

NIALS POLICY

Bulletin

Volume 14



MacArthur
Foundation

The Nigerian Institute of Advanced Legal Studies (NIALS) is Nigeria's apex institution for research and advanced studies in Law. NIALS' statutory mandate extends to the conduct of research into any branch of law with a view to applying the results in the interest of Nigeria. NIALS also provides information, supervision and guidance to Postgraduate students and researchers in law and related subjects.

This publication is one of the outputs under the NIALS' *Supporting the Effective Implementation of and Compliance with the Administration of Criminal Justice Act/Law in Nigeria (MacArthur 2.0)* Project, supported by John D and Catherine T. MacArthur Foundation



CONTACT

Supreme Court of Nigeria Complex,
Three Arms Zone, Abuja.
University of Lagos Campus Akoka,
Yaba Lagos-Nigeria

Tel: 08100363602
Website: <http://www.nials.edu.ng/>
Email: info@nials.edu.ng

Facebook: nials nials
twitter handle: nials.org

TOWARDS EFFECTIVE PROSECUTION OF **HUMAN TRAFFICKING** AND **MARITIME** OFFENCES UNDER THE ACJA 2015





TOWARDS EFFECTIVE PROSECUTION OF HUMAN TRAFFICKING AND MARITIME OFFENCES UNDER THE ACJA 2015

**VOL. 14
AUGUST 2022**

Published by the

**Nigerian Institute of Advanced Legal Studies (NIALS)
With support from
The John D and Catherine T. MacArthur Foundation**

© 2020, Nigerian Institute of Advanced Legal Studies

All rights reserved worldwide

Requests to reproduce excerpts should be addressed to the Nigerian Institute of Advanced Legal Studies, Supreme Court Complex, Three Arms Zone, Abuja

E-mail: *info@nials.edu.ng*

Tel: 08100363602, 07066638844

ISSN: 2756-6331

The Article in this Policy Bulletin was written Adejoke Adediran	Review Board of the NIALS Policy Bulletin Vol. 14
	Prof. M.T Ladan, PhD
	Professor Ameze Guobadia
	Prof Emmanuel Okon, PhD
	Ass. Prof. Irekpitan Okukpon, PhD
	Habila Arzard, PhD
Quality Assurance/ Formatting NIALS Policy Bulletin Vol. 14	
Ass. Prof. Osatohanmwun Eruaga, PhD	
Adeniyi Adeola	
Ajayi Samson	

About the Project

The Project on *Supporting the Implementation of the Administration of Criminal Justice Act (2015) and ACJLs (MacArthur 2.0)* aims to deepen understanding of the Federal Act and the respective state counterparts and improve the management of criminal proceedings, including the prosecution of anti-corruption cases in Nigeria. Through workshops, review of bulletins and digests, the Project offers a common framework for providing practical tools for relevant stakeholders. It enhances nationwide familiarity with the legal instrument, ensuring expediency in and modernising the criminal justice system.

The John D and Catherin T. MacArthur Foundation supports the Project as part of the Foundation's *On Nigeria Grant Program*.

TABLE OF CONTENTS

1. BACKGROUND	1
<i>1.1. Human Trafficking</i>	
<i>1.2. Maritime Offences</i>	
2. RELEVANT AND INNOVATIVE PROVISIONS IN THE ACJA FOR PROSECUTION OF HUMAN TRAFFICKING AND MARITIME OFFENCES	3
<i>2.1. Sentencing</i>	
<i>2.2. Private Prosecution.</i>	
<i>2.3. Witness and Victim Protection</i>	
<i>2.4. Trial of Corporate Entities</i>	
<i>2.5. Central Criminal Records Registry</i>	
<i>2.6. Electronic Taking of Evidence</i>	
<i>2.7. Cases in Nigeria where the Concerned Provisions have been relied on and the Resultant Effect</i>	
3. PROSECUTION OF HUMAN TRAFFICKING IN SOUTH AFRICA AND NAMIBIA AND PROSECUTION OF MARITIME OFFENCES IN GHANA: A COMPARISON WITH INNOVATIONS AND RELEVANT PROVISIONS UNDER THE ACJA	6
<i>3.1. South Africa and Namibia- Human Trafficking</i>	
<i>3.2. Ghana-Maritime Offences</i>	
4. CONCERNS IN THE APPLICATION OF RELEVANT PROVISIONS UNDER ACJA	11
5. RECOMMENDATIONS	12
6. CONCLUSION	13

TOWARDS EFFECTIVE PROSECUTION OF HUMAN TRAFFICKING AND MARITIME OFFENCES UNDER THE ACJA 2015

1. BACKGROUND

1.1. Human Trafficking

Human trafficking as an illegal trade of people for exploitation or commercial gain is an industry generating about \$150 billion globally.¹ Nigeria is a country of origin, transit and destination for victims of human trafficking. While an international approach is needed to curb human trafficking of a transnational nature, each country has an obligation to prevent, investigate and prosecute the offences amounting to human trafficking. Nigeria enacted the Trafficking in Persons (Prohibition) Law Enforcement and Administration Act 2003 (TIPLEAA 2003) as the primary substantive legislation criminalising human trafficking in Nigeria. The TIPLEAA 2003 was amended in 2005 and finally repealed and replaced by the Trafficking in Persons (Prohibition) Enforcement and Administration Act 2015 (TIPEAA 2015).

