

Comparative Analysis and Insights into The Criminal Justice Systems of Nigeria and Ghana

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Abstract— Nigeria and Ghana share an English common-law heritage, yet differences in political structure and institutional capacity have produced distinct criminal justice outcomes. This article compares their legal frameworks, institutions, reform efforts, operational challenges, and cross-border cooperation mechanisms while identifying practices that could strengthen justice administration. It adopts comparative and doctrinal approach, examining relevant constitutions, statutes, judicial decisions, policy reports, institutional publications, and scholarly literature. It reveals Nigeria introduced significant reforms through the Administration of Criminal Justice Act 2015, the Police Act 2020, and the Nigerian Correctional Service Act 2019. However, federal fragmentation, uneven implementation, prolonged pre-trial detention, inadequate funding, corruption, police misconduct, limited legal aid, and slow technological adoption constrain their effectiveness. Ghana's unitary structure supports more consistent implementation, stronger legal-aid arrangements, non-custodial sentencing, alternative dispute resolution, and e-justice initiatives. Nevertheless, Ghana continues to face judicial misconduct, unequal access to justice, resource constraints, and limited acceptance of restorative justice. Both countries also encounter difficulties in extradition, information sharing, and regional responses to transnational crime. Effective reform requires consistent implementation, adequate resources, stronger institutional independence and oversight, expanded legal aid, wider use of restorative and non-custodial measures, judicial digitalization, and deeper regional cooperation.

Keywords: Criminal Justice Administration; Ghana, Justice Reform; Nigeria; Regional Cooperation..

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INTRODUCTION

This paper offers a comparative analysis of the criminal justice systems in Nigeria and Ghana; it examines their legal frameworks, institutional roles, reform efforts and systemic challenges. The analysis highlights both the similarities and differences on how each Country approaches crime prevention, law enforcement and judicial processes. Basically, the cross-national perspectives on criminal justice provide valuable information on how each Nation responds to criminal behaviour and administers justice within its legal and cultural context. It further explores cross-border cooperation and identifies lessons and best practices that could strengthen criminal justice administration in both Countries.

COMPARATIVE LEGAL FRAMEWORKS OF CRIMINAL JUSTICE IN NIGERIA AND GHANA

In Nigeria, the Administration of Criminal Justice Act (ACJA) marks a pivotal attempt to modernize and unify the Country's criminal procedure. Prior to its enactment, Nigeria's criminal justice system was characterized by disjointed legal frameworks: the Criminal Procedure Act (CPA), which applied to the Southern States and the Criminal Procedure Code (CPC) used in the Northern States. These regional fragmented laws contributed to systemic inefficiencies, including prolonged pre-trial detentions, procedural delays and widespread human rights abuses during police investigations. The ACJA seeks to establish a comprehensive procedural code aimed at streamlining justice delivery.

Despite the progressive nature of the ACJA, its practical impact has been significantly undermined by Nigeria's Federal structure. Since criminal justice is concurrently legislated at both Federal and State levels, each of Nigeria's 36 States must individually adopt or "domesticate" the Act for it to be fully effective. As of 2024, only about 30 States had enacted their versions of the ACJA, and even among these, there is disparities in enforcement and practices.

In contrast, Ghana's unitary political structure has facilitated a more centralized and coherent development of its criminal justice system. The backbone of Ghana's criminal legislation is shaped/ standing on the Criminal Offences Act (Criminal Offences Act, 1960) which defines criminal conduct and associated penalties and the Criminal and Other Offences (Procedure) Act which governs procedural aspects of criminal trials. Although both Acts were passed in the immediate aftermath of independence, Ghana has implemented significant reforms over the decades to bring its justice system in line with contemporary standards. Notably, these reforms reflect an increasing emphasis on restorative justice principles, non-custodial sentencing, and the expansion of access to legal services for vulnerable populations. The enactment of the

Legal Aid Commission Act (2018) for instance, has enhanced access to free legal assistance for indigent and marginalized defendants, thereby strengthening the right to a fair trial (Owusu et al., 2022).

Ghana has also prioritized decongesting prisons through the adoption of alternative sentencing mechanisms such as probation, community service, and mediation. Amendments to Act 30 of the Criminal Procedure Code have institutionalized these non-custodial options, reflecting a broader policy shift toward rehabilitative rather than purely punitive justice.

Although Nigeria and Ghana share common legal origins and objectives for justice reform, their respective constitutional structures have played a decisive role in shaping their success. Nigeria's ACJA offers a robust framework for criminal procedure reform, but its decentralized implementation reflects the challenges of operating within a Federal system. While Ghana, benefiting from a centralized legal administration, has pursued a more uniform and integrative approach that combines legal modernization with cultural responsiveness. These contrasting experiences underscore the critical influence of institutional design on the efficacy of criminal justice reform and highlight the need for context-sensitive strategies

TABULATED FORM OF COMPARATIVE ANALYSIS OF THE CRIMINAL LEGAL SYSTEM IN NIGERIA AND GHANA.

Differences between the Legal Frameworks of Criminal Justice in Nigeria and Ghana

Table 1: This table shows a summary of the differences between the legal frameworks of criminal justice in Nigeria and Ghana (ENACT, 2025).

