have legal representation continue to wallow in the ignorance that as pretrial detainees they have no right whatsoever under the law.

Having established that pretrial detainees have constitutional rights under the law, the problem of safeguarding these rights becomes a challenge. This is where the relevance of law clinics becomes operative. Law clinics in Nigeria can be of immense help in enhancing access to justice for pretrial detainees. This is achievable by going to the prisons and other remand institutions to interview and counsel pretrial detainees, facilitating the application and perfection of their bail, advocacy visits to the Chief Judge and Director of Public Prosecutions, jail delivery exercise with Chief Judges, and even re-establishing contact between prisoners and their lost or estranged family members.¹⁷

From the analysis above, it is clear that law clinics are generally handled by law students in the university. The students render services that would ensure access to justice to pretrial detainees in Nigeria. The students even offer extra legal services to the detainees like companionship for rehabilitation, provision of necessary items for good living and so on. The exposure of law students to the administration of criminal justice procedure in Nigeria would also assist law students in becoming better lawyers. Furthermore, the law

¹² The causes for this delay in administration of justice in Nigeria are: prolonged police investigation, insincerity on the part of the investigating agency, delayed advice from the DPP's office, bribery and corruption at every stage of the prosecutorial process, delay tactics by representing counsel, constraint of logistics on the prosecution's part to get his witnesses to court, none availability to legal representation for the defendant who cannot afford the service of a lawyer, huge workload on the courts and several other reasons.

¹³ Ibid

¹⁴ CAP P29 LFN 2004

¹⁵ NULAI, "Law Clinics and Pretrial Detainees" <http://www.nulai.org/index.php/blog/82-improving-access-to-justice-for-pre-trial-detainees-in-nigeria-project>

¹⁶ *Constitution of the Federal Republic of Nigeria, 1999 (As Amended)* s36

¹⁷ *ibid*

students, upon becoming lawyers, would be well inclined to render pro bono services to the indigent members of the society.

5. The Role of Law Clinics to Render Legal Aid to Pretrial Detainees

The rationale behind legal aid is to ensure access to justice to every litigant. The essence of legal aid is that justice should not be a function of the financial capacity of a litigant but it should be justice for all and sundry. The International Commission of Jurists at its conference on the Rule of Law in a Free Society held in Delhi in 1959 resolved that: 'Equal access to law for the rich and poor alike is essential to the maintenance of the rule of law. It is therefore, essential to provide adequate legal advice and representation to all those threatened as to their life, liberty, property or reputation who are not able to pay for it.'¹⁸ The overall purpose of law clinic is to render legal aid services to the community. The United Nations Principles and Guidelines define legal aid as follows: 'Legal aid' includes legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence and for victims and witnesses in the criminal justice process that is provided at no cost for those without sufficient means or when the interests of justice so require'. Furthermore, 'legal aid' is intended to include the concepts of legal education, access to legal information and other services provided for persons through alternative dispute resolution mechanisms and restorative justice processes.¹⁹ This definition of legal aid by the United Nations is broad and encapsulating, and many countries of the world, including Nigeria, have aligned with the United Nations position on legal aid by enacting enabling legislations to enhance provision of legal services to citizens. Nigeria for instance, enacted the Legal Aid Act and established the Legal Aid Council for the purpose of providing legal aid or free legal services to indigent Nigerians. In reality however, access to justice remains a dream than a reality for many indigent and vulnerable Nigerian citizens. The existing legal and institutional framework on legal aid scheme in Nigeria are inadequate, thereby creating a wide gap in the realisation of the United Nations objective of enhancing availability of free legal service and right to access to justice to all human being. To this end, law clinics in Law Faculties across Nigeria serve to fill the gap not adequately addressed by governmental legal aid programmes.