The US Department of State (USDOS), which monitors and determines a country's level of compliance with minimum standards for eliminating the trafficking of person, in its 2021 report, stated that Nigeria does not fully meet the minimum standards for the elimination of trafficking but is making significant efforts to do so.² Nigeria was thereby upgraded to Tier 2. The report stated that federal and state authorities investigated 409 cases, prosecuted 49 suspects, and convicted 36 traffickers under the TIPEAA 2015 in 2020. 23 traffickers were sentenced to average terms of imprisonment of three and half years with no option of paying fines, 13 traffickers were sentenced to terms of imprisonment or fines, and 2 traffickers were ordered to pay restitution of 100,000 naira (\$260) and 300,000 naira (\$780). A problem with prosecution of trafficking cases is that courts sometimes sentence traffickers to fines or offer them the option of paying

a fine instead of serving time. This can be seen in the 2020 report, where 13 convictions involved the fine option. Meanwhile, the TIPEAA 2015 has done away with sentencing convicted traffickers to pay fines in lieu of imprisonment. In the previous year, 2019, 203 cases were fully investigated by NAPTIP, the number of cases prosecuted was not available but convictions were secured in 18 cases and 24 traffickers were convicted.

1.2. Maritime Offences

According to the Suppression of Piracy and other Maritime Offences Act 2019 (SPOMO Act), Maritime offences include armed robbery at sea and any act other than piracy, as piracy is separately covered in the Act. However, the scope of this discussion extends to the prosecution of all unlawful acts against the safety of maritime navigation as provided by the SPOMO Act, thereby covering piracy and other unlawful acts in that regard. The SPOMO Act is Nigeria's first legislation criminalising piracy and other maritime offences. Before the Act's enactment, maritime offences were prosecuted under other laws such as the Firearms Act. According to the International Chamber of Commerce-International Maritime Bureau (Piracy Reporting Centre), Nigeria had the highest number of pirate attacks in the world in 2020. It is noted that only a few prosecutions occurred before the SPOMO Act, and one prosecution has been done after the enactment of the SPOMO Act in which a conviction was made.

This bulletin examines relevant provisions and innovations under the Administration of Criminal Justice Act 2015 (ACJA) which can enhance the prosecution of human trafficking and maritime offences.

2. RELEVANT AND INNOVATIVE PROVISIONS IN THE ACJA FOR PROSECUTION OF HUMAN TRAFFICKING AND MARITIME OFFENCES

2.1 Sentencing

Part 40 of the ACJA deals with sentencing and gives the court judicial discretion in sentencing. Section 416(1) provides that “On conviction, a court may sentence the convict to a term of imprisonment as prescribed by the law”. The provision appears to allow judicial discretion on whether to sentence the convict to the term of imprisonment prescribed in the law creating the offence. Nevertheless, there are considerations to be made by the judge in the exercise of judicial discretion. Section 416(2) states the factors that the court will consider in exercising its discretion of sentencing which includes the objectives of criminal punishment provided in section 401. Also, a trial judge's discretion during sentencing operates only when the statute provides a statutory maximum in sentencing. It has been held that “when a statute provides a statutory minimum for an offence, a trial Judge is not permitted to impose a sentence below the statutory minimum.” (*Ayomitan v. State*)³

A problem identified by the USDOS 2021 report regarding prosecution of human trafficking in Nigeria is the imposition of light penalties and imposition of fines in place of imprisonment. It has been noted that Nigerian courts continue to penalise traffickers with fines alone or offer the option to pay a fine instead of serving time.⁴ In 2020, out of the 23 convictions secured, an option of payment of fine was given in 13 convictions regardless of the fact that payment of fines in lieu of imprisonment for some trafficking offences⁵ has been removed from the TIPEAA 2015. The 2021 USDOS report recommended the imposition of sufficiently stringent sentences involving imprisonment for the offence of trafficking of persons. The sentencing provisions under the ACJA particularly

section 401, is instructive as regards judicial discretion considering the aim of deterrence which the TIPEAA 2015 wants to achieve.