Aspect	Nigeria	Ghana
Political Structure	Federal system	Unitary system
Key Legislation	Administration of Criminal Justice Act (ACJA), 2015	Criminal Offences Act, 1960 (Act 29), Criminal Procedure Act, 1960 (Act 30)
System of Justice	Adversarial, but fragmented across Federal and State levels	Centralized and coherent due to Unitary system
Criminal Procedure Codes	Criminal Procedure Act (CPA) and Criminal Procedure Code (CPC) before ACJA	One set of laws for the whole country (Act 29 & Act 30)
Reform Efforts	ACJA modernizes criminal procedure, but uneven	Comprehensive reforms reflecting restorative justice,

	implementation across States	including the Legal Aid Commission Act (2018)
Restorative Justice	Limited emphasis on restorative justice	Strong focus on restorative justice, non-custodial sentencing, and alternative dispute resolution
Prison Decongestion	Challenges due to lack of uniform application of reforms	Emphasis on probation, community service and mediation for decongesting prisons
Legal Aid and Access	Legal aid programs not uniformly accessible across States	Legal Aid Commission Act (2018) ensures access to free legal services for vulnerable groups
Technology in Justice System	E-Justice reforms are patchy, hindered by State-level disparities	Nationwide e-Justice Project (2019) improves court efficiency and transparency
Implementation of Reforms	Decentralized; reforms are adopted individually by States	Centralized; reforms are implemented consistently across the Country
Cultural Integration	Limited integration of customary law into formal system	Integration of customary law, especially in rural areas, aligning legal system with socio-cultural realities
Impact of Federalism/Unitarism	Fragmented justice delivery due to Federal system	Uniform and efficient implementation of reforms due to Unitary system

Similarities between the Criminal Legal Justice Frameworks of Nigeria and Ghana

Table 2: This table shows a summary of the similarities between the criminal justice legal frameworks of Nigeria and Ghana (ENACT, 2025).

Aspect	Nigeria and Ghana
Colonial Heritage	Both countries inherited the English common law system
Adversarial System	Both legal systems follow the adversarial trial process

Presumption of Innocence	The presumption of innocence is a key principle
Right to Legal Representation	Both systems guarantee the right to legal representation
Criminal Legislation	Both have specific legislation outlining criminal offences
Human Rights Protections	Efforts to protect human rights during criminal procedures
Reforms for Fair Trial	Both countries have enacted reforms to improve trial fairness
Focus on Transparency	Both have introduced reforms aimed at increasing transparency
Incorporation of International Norms	Both legal frameworks aim to comply with international standards for justice
Focus on Efficiency	Both countries aim to improve the efficiency of their judicial processes

THE ROLE OF SOME INSTITUTIONS IN NIGERIA AND GHANA THAT PORTRAYS THE DISPARITY

Institutions in both Countries that portray the differences in the effectiveness of the criminal justice system are;

The Role of the Judiciary and Law Enforcement in Nigeria

The judiciary and law enforcement agencies are central to the functioning of the criminal justice systems in both Nigeria and Ghana. Despite their shared colonial legacy rooted in English common law, the two Countries have move away in the structuring and performance of these institutions, largely due to differences in governance, institutional capacity and implementation of reforms.

In Nigeria, the judiciary operates as a constitutionally independent arm of government within a Federal structure, comprising lower courts (Magistrate and Area Courts), High Courts, the Court of Appeal and the Supreme Court. These courts are mandated to adjudicate criminal matters, uphold procedural fairness, interpret laws and safeguard fundamental rights. However, systemic challenges have consistently

undermined the effectiveness of the judiciary leading to prolonged case backlogs, judicial corruption, limited adoption of technology, and infrastructural deficits which has contributed to inefficiencies in justice delivery. Furthermore, political interference in judicial funding, where State governments often control budget allocations has compromised the judiciary's autonomy, despite Constitutional provisions for financial independence.

On the other hand, Law enforcement in Nigeria is led by the Nigeria Police Force (NPF), governed by the Police Act (Police Act, 2020). This Act repealed 2004 Police Act (Police Act, 2004) and introduced community policing initiatives and sought to improve oversight mechanisms through provisions like S.69 and S.70 of the Police Act. It is regrettably that these sections are not adhered to.

In addition, the Nigeria Police Force continues to face credibility issues due to widespread reports of corruption, brutality, extortion, and impunity. The #EndSARS movement of 2020 triggered by abuses from the now-defunct Special Anti-Robbery Squad (SARS) exemplified public discontent with the force. A landmark case in this regard is that of *Drambi Vandi*, a Police officer sentenced to death in 2023 for the extrajudicial killing of a pregnant lawyer Bolanle Raheem. This rare conviction was viewed as a small but significant victory in the struggle for police accountability (Vanguard News, 2023).

The Role of the Judiciary and Law Enforcement in Ghana

In contrast, Ghana operates a more centralized and unitary system, where the Judiciary comprises Magistrate, Circuit, High Courts, the Court of Appeal and the Supreme Court. While this is similar in structure to Nigeria's Judiciary, Ghana's courts benefit from stronger institutional coherence due to the unitary nature of its governance. The 1992 Constitution (Constitution of the Republic of Ghana, 1992) guarantees judicial independence and although the Judiciary faced a major scandal in 2015 involving the suspension of 22 judges for corruption (Daily Guide Network, 2016), and in a more recent case the Chief Judge of Ghana was suspended over allegations of misconduct (BBC News, 2025), in response, reforms were introduced to improve and enhance the integrity of the judiciary..