It is therefore not out of place to adopt the position of the United Nations Millennium Project where it's stated that there is no excuse for any country, no matter how poor, to abuse its citizens, deny them equal protection of the law or leave them victims of corruption, mismanagement or economic irrationality.²⁰

At this point, it is important to briefly identify the immediate and remote causes of violation of right to access to justice in Nigeria. Poverty is the principal factor causing infringement of right to access to justice in Nigeria. What is the value fundamental right to most Nigerians living below poverty line and who cannot ordinarily afford good living standard not to talk of paying for adequate legal service. Apart from poverty, illiteracy and ignorance of Nigerians contribute to factors causing lack of access to justice in Nigeria. The literacy rate in Nigeria is so low while the illiterate index is on the high side, this has caused widespread ignorance and many Nigerians are not even aware of their rights. Bamgbose likewise identified corruption, delays in the court system, backlogs, and uncertainty associated with expected court outcomes, lawlessness of the executive arm of government and its agents, procedural rules (criminal and civil) and constitutional limitations as other factors causing violation of rights in Nigeria.²¹ Ladan attributes inadequate and unequal access to justice to discriminatory laws, and expensive, slow and complex legal processes.²²

¹⁸ The Rule of Law in a Free Society: Committee Report on the Judiciary, Legal Profession and Rule of Law,p14

¹⁹ General Assembly Resolution 67/187, para. 8.

²⁰ United Nations Millennium Project 2002 - 2006 <http://www.unmillenniumproject.org/reports/why8.htm>

²¹ O Bamgbose et al 'Community lawyering - An intervention of the University of Ibadan Women's Law Clinic in the case of stray bullet killings at Arulogun Idi-Omo community - A case study' (2012) 1 *African journal of Clinical Legal Education and Access to justice*.

²²M T Ladan, Justice Sector Reform: Imperatives for a Democracy (2012) http://www.abu.edu.ng/publications/20121110-134151_3901.Doc

The role of law clinics in ensuring access to justice to pretrial detainees cannot be overemphasized. This segment of the research focuses on the specific areas where law clinics can be of help to pretrial detainees in ensuring access to justice. Law clinics can be of immense help in providing counsel for pretrial detainees, making applications for bail, ensuring dignified human treatment, ensuring prompt trial, providing social welfare and so on. Some of these specific roles would be examined.

Provision of Competent Counsel for Pretrial Detainees

The right to access to justice is a right that would not likely make sense to the poor man who ordinarily cannot afford the service of a competent lawyer. Thus, the need of a counsel even to the poorest man is a necessity in the interest of justice, fairness and equity. The right to a counsel and the need for a person to be represented by a counsel was clearly described by Justice George Sutherland in *Powell v. Alabama*²³ thus:

Even the intelligent and educated layman lacks both skill and knowledge adequately to prepare his defence even though he had a perfect one. He acquires the guiding hand of a counsel at every step in the proceedings against him. Without it, though he be not guilty he faces the danger of conviction because he does not know how to establish his innocence. If that be true of men of intelligence how much more is it of the ignorant and illiterate or those of feeble intellect.

Law clinics therefore have an enormous role to play in arranging for how pretrial detainees can have access to competent legal representation to defend their cases. Students in the clinic can approach qualified legal practitioners in the Faculty to assist in taking over the case files of pretrial detainees in court. The law clinic can as well partner with the Nigerian Bar Association within reach to get lawyers who can handle cases on pro bono.

Making Applications for Bail

Law clinics can likewise play remarkable role in ensuring the temporal release of pretrial detainees while they await their trial. Law clinic can approach the detaining authority/law enforcement agency to make application for the release of the pretrial detainees on bail, pending proper arraignment and trial by a competent court. The detaining authority could be Nigerian Police, Nigerian Security and Civil Defence Corp (NSCDC), Nigerian Drug Law Enforcement Agency (NDLEA), Directorate of State Securities (DSS) and so on.

Watching Briefs

Apart from application for bail, law clinics can also be impactful in ensuring justice is manifestly done in the trial of the detainees. This is possible by playing brief-watching role in the course of the trial of pretrial detainees especially in Magistrate courts where prosecutors are mostly police officers. The law clinic can send delegates or clinicians to attend trial of the accused persons/defendants and ensure there is substantial compliance with both substantive and procedural laws regulating criminal trial in Nigeria.