2.2 Private Prosecution

Section 109(e) of the ACJA allows for the prosecution of criminal cases by private prosecutors in the High Court. The section provides that criminal proceedings may be instituted in the High Court by information or charge filed by a private prosecutor subject to the provisions of the Act. Section 383 lists the conditions to be complied with for the information by a private legal practitioner to be received. By section 381(c), a private person can also institute criminal proceedings under the authorisation of the Attorney-General of the Federation. It has been noted that corruption at all levels of government undermines accountability for human trafficking offences in Nigeria. Also, the USDOS 2021 report revealed that the Civilian Joint Task Force (CJTF), a non-governmental self-defence militia receiving state government funding, used two children aged between 15 and 17 to assist at a checkpoint in Borno State in 2020. However, the federal and state governments did not report investigating or prosecuting CJTF members on such allegations of child soldiering recruitment or use. It has further been noted that convictions of high-ranking individuals within Nigerian trafficking networks are virtually non-existent. The 2021 USDOS report thus recommended that there should be independent criminal investigations into alleged trafficking abuses among security officials and CJTF members in northeast Nigeria. The effect of section 109 is that private prosecution will allow for independent criminal investigations, thereby leading to more effective prosecution of human trafficking offences

2.3. Witness and Victim Protection

Section 232 (1) and (4)(d) of the ACJA allows for the trial of human trafficking and related offences in camera. The section provides that the court may decide not to try the offence in the open court. The ACJA by this provision, offers protection to victims of human trafficking and or witnesses during trial as the

name and identity of the victims or witnesses shall not be disclosed in any record or report of the proceedings. Where the court deems it necessary to protect the identity of the victim or a witness, it may take any or all of the following measures: (a) receive evidence by video link; (b) permit the witness to be screened or masked, and (c) receive a written deposition of expert evidence. Protection of victims of human trafficking enhances prosecution by enabling victims to come forth with testimony and evidence that will help in prosecuting human traffickers. This also aligns with the recommendation of the USDOS that authorities of Nigeria must take a victim-centred approach in the prosecution of offenders.

Section 319 of the ACJA also allows the court to order a defendant to pay compensation to any person injured by the offence, irrespective of any other fine or other punishment that may be imposed or that is imposed on the defendant. This provision aligns with section 65 of the TIPEAA 2015, which provides for the defendant's right to compensation or restitution of the victims of human trafficking. Section 67(4) of the TIPEAA 2015 established a Victims of Trafficking Trust Fund, which shall be used to pay compensation, restitution and damages to trafficked persons; and to fund victim support services for survivors of trafficking.

2.4. Trial of Corporate Entities

Part 47 of the ACJA deals with the trial of corporations registered in Nigeria. Section 478 of the ACJA provides that a corporation can take its plea to a criminal charge or information orally or in writing through its representative. Section 484 goes further to state that the provisions of the Act shall apply to a corporation as they apply to an adult. The ACJA removed the difficulties encountered in the trial of corporate entities as the Act in section 478 allows the trial of a corporation in a representative capacity. This provision makes it possible to effectively prosecute human trafficking offences committed by a corporate body under sections 22 and 31 of the TIPEAA 2015 dealing with

forced labour and offences by a body corporate, respectively. Part 47 of the ACJA also facilitates prosecution of corporate bodies that commit maritime offences under section 12(3) of the SPOMO Act.

2.5. Central Criminal Records Registry

Section 16(1) of the ACJA makes provision for the establishment, within the Nigeria Police, a Central Criminal Records Registry. By section 16(2), a Criminal Records Registry is also to be established at every state police command, which shall keep and transmit all such records to the Central Criminal Records Registry. Section 16(3) provides that all decisions of the court in all criminal trials are to be transmitted by the Chief Registrar of the courts to the Central Criminal Records Registry within thirty days of delivery of judgment. This provision is to ensure that all arrests and judgments are well documented. With the provision, information on persons convicted for both human trafficking and maritime offences across the country will be well documented. This will allow for easy identification in subsequent proceedings.

In addition, the Central Records registry can enhance coordination among law enforcement agencies empowered to make arrests under the TIPEAA 2015 for human trafficking and the SPOMO Act for maritime offences. For instance, in relation to human trafficking, it is reported that poor coordination between NAPTIP and other government agencies has in the past impeded prosecution efforts. The lack of coordination manifested when mandates overlapped, and a lack of a centralised database linking relevant law enforcement agencies was cited as a reason for this. Even though the Central Criminal Records Registry, as provided for by the ACJA, is basically for the identification of arrested and convicted persons, it will still enhance coordination in the area of arrests, thereby leading to more effective prosecution of human trafficking cases.