Ghana's law enforcement is handled by the Ghana Police Service (GPS), which, unlike the Nigeria Police Force (NPF), benefits from clearer oversight and better integration with civil accountability mechanisms. Institutions such as the Independent Police Complaints Commission (IPCC) offer channels for addressing misconduct and enhancing public trust in law enforcement. While the GPS also faces issues such as bribery and occasional abuse of power, reports suggest these are more isolated and subject to corrective action (Gbambu, 2025).

The judiciary and law enforcement institutions in Nigeria and Ghana both play indispensable roles in ensuring justice and maintaining societal order. The contrasts between both Countries reveal the extent to which legal frameworks must be complemented by governance, institutional will and public accountability so as to achieve lasting improvements in criminal justice administration.

THE IMPACT OF GOVERNANCE ON CRIMINAL JUSTICE IN NIGERIA AND GHANA

Governance plays a pivotal role in shaping the performance, credibility and fairness of criminal justice systems, Nigeria and Ghana is no exception. The Nation's governance structures, especially under democratic regimes, have endeavored to strengthen institutions, uphold Constitutional principles and promote the rule of law or can operate adversely to negate criminal justice. However, the intersection of political power and legal authority continues to generate tension, often testing the resilience and independence of the criminal justice system. Central to this dynamic is the influence of political actors on key Judicial and law enforcement appointments, the prevalence of corruption and the recurring erosion of public confidence in formal justice processes.

Political influence is particularly evident in the appointment of top criminal justice officials, including the Chief Justice, Inspector General of Police and the Director of Prisons. These appointments, made directly by the President as stipulated by the Constitution, have raised concerns about the potential for executive interference in institutions that are expected to function independently and impartially (Constitution of the Republic of Ghana, 1992, art. 127(2)). This undermines the integrity of the criminal justice system and highlights widespread perceptions that justice is not only delayed but also compromised.

The effectiveness of any criminal justice system is closely tied to the quality of governance that underpins it. In Nigeria, the performances of the key criminal justice institutions are profoundly shaped by how government policies are formulated, resourced, and implemented. Where governance is weak, the justice system often mirrors that weakness, manifesting in inefficiency, corruption, rights violations, institutional decay and a total collapse of the criminal justice system.

Despite these challenges, Civil Society Organizations (CSOs) have emerged as crucial players in bridging governance gaps. These groups, ranging from human rights NGOs to legal advocacy bodies, have been instrumental in promoting transparency, accountability and citizen engagement. Initiatives such as legal awareness campaigns, free legal aid clinics, and the monitoring of court proceedings have helped expose systemic flaws and pressure government institutions into taking corrective action. In Delta State, organizations like the Access to Justice Initiative and Legal Aid Council have conducted training for police officers and paralegals, promoted alternatives to

incarceration and monitored human rights violations in detention centers (Legal Aid Council of Nigeria, 2021).

Political will, however, remains the linchpin of sustainable reform. Governance is a decisive factor in the functioning of the criminal justice system of a Nation. Poor governance weakens institutional effectiveness, while good governance, characterized by transparency, accountability, and citizen participation, creates an enabling environment for justice sector reform, restructuring, growth and sustainable development. The growing involvement of civil society and the varying pace of ACJA domestication across States highlight both the opportunities and challenges that lie ahead. To achieve a truly fair and effective justice system, political leaders must prioritize the justice sector as a cornerstone of democratic governance and National development.

THE EFFECTIVENESS OF REFORMS IN CRIMINAL JUSTICE ADMINISTRATION IN BOTH COUNTRIES:

Nigeria

The effectiveness of criminal justice reforms in Nigeria and Ghana reveals divergent outcomes shaped by form of governance, institutional structure, implementation mechanisms, and socio-political realities. While both Countries have enacted laws and introduced policy frameworks aimed at improving justice delivery, the degree to which these reforms have translated into practical improvements is markedly different.

In Nigeria, the enactment of the ACJA was a major milestone. The Act consolidated provisions from older procedural codes and introduced forward-thinking reforms designed to address systemic flaws. Among the most innovative are Section 15(4), which mandates the electronic recording of confessional statements to curb coerced confessions; Section 270, which provides a legal basis for plea bargaining; and Section 396(3), which abolishes *trial de novo* when a judge handling a case is transferred. The ACJA also introduce custodial sentences for minor offences with the aim to decongest Nigeria's overcrowded prisons.

Despite these advances and the fact that the ACJA is legally robust, its actual implementation remains fragmented. Due to Nigeria's Federal structure, each State must independently domesticate the ACJA before it can be enforced locally and generally. As of 2024, several States have either not adopted the Act or have implemented it with considerable variation, leading to a lack of consistency in legal procedures Nationwide. Even in States where the ACJA has been domesticated, there are reports of low awareness among police officers and court officials, many of whom continue to operate based on outdated procedures or are unaware of the reforms. For instance, the *State v. Emmanuel Ogbunwezeh* case in Delta State (2015) highlighted the

challenges of implementation at the State level. The accused was detained for over three years without trial despite the ACJA's provisions for expeditious hearing and prohibition of unnecessary detention. The presiding judge criticized the prosecution and police for procedural delays and non-compliance with the ACJA Act's requirements.

One area where the ACJA has shown promise is in plea bargaining. In *Federal Republic of Nigeria v. Lucky Igbinedion* (2008), a former governor of Edo State, Lucky Igbinedion (the accused) entered a plea bargain with the Economic and Financial Crimes Commission (EFCC), which resulted in the return of stolen funds and a reduced sentence. However, the case sparked widespread criticism that plea bargains were being used to allow high-profile offenders to escape justice, highlighting the need for transparency and standardization in its application.