Rendering Legal Advice

As earlier examined in this research, the primary purpose of law clinic is to provide legal aid service to the community. Part of this legal aid service is rendering appropriate legal advice to people's legal issues. In like manner, law clinics have a role to play in rendering legal advice to pretrial detainees in Nigeria. The clinics can organize a sensitization tour to detaining custodies; interact with pretrial detainees to know the offence(s) with which they are alleged, and the possible defences available to them in law. This will further enlighten the detainees and restore hope to them that there are possible defences available to them which can avail them an acquittal.

²³ (1932)287 US 45 at 69

Client Interview and Counseling

This is a very important privilege available to pretrial detainees free of charge courtesy of the law clinic. The Client interview and counseling session affords detainees the ample opportunity to narrate their side of the story in a more friendly, conducive and consoling atmosphere with law clinicians who are ready to offer necessary assistance. The detainee would likewise have the assurance of professionalism, confidentiality of disclosure and overall access to justice. The detainee would also be at liberty to ask questions in relation to the choices available to him in the course of the trial²⁴ and the possible defences, if any. The detaining authority is however duty bound to provide detainees with reasonable facilities of gaining access to legal advice and consultation. Essentially, the client interview and counseling session for pretrial detainees is in line with international best practices for the minimum standard of treatment of detainees.²⁵

Assessment and Evaluation of Detention Home/Prison Conditions

It has been earlier analysed in this research that one of the major roles of the law clinic is prison visitations. The visit of the clinicians to these detention homes would afford them the opportunity to assess the general condition of the prisons and see if it meets with human rights standard. Ernest Ojukwu et al even opined that compliance by the prisons with human rights standard can be measured by assessing the extent to which the standards required in international legal instruments are being observed in practice.²⁶ The authors listed the relevant standards to include the standards set by the United Nations Standard Minimum Rules for the Treatment of Prisoners (SMR) and the Body of Principles for the Protection of All Persons under Any Form of Detention and Imprisonment.²⁷ Closely related to this is the ability of law clinics to get data on prisoner's welfare whenever a prison visit is done. This data would assist relevant stakeholders in the prison service to adequately plan and make preparation for the provision of necessary amenities for detainees in prison custody. This data gathered can also be a good source of policy formulation. Issues upon which data could be gathered include congestion of prison, nature of accommodation of detainees, classification and separation of detainees, attitude of prison staff to detainees, general health condition of the detainee and the environmental condition of the prison premises.²⁸

Assistance and Rehabilitation of Released Inmates

It is a huge success on the part of any law clinic to secure the release of awaiting trial inmates, especially in the form of discharge and acquittal. Meanwhile, beyond securing the release of these detainees, the clinics still have the function of reuniting the detainees with their people and reintegrating them back to the society which would ordinarily stigmatize or reject them. The duty of rehabilitation of released inmates is so important to prevent them from been dejected and going back to crime. Nwaeze even said these released inmates are rejected by the community usually leading them to commit again the crime that took them to prison in the first instance.²⁹ Ojukwu et al further noted that these released inmates usually will require assistance to rejoin their family members, and the law clinics have been comfortable assisting in this regard.³⁰ It is therefore correct to say that, beyond ensuring the release of pretrial detainees from prisons, law clinics has the role of contacting families of the detainees and other vital assistance of seeking justice.

²⁴ This could be either to plead guilty and seek alocutus or to rest his or her case on the case of the prosecution where it appears that the case of the prosecution is weak and manifestly unreliable or even to enter a no case submission at the necessary stage of the trial.