Similarly, while the Police Act 2020 seeks to enhance accountability, cases such as *State v. DrambiVandi* (2023), in which a police officer was convicted and sentenced to death for the extrajudicial killing of Lagos lawyer Bolanle Raheem in 2022, underscore both the enduring problem of police brutality and the rare but growing accountability measures now being enforced under the new legal framework. Although this outcome was hailed as a breakthrough, it remains one of few cases where such convictions have been secured, pointing to broader systemic inertia.

Ghana -

In contrast however, Ghana's criminal justice reforms have generally been more cohesive and far-reaching in their effects, facilitated by its unitary system. Reforms have focused on restorative justice, diversion from custodial sentences, and access to justice for vulnerable groups (Owusu et al., 2022). Non-custodial sentencing mechanisms have been operationalized through amendments to the Criminal and Other Offences (Procedure) Act (Criminal and Other Offences (Procedure) Act, 1960) allowing the courts to impose probation, community service, and fines in lieu of imprisonment for minor offences.

The *Republic v. Albert Donkor case* (1976) exemplifies Ghana's cautious but deliberate shift toward transparency and justice system accountability. Donkor, who was allegedly killed in police custody under suspicious circumstances, became the subject of public outcry. The Ghana Police Service responded by launching an independent investigation under the oversight function of the Independent Police Complaints Commission (IPCC), showcasing the operational role of civilian oversight mechanisms. The incident spurred further reforms on pre-trial detention and the treatment of suspects in police custody.

Furthermore, Legal aid reforms have also had tangible impact in the criminal justice system. Under the Legal Aid Commission Act (Legal Aid Commission Act, 2018), access

to representation has expanded significantly (Legal Aid Commission Ghana, 2021). For instance, in *The Republic v. Asiedu* (1967), a mentally impaired individual charged with assault was granted legal representation through the Commission. The Court's decision to consider the defendant's mental capacity and refer the matter to a medical board was a landmark demonstration of Ghana's progressive criminal jurisprudence and attention to vulnerable defendants.

Ghana's Alternative Dispute Resolution (ADR) framework has also yielded practical results, particularly in family and land disputes, which are commonly resolved outside of court. The *Case of Abena Oppong v. Kwaku Yeboah* (2019), involving a protracted land boundary dispute, was resolved through Court-annexed mediation under Ghana's ADR governed by the ADR Act (Alternative Dispute Resolution Act, 2010) sparing the parties years of litigation and reducing the court's caseload. This outcome aligns with the judiciary's vision of integrating customary justice with formal legal systems to promote timely and culturally acceptable resolutions.

Unlike Nigeria, Ghana's reform agenda has benefitted from consistent political will, donor support, and judicial leadership committed to institutional modernization. The success of the e-Justice Project, an initiative that digitized court records and case management reflects Ghana's integrated reform approach and its ability to bridge policy and implementation. Empirical studies reveal that the e-Justice system has reduced delays, enhanced transparency and improved public confidence in judicial institutions (Addadzi-Koom & Bediako, 2019).

Although, Nigeria has taken bold legal steps through the ACJA and the Police Act 2020, but the fragmented Federal structure and institutional reluctance continue to undermine reform outcomes. In contrast, Ghana's unitary governance, structured oversight and investment in non-custodial and restorative justice have enabled more systemic and uniform implementation of reforms. The use of landmark trials, ADR and legal aid delivery reflects a justice system increasingly attuned to both efficiency and equity.

Remarkably, both Countries have introduced progressive reforms to modernize their criminal justice systems; the disparity in their effectiveness is bleak. Nigeria's ACJA has great potential on paper but continues to struggle with uneven implementation, institutional inertia, and limited resources. Conversely, Ghana's unified legal framework, sustained commitment to non-custodial justice, integration of ADR and legal aid have produced more tangible improvements in justice delivery, particularly for marginalized groups. These outcomes highlight the crucial role of governance structures, institutional coherence and public accountability in determining the success of justice sector reforms.

CHALLENGES IN THE CRIMINAL JUSTICE SYSTEMS OF NIGERIA AND GHANA

From the research, it was noticed that despite substantial legislative and institutional reforms, the criminal justice systems in Nigeria and Ghana continue to face significant systemic and operational challenges that compromise the realization of fair, timely and equitable justice. Many of these challenges are shared across both Countries, while others are Country-specific, rooted in the unique structural, political and institutional frameworks of each Nation.

One of the most pervasive issues affecting both Nigeria and Ghana is prolonged pre-trial detention, which constitutes a serious violation of the right to a fair and timely trial. In both Countries, a significant percentage of inmates are awaiting trial, sometimes for years, due to delays in investigation, prosecution and Court scheduling. This is exacerbated by the persistent problem of Court congestion, where the limited number of judges and magistrates is insufficient to handle the growing caseloads. The situation is particularly acute in Nigeria, where some judges are reported to be handling up to 200 cases simultaneously, resulting in systemic delays and weakened judicial outcomes (National Judicial Council, 2023).

In Nigeria, for example, over 70% of the prison population consists of individuals awaiting trial. The case of *Joseph Odoh v. Attorney General of the Federation* (2018), illustrates the consequences of this systemic delay. Odoh was detained for six years without trial for a minor theft charge, and the case only gained attention after human rights NGO intervened. The Federal High Court ruled that the prolonged detention violated his right to a fair hearing under Section 36 of the 1999 Constitution (Constitution of the Federal Republic of Nigeria, 1999, s. 36) and awarded damages, but only after years of psychological and social harm had been inflicted.

Closely linked to this is the issue of Court congestion and chronic trial delays. Both Nigerian and Ghanaian Courts often operate with limited judicial personnel and inadequate courtroom infrastructure. In Nigeria, a single judge may be responsible for hundreds of active files, particularly in urban jurisdictions. The impact of these delays is evident in the notorious case of *Federal Republic of Nigeria v. Dariye* (2018) in which former Plateau State Governor Joshua Dariye was prosecuted for embezzlement and money laundering involving ₦1.6 billion. The trial lasted over a decade, showcasing how slow adjudication hampers deterrence and erodes public trust in the legal system.

Funding deficits is another major challenge that further aggravates the justice system in both Countries. Courts in both Countries often operate without well equipped infrastructure and essential tools such as functional recording devices, digitized records, or even adequate legal texts. In rural areas, courtrooms may be

shared with administrative offices, while police stations lack holding facilities that meet basic human rights standards. This infrastructural decay has a direct effect on the administration of justice, as evidenced by the suspension of proceedings in the *State v. Musa Aliyu* case in Kano State High Court (2022), the trial was adjourned repeatedly due to the absence of electricity needed to record the defendant's statement as required by the ACJA. The presiding Judge noted that under-resourcing continued to "*cripple the procedural aspirations*" of modern reforms.

Corruption remains a persistent and corrosive issue within both the judiciary and police forces. A 2024 report by the United Nations Office on Drugs and Crime (UNODC) (National Bureau of Statistics & United Nations Office on Drugs and Crime, 2024) revealed that in Nigeria, one in four people who interacted with the criminal justice system paid bribe to expedite service or avoid unlawful detention. The *Lucky Igbinedion* case (2008), though ended in plea bargain and asset recovery, sparked public outrage due to the perceived leniency of the sentence relative to the scale of the embezzlement. Critics argued that such deals, while procedurally legal under Section 270 of the ACJA, often erode public faith in justice because accountability seems watered down for those that are politically connected.

Nigeria also faces challenges specific to its Federal structure. The requirement for States to individually domesticate the ACJA has resulted in a patchwork of criminal justice systems, with wide variation in procedural standards. In States like Rivers and Kebbi, implementation remains partial or non-existent, undermining the harmonizing intent of the Act.

Also, institutional resistance within the police force exacerbated by lack of awareness and training has led to widespread non-compliance to the ACJA across the 36 States. Officers frequently default to old habits, including illegal detention, custodial torture, and the demand for bribes. Human rights abuses by law enforcement agencies remain a critical concern particularly in Nigeria. This was most dramatically brought to public consciousness during the #EndSARS protests, 2020, which were catalysed by a video that went viral showing members of the now defunct Special Anti Robbery Squad (SARS) officers beating and shooting a young man in Delta State. Following this, the 2020 #EndSARS protests brought global attention to the brutality and impunity of the Special Anti-Robbery Squad (SARS). Numerous victims testified before Judicial Panels of Inquiry established in States like Lagos and Oyo (National Human Rights Commission & Enough Is Enough Nigeria, 2023). One widely publicized case involved *Chijioko Iloanya*, who disappeared after being arrested by SARS in 2012 (Oduah, 2021). Despite sustained advocacy from his family, no meaningful investigation or prosecution has occurred. This highlights the impunity entrenched within the system. Though the Police Act introduced accountability measures such as internal complaint units and oversight mechanisms enforcement (Police Act, 2020, ss. 131–133), this has

remained sporadic and largely ineffective. The Nigerian government responded with the disbandment of SARS and the promise of police reform, but critics argue that systemic abuse has continued under other tactical units.

Ghana, while benefiting from a more centralized system, is not immune to serious challenges. Although the 2015 judicial corruption scandal exposed by journalist Anas Aremeyaw Anas led to the dismissal of over 20 judges and spurred a wave of judicial reforms (Daily Guide Network, 2016). It also laid bare deep vulnerabilities within Ghana's judiciary. The case of *The Republic v. Justice Paul Uuter Dery* (2016) became a defining moment in the saga, as the implicated judge sued the journalist and the judicial service in an attempt to suppress the evidence against him.

While the court eventually allowed the disciplinary proceedings to go forward, the case emphasized the difficulty of prosecuting misconduct even in systems considered relatively less corrupt (Columbia Global Freedom of Expression, n.d.).

Legal aid provision in Ghana remains uneven, particularly in rural areas. In the *Republic v. Adjoa Tetteh* (2000), the defendant, a single mother charged with assault, went unrepresented for nearly six months, despite being entitled to legal aid under the Act (Legal Aid Commission Act, 2018). The judge criticized the Legal Aid Commission for failing to meet its statutory obligations but noted that budgetary constraints and staff shortages severely hampered their ability to respond to the growing demand for services in underserved communities (KUC Law Students' Union, n.d.).