²⁵ See the UN Body of Principles for the Protection of All Persons under any Form of Detention or Imprisonment, Principle 18. Available at http://www.unodc.org/documents/justice-and-prison-reform/cjat_eng

²⁶ Ernest Ojukwu et al, *Handbook on Prison Pretrial Detainee Law Clinic* (2012 NULAI Abuja)

²⁷ *ibid*

²⁸ Ojukwu et al, *supra*

²⁹ A Nwaeze *Baseline and Impact Assessment of the Prisons: Decongestion and Re-entry Scheme* (PRAWA Enugu 2009)

³⁰ Ojukwu et al, *supra*

Partnership with Legal Aid Council, Human Rights Commission, Nigerian Bar Association and other Stakeholders in the Justice Sector

Law clinics can likewise be an agent of access to justice through effective partnership with relevant stakeholders in the justice sector to ensure pretrial detainees get justice at no cost. Most law clinicians are law students who are yet to be qualified to practice law in Nigeria and in essence, they lack the capacity to represent detainees in court and they do not have right of audience in court. Therefore, it is very important for law clinics to partner with relevant stakeholders like Legal Aid Council, Human Rights Commission, Nigerian Bar Association and so on who have qualified lawyers that can represent the indigent detainees in court free of charge. In this wise, law clinic students will act as paralegal staff to assist with data collation, tracing, monitoring, client interview and counseling and so on. Furthermore, by the provisions of the National Human Rights Commission Act,³¹ the Commission has the mandate to visit remand homes and custodies to ascertain the condition of the place, this is in line with the role of the law clinic and this literally mean law clinic and human right commission can conveniently partner in enhancing right to access to justice for pretrial detainees in Nigeria. In addition, the Nigerian Bar Association can be a responsive partner with law clinics in promoting access to justice. Interestingly, the new guideline for the award of Senior Advocate of Nigeria to lawyers provide for the requirement of handling pro bono service to indigent people,³² hence lawyers aspiring to become a Senior Advocate of Nigeria will be warm towards working with law clinics to promote justice to pretrial detainees in Nigeria.

6. Challenges Militating against Law Clinic's Performance in Enhancing Access to Justice to Pretrial Detainees in Nigeria

This research has analysed the roles of law clinic in enhancing access to justice for pretrial detainees in Nigeria. As important as these roles are, there are challenges militating against law clinic's performance in enhancing access to justice to pretrial detainees in Nigeria. Some of these challenges will be examined below:

Unfriendliness, Distrust and non-cordial Disposition of Detaining Authorities

This is a major challenge confronting law clinics in the discharge of their humanitarian duties to pretrial detainees in Nigeria. Custodian homes and agencies like Nigerian Prison Service, Nigeria Police Force, Nigerian Security and Civil Defence Corps, State Security Services, Nigerian Drug Law Enforcement Agency and so on are sometimes cold toward allowing law clinics have access to their custody. The reasons for this could be ignorance, lack of statutory backing/specific legislation establishing law clinics or other reasons peculiar to each agency. Some agencies even question the activities of law clinics and see them as interfering with their duties. Law clinic students likewise face negative reactions from their detaining agencies coupled with disdain and distrust. This could be very discouraging and demoralizing to clinicians.

Financial Scarcity to Fund Pretrial Detainees' Project by Law Clinic

It is a common knowledge that financial resources are required to fund the activities of law clinics involved in prison project. A lot of resources are required to render legal services to pretrial detainees because these services are rendered free of charge. The financial obligation increases when the cases of the detainees are already at trial and there is need to file processes, arrange for logistics on every adjourned date, mobilise witnesses' transportation cost and other ancillary expenses needed at the trial. Beyond this, a law clinic is expected to be well equipped with necessary facilities just like a standard law firm competent enough to render standard legal services.

Citizens' Illiteracy, Ignorance and Poverty

These are other factors inhibiting the smooth performance of law clinics in Nigeria. No doubt, ignorance and illiteracy are social diseases. These diseases have plagued many African countries, Nigeria inclusive. This extends to inmates in the prison who believe that the harsh and unpalatable treatments they receive in the prison or any of the detaining homes is normal. Most pretrial detainees are not aware that they have rights that must not be violated, even if in custody. As a matter of fact, they are merely accused persons or suspects and not convicts, therefore should be open to several constitutional rights available to them. Furthermore, a poor man is a perhaps a likely victim of every negative circumstance because poverty makes an individual susceptible to different maltreatment. Unfortunately, most Nigerians live below the poverty line.