Ghana's ambitious promotion of restorative justice has also faced challenges. Many citizens still view community service or mediation as soft or incomplete justice, limiting the acceptability of such measures. This was evident in the *Mensah v. the Republic* case (1976), where the use of ADR to settle a violent altercation was rejected by the victim's family, who perceived the process as an injustice. The courts continue to balance these community expectations with reformist principles, underscoring the need for broader civic education on the benefits of restorative justice. Although, while both Nigeria and Ghana have made tangible efforts to reform their justice systems, their effectiveness continues to be thwarted by longstanding and complex challenges

Tabulated Format Showing Challenges Faced By the Criminal Justice Systems of Nigeria and Ghana

Table 3: Summary of the challenges faced by the criminal justice systems of Nigeria and Ghana (National Bureau of Statistics & United Nations Office on Drugs and Crime, 2024; National Judicial Council, 2023; Owusu et al., 2022)

Challenge	Nigeria	Ghana
Prolonged Pre-	Significant delays in trial due to	Significant delays in trial,

trial Detention	investigation and court scheduling issues	though less severe than Nigeria
Court Congestion	Limited number of judges handling overwhelming caseloads, leading to delays	Similar issues with court congestion, especially in urban areas like Accra
Underfunding of Justice Sector	Insufficient funding affects court operations, infrastructure, and digital reforms	Underfunding in rural areas affects court operations and resources
Infrastructural Deficits	Courts lack basic amenities such as electricity and recording equipment	Courts, especially in rural areas, face similar infrastructural deficits
Low Public Awareness of Legal Rights	Many citizens unaware of their legal rights and remedies	Lack of awareness, especially in rural areas, limits access to justice
Corruption	Widespread corruption in police and judiciary, including bribery and manipulation of cases	Corruption exists, particularly in the judiciary, though less widespread than in Nigeria
Fragmented Legal Implementation	Federal system causes inconsistent application of laws like ACJA across States	Centralized system ensures more uniform implementation
Human Rights Abuses	Ongoing police brutality, extrajudicial killings, and arbitrary detention, particularly exposed by #EndSARS protests	Less prevalent, but misconduct and bribery issues have emerged in lower courts
Uneven Resource Allocation	Resource allocation is skewed, particularly affecting rural and underserved areas	Legal aid and resources are unevenly distributed, with rural areas at a disadvantage
Public Understanding of Restorative Justice	Limited understanding of non-custodial sentencing options like mediation and community service	Public understanding of restorative justice remains limited, often equating justice with incarceration
Judiciary Misconduct	Judicial misconduct and resistance to reforms due to lack of training and inertia	Occasional misconduct and bribery, especially in lower courts with weaker oversight
Insufficient	Overburdened judges handling too	Similar issue of a limited

Number of Judges	many cases, slowing down justice delivery	number of judges relative to the population, especially in urban areas
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CROSS-BORDER COOPERATION IN CRIMINAL JUSTICE SYSTEMS

Cross-border cooperation in criminal justice systems between Nigeria and Ghana is pivotal in addressing the escalating threats posed by transnational crimes such as drug trafficking, cybercrime, arms smuggling, money laundering and human trafficking. These crimes, by their very nature, transcend national borders and require coordinated responses that surpass the jurisdictional limitations of any single State. Both Countries, as key members of regional and international organizations such as the Economic Community of West African States (ECOWAS), the West African Police Chiefs Committee (WAPCCO) and the International Criminal Police Organization (INTERPOL), have affirmed their commitment to collaborative efforts aimed at enhancing regional security, promoting judicial efficiency and tackling the complex challenges associated with cross-border criminal activities (Economic Community of West African States, 2008).

The judiciary in both Nations plays an instrumental role in facilitating cross-border legal cooperation through mechanisms such as extradition, mutual legal assistance and the enforcement of foreign judgments. In Nigeria, the Extradition Act (Extradition Act, 2004) serves as the primary legal framework governing the extradition of individuals involved in criminal conduct across National boundaries. However, the practical execution of this Act is frequently impeded by a range of procedural and political challenges. These include bureaucratic red tape that slows down the processing of extradition requests, instances of political interference that compromise judicial independence and the legal requirement of dual criminality which mandates that the offence for which extradition is sought must be classified as a crime in both Nigeria and the requesting state (Olateru-Olagbegi, 2015). Respectively and collectively, these barriers can delay or derail the administration of justice and impede the prosecution of transnational criminal networks operating across borders.

In similar vein, Ghana's extradition framework is governed by the Extradition Act which outlines the processes and requirements for handling extradition requests from other States (Extradition Act, 1960). Despite possessing a relatively structured and operational legal architecture, Ghana too grapples with obstacles that hinder effective judicial collaboration. Chief among these is the absence of mutual legal assistance treaties (MLATs) with certain jurisdictions, inconsistencies in evidentiary standards and the lack of harmonized legal definitions of criminal offences across borders. These factors are particularly problematic when dealing with emerging crimes such as

cybercrime and environmental offences, which may be classified differently in various legal systems (Aning & Pokoo, 2014).

On the operational front, law enforcement agencies in Nigeria and Ghana have undertaken meaningful steps to enhance cross-border cooperation. A notable advancement in this regard is the establishment of the West African Police Information System (WAPIS), a regional initiative spearheaded by INTERPOL and funded by the European Union. WAPIS seeks to develop a centralized, standardized criminal intelligence database accessible to law enforcement authorities across ECOWAS member States (INTERPOL, 2022). This platform is designed to support real-time sharing of critical law enforcement data, including biometric records (such as fingerprints and facial recognition), criminal histories and other pertinent intelligence. By facilitating the efficient identification, surveillance and apprehension of individuals engaged in cross-border criminal activities, WAPIS significantly enhances regional inter-operationality and intelligence-led policing (European External Action Service, 2021). However, the long-term viability and effectiveness of WAPIS depend heavily on the active and consistent participation of member States, the accuracy and timeliness of data input, and sustained investment in the system's technological and administrative infrastructure (Africa Center for Strategic Studies, 2023).

Complementing such operational measures is the ECOWAS Action Plan against Organized Crime and Terrorism (Economic Community of West African States, 2023) which articulates a holistic framework for combating transnational organized crime and terrorism in the West African sub region. The action plan emphasizes the need for harmonization of legal and institutional frameworks, enhanced training and capacity-building for both law enforcement and judicial officers and the establishment of joint investigative teams equipped to manage complex, multi-jurisdictional cases. It also advocates for improved cross-border surveillance systems, better coordination among national intelligence agencies and the creation of specialized Courts to expedite the prosecution of transnational crimes (United Nations Office on Drugs and Crime, 2023).

LESSONS AND BEST PRACTICES FOR NIGERIA AND GHANA

The following are some of the lessons learnt over the years and best practices applicable to Nigeria and Ghana;

Lack of Uniformity in Law Enforcement Structures

Nigeria's Federal structure often leads to inconsistencies in the implementation of criminal justice reforms across its 36 States. Disparities in resources, legal interpretations and institutional priorities result in uneven law enforcement and judicial outcomes. In contrast, Ghana's unitary system provides a more centralized and harmonized approach to justice administration. The Ghana Police Service operates under a nationally coordinated structure that ensures uniformity in operations, training

and oversight, which helps avoid the disjointed law enforcement practices found in Nigeria. Nigeria could adopt similar central coordination mechanisms, perhaps through the Nigeria Police Council or a reformed Police Service Commission to ensure consistent enforcement practices across states (Egunjobi, 2016).

Over-Reliance on Incarceration

Nigeria continues to struggle with excessive use of custodial sentences, contributing to overcrowded correctional facilities. The Nigerian Correctional Service Act (2019) introduced non-custodial measures, but implementation remains limited. Ghana, on the other hand, has actively promoted alternatives to incarceration, such as community service and probation, which are supported by statutory provisions in the Criminal and Other Offences (Procedure) Act (1960). This shift toward restorative justice has helped reduce prison populations and promoted rehabilitation rather than mere punishment. Nigeria could replicate these measures more broadly by empowering Magistrates and High Courts Judges to favour community-based sentences in non-violent cases, thereby decongestion and promoting social reintegration (Nnam, 2016).

Inadequate Access to Justice and Public Legal Support

Legal aid in Nigeria remains under-resourced and inaccessible to many, especially in rural areas. The Legal Aid Council of Nigeria has been criticized for having inadequate staff and poor funding, which limits its outreach. Ghana's Legal Aid Commission offers a more structured and publicly funded model that delivers legal representation and education to vulnerable groups. Ghana's commission, supported by the Legal Aid Commission Act (2018) also conducts community outreach and legal literacy programs to raise public awareness about rights and legal processes. Nigeria must strengthen its Legal Aid Council by increasing budgetary allocations, staffing and collaboration with NGOs to extend access to justice for the indigent.

Limited Technological Integration in Court Operations

Nigeria's judiciary largely operates with manual processes, causing delays, loss of records and inefficient scheduling. Although e-court systems exist in some jurisdictions like Lagos and Abuja, these are the exceptions rather than the rule. Ghana, in contrast, has made significant progress in deploying e-justice systems that allow for digital filing, case tracking and remote hearings. The Judicial Service of Ghana, supported by the E-Justice Project, has digitized several court processes, enhancing efficiency and transparency (Judicial Service of Ghana, 2022). Nigeria should prioritize scaling up its digital justice infrastructure by enacting policies that mandate technological integration and by providing funding to modernize lower Courts Nationwide.

Weak Oversight and Accountability - Mechanisms for Police and Judiciary

Police misconduct and judicial corruption continue to erode public confidence in Nigeria's criminal justice system. Independent oversight bodies such as the Police Complaints Response Unit (PCRU) and the National Judicial Council (NJC) lack sufficient enforcement power and are often reactive rather than proactive. Ghana's model includes internal and external oversight mechanisms such as the Police Intelligence and Professional Standards (PIPS) unit and periodic performance audits of Judges. However, both Countries need more robust and independent structures with legal mandates to investigate misconduct and impose sanctions without political interference (Ghana Center for Democratic Development, 2021).

Fragmented Regional Cooperation on Transnational Crime

Both Nigeria and Ghana face common threats of crimes like human trafficking, cybercrime and arms smuggling. While both countries are members of ECOWAS and West African Police Chief Committee (WAPCCO) (Daily Trust, n.d.), fragmented extradition procedures, inconsistent legal frameworks and limited mutual legal assistance mechanisms often hinder regional collaboration. For instance, inconsistencies in the implementation of the ECOWAS Convention on Mutual Assistance in Criminal Matters have led to delays in evidence sharing and joint prosecutions. Ghana's active use of INTERPOL channels and participation in regional crime data base sets an example Nigeria can follow. Both Countries must commit to standardizing extradition protocols, harmonizing criminal statutes, and investing in interoperable databases to effectively combat cross-border criminality (Economic Community of West African States, 2023).