³¹ See generally National Human Rights Commission Act s6

³² See Legal Practitioners' Privileges Committee, "Press Release – LPPC Releases New Guidelines" available at www.lppc.gov.ng/press-release-lppc-releases-new-guidelines/ accessed 22 November, 2018

Inadequate Committed and Dedicated Clinicians

As earlier noted in this research, law students form the larger population of clinicians in the university based law clinics. The non-chalant attitude of many students to extra-curricular activities has made it difficult to get committed and dedicated clinicians in the law clinics, meanwhile the volume of cases that needs legal aid out numbers the number of clinicians in the law clinic. Lecturers who are lawyers in the Faculty of Law have also not been so helpful in this regard. Lecturers are expected to take up most of these pretrial detainees' cases in court but because of the pro bono nature of law clinic cases, law lecturers show little or no interest and participation in the pro bono service.

Unstable University Calendar and Graduation of Clinicians without Viable Successors

Generally, the curricula of most Nigerian Faculties of Law are often crowded with important compulsory and elective courses that a student must offer before he or she can successfully be awarded a Bachelor of Laws degree. The courses are taught within the normal school hours and the students would likewise need time for personal readings and assignments. This schedule of activities in the Law Faculties has given little or no breathing space for Law Clinic to thrive, especially in universities where Clinical Legal Education has not been incorporated into the Faculty of Law Curriculum or same has not been approved by the University Senate. These therefore create situations where clinicians complain of heavy academic workload which interferes with their work in the Law Clinic. Another problem associated with the sustainability of law clinics is the leadership succession problem. Because the university is a training centre for students and not a place of permanent abode, there is often the challenge of leadership succession among student-clinicians. An active set of clinicians may be graduating and the upcoming class may be very cold and passive to the programmes of the clinic thereby not having the requisite passion and creating leadership gap.

7. Conclusion and Recommendations

Law clinics are relevant stakeholders in the criminal justice system of Nigeria and they play pivotal roles in ensuring an improved system of criminal justice in Nigeria. Law clinics are also alive to the plight of pretrial detainees in Nigeria and it is important for relevant stakeholders in the justice sector to support the activities of law clinics for the overall benefit of the society. Furthermore, beyond the enormous benefits of law clinics to pretrial detainees in Nigeria, students who are clinicians stand at an advantaged end of early exposure to law in practice and they end up becoming better lawyers who are ready to give back to the society. It is no doubt that the objective of the Law Clinic, among which is to promote access to justice for pretrial detainees in Nigeria, is so commendable. Unfortunately however, the above identified challenges faced by law clinics must be addressed and resolved to achieve an improved performance in the provision of free legal services to citizens, especially pretrial detainees. Some of the factors that will help improve the services of law clinic include:

- Increased and regular funding for the pro bono service provided by law clinics. This can be achieved through donations by philanthropic bodies and persons within and outside Nigeria, and also funding by different NGOs and stakeholders in the justice reform sector.
- Enlightenment of law enforcement agencies and detaining authorities on the existence, role and importance of law clinics in the administration of criminal justice in Nigeria. The hostility melted out to clinicians by some law enforcement agencies is as a result of ignorance of the existence and operations of law clinics in Nigerian universities. There is therefore the need for awareness on the roles and activities to law clinics in Nigeria.
- Mass awareness and campaign to the public, especially pretrial detainees on the fundamental nature of their right to access to justice. There is also the need for pretrial detainees to be assured that law clinicians are ready to provide free and qualitative legal service for them. There should be constant public enlightenment campaign through the mass media to create awareness on the existence of the law clinic, its scope and services rendered. Furthermore, public and private media houses should allot time to promote the services and operations of law clinics.
- Law lecturers in the university should also be willing and ready to assist in the activities of law clinic, especially in the aspect of appearing in court to defend pretrial detainees in their trials. Since most clinicians are law students who are yet to be qualified to appear in court and given right of audience, law lecturers can assist in this regard. Then relevant lawyers' associations like Nigerian Bar Association, FIDA etc can also support in providing volunteer lawyers to assist law clinics in rendering free legal services.