REGIONAL COOPERATION AND HARMONIZATION

Nigeria and Ghana as ECOWAS member States and common law jurisdiction have to develop both bilateral and regional mechanisms to cooperate and harmonize their criminal justice system due to the trans-national nature of crime such as drug trafficking, cybercrime, terrorism and human trafficking. It is expedient that both countries cooperate through extradition, mutual legal assistance framework and joint policing. Ghana is actively engaged in ECOWAS initiatives aimed at legal harmonization and extradition standardization. Participation in ECOWAS's Mutual Legal Assistance Treaties (MLATs) and Regional forums bolsters Ghana's capacity to address transnational crimes collaboratively. A notable case is its cooperation with Nigeria in the arrest and extradition of cybercrime suspects in 2019 through INTERPOL West Africa that involved Nigerian traffickers in Ghana (INTERPOL, 2020).

NIGERIA: OPPORTUNITIES FOR REFORM AND REGIONAL LEADERSHIP

Nigeria's Federal structure and religious peculiarity often leads to inconsistencies in law application and enforcement across its States thereby causing bungling progress of administration of criminal justice.

Federalism and Legal Fragmentation

Learning from Ghana's centralized approach, Nigeria could benefit from improved Federal-State coordination to ensure uniform application of criminal laws and procedures. Nigeria's policing are State-based under a Federal system, often leading to inconsistent enforcement. For instance, the ban on open grazing is enforced in some Southern States but not in the Northern part of the Country (Centre for Democracy and Development–West Africa, 2022).

Prison Overcrowding and the Need for Restorative Justice

With overcrowded prisons, Nigeria would benefit from adopting restorative justice strategies, including non-custodial sentencing and ADR mechanisms, to provide alternatives to incarceration and focus on rehabilitation. More so when the Administration of Criminal Justice Act (ACJA) 2015 introduced provisions for non-custodial sentences. Although implementation has been uneven.

Access to Justice and Legal Assistance

Access to justice remains a challenge for Nigeria's economically disadvantaged populations. The Country would benefit from developing a comprehensive legal aid framework, similar to Ghana's, to ensure legal representation for all citizens regardless of socio-economic status. Projects like Open Justice Initiative in Kaduna State (Open Government Partnership, n.d.) provide digital legal resources to marginalized populations.

Judicial Digitisation and Technological Reform

Nigeria's judicial system is still largely paper-based. A shift toward digital court operations, including electronic filing systems and virtual hearings would greatly enhance judicial efficiency and case management. In this light, the Nigerian Judiciary Information Technology Policy (NJITP) was launched to drive the digitization process. Remarkably, the Supreme Court of Nigeria and Court of Appeal now support e-filing in certain jurisdictions (National Judicial Council, 2021), but many lower Courts remain analogue. During the COVID-19 lockdown, Lagos and Ogun States successfully

conducted virtual Court hearings for bail applications (Lagos State Judiciary, 2020), setting precedent for future reform

Strengthening Oversight and Public Accountability

Nigeria's mechanisms for ensuring judicial and police accountability are often weak. Establishing independent oversight bodies with clear investigative and enforcement powers could promote transparency and rebuild public trust. The Police Complaints Response Unit (CRU) established by the Nigeria Police Force received over 30,000 complaints between 2015 and 2021 (Nigeria Police Force, 2021). While it has resolved many, its lack of independent prosecutorial power limits its impact. The End SARS protests of 2020 forced the government to establish judicial panels of inquiry into police brutality (National Human Rights Commission, 2021) though implementation of recommendations has been inconsistent.

Enhancing Regional Collaboration

Nigeria plays a crucial role in West African security. However, it must deepen its involvement in Economic Community of West African States (ECOWAS) initiatives by working to harmonize legal designation, standardize extradition procedures and integrate into regional criminal intelligence database, such as the West African Police Information System (WAPIS). Nigeria is central to WAPIS which facilitates intelligence sharing (INTERPOL & Economic Community of West African States, 2022). However, challenges remain due to infrastructural and data management issues. In 2021, Nigeria signed an ECOWAS extradition treaty update (Economic Community of West African States, 2021) signaling willingness to harmonize regional law enforcement practices.

CONCLUSION

This article examined the administration of criminal justice systems in Nigeria and Ghana with a view to identifying strengths, weaknesses, and areas for reform. The analysis reveals that while both countries share a common colonial legal heritage and operate adversarial systems largely influenced by the English common law, significant divergences exist in their legislative frameworks, institutional practices, and procedural efficiencies. In Nigeria, the enactment of the Administration of Criminal Justice Act, 2015 marked a major step toward addressing delays, abuse of pre-trial detention, and inefficiencies in criminal procedure. In Ghana on the other hand, the Criminal Procedure Act, 1960 and subsequent reforms have provided a more uniform procedural framework nationwide. Ghana has also made notable progress with mechanisms such as plea bargaining, case management systems, and the establishment of specialised courts. Nevertheless, issues of prison congestion, inadequate legal aid, and delays in trial still persist. The comparative analysis shows that Ghana's relatively centralized

and uniform procedural law gives it an advantage in consistency and implementation, while Nigeria's Federal structure creates fragmentation but also room for state-level innovation as seen with the ACJA. Both countries however, face common challenges such as underfunding, over-reliance on custodial sentences, lack of implementation and lack of well trained judicial personnel. Effective administration of criminal justice in both Nigeria and Ghana requires more than good laws on paper. It demands political will, adequate resources, institutional independence, and a shift toward victim-centered and restorative approaches. Lessons from both countries provide valuable insights for the other in the pursuit of a faster, fairer, and more humane criminal justice system.

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