2.6. Electronic Taking of Evidence

Section 362 of the ACJA provides for electronic taking of evidence. Subsection (1) of the section allows the evidence of a technical, professional or expert witness to be taken by electronic recording device in certain exceptional circumstances where the evidence would ordinarily not be contentious. This provision particularly enhances the prosecution of maritime offences, which can be transnational and may involve experts in different countries.

2.7. Cases in Nigeria where the Concerned Provision(s) have been relied on and the Resultant Effect of such Reliance

The judicial discretion provided for in section 416 of the ACJA was applied in *FRN v Frank Abaka & ors.*⁶ The defendants were convicted for piracy and conspiracy under the SPOMO Act, and the penalty under section 12 of the Act is life imprisonment and a fine of not more than 50 million naira in addition to restitution to the owner or forfeiture to the Federal Government whatever the person has obtained or gained from the commission of the crime. The Court sentenced each defendant to 12 years imprisonment and imposed a fine of 1 million naira on each defendant. The court considered that the defendants were not shown to have any criminal record and were thus first offenders who must not be visited with the maximum punishment. The Court of Appeal prior to the Abaka's case has dealt with the issue of judicial discretion in imposing sentences under section 416. In *Ayomitan v. State*,⁷ Court held that where a mandatory sentence is imposed, the Courts have no jurisdiction to impose anything less than the mandatory sentence, as no discretion exists that could be exercised in the matter. The sentence must be pronounced as provided without any reservation or sentiment, the Court is duty bound to perform its role within the ambit of the law.⁸ Another instance where the court dealt with judicial discretion in sentencing was *Abiodun v FRN*⁹. The court held that the law regarding sentencing is a matter within the discretion of the trial court provided the discretion is exercised judicially and judiciously within the law.

The court applied the provisions on protection of witnesses during trial under section 232 of the ACJA in *Sambo Dasuki v. FRN*¹⁰. The Trial court in the case allowed prosecution witnesses to give evidence behind the screen and the judgment was subsequently upheld in appeal by the Court of Appeal. In *FRN v Nnamdi Kanu*,¹¹ although the court did not grant the request of the prosecution for its witnesses to wear masks, the court permitted the prosecution witnesses to be put in a room not accessible to the public to testify however they would be visible to the defendants and their counsel.

3. PROSECUTION OF HUMAN TRAFFICKING IN SOUTH AFRICA AND NAMIBIA AND PROSECUTION OF MARITIME OFFENCES IN GHANA: A COMPARISON WITH INNOVATIONS AND RELEVANT PROVISIONS UNDER THE ACJA

3.1. South Africa and Namibia – Human Trafficking

These two counties are selected for this purpose because South Africa is also on the same level (Tier 2) with Nigeria as regards compliance with the minimum standards for tackling human trafficking.¹² Comparing the regime of prosecution of human trafficking in South Africa with that under the ACJA will project efforts made in another jurisdiction and help to determine the efficacy of ACJA innovations on same. Namibia on the other hand was upgraded to Tier 1 in 2020 having fully met the minimum standards for the elimination of human trafficking.¹³ Namibia is the only country in Africa to achieve Tier 1 till date, joining 34 nations globally. Juxtaposing the legal regime of prosecution of human trafficking in Namibia with the innovations or relevant provisions in the ACJA in relation to same will be instructive for needed reforms.

3.1.1. South Africa

The South Africa Criminal Procedure Act 51 of 1977 (as amended) (CPA) in sections 2 to 19 allows for private prosecution. This has however not impacted adequately on criminal investigations into human trafficking cases. The USDOS 2021 report reveals the presence of corruption and official complicity in human

trafficking noting that the government did not take action in most reported cases. It was also reported that law enforcement agencies did not investigate some reported trafficking cases, even when they had the resources and cooperative survivors to help build cases. The provision for private prosecution has thus not had any significant effect on investigations in this regard especially as it is noted that successful private prosecution is very rare in South Africa. This has been attributed to substantial legal impediments.¹⁴

The sentencing regime in South Africa gives judicial discretion to the court when considering penalties. The Criminal Procedure Act in section 275(1) lists the penalties that a court may prescribe during sentencing. These include imprisonment, fines, committal to any institution established by law etc. Nevertheless, by subsection 2 of the section, the discretion allowed is subject to the penalty clauses appearing in other statutes. This is to the effect that if a statute refers only to imprisonment for an offence, courts cannot impose a fine in lieu of punishment as penalty for the offence established by that statute. This was so held in *S v Pretorius*¹⁵. The issue however with the prosecution of human trafficking in South Africa is that the substantive law criminalising trafficking, that is, the Prevention and Combating of Trafficking in Persons Act 7 of 2013 in section 13, offers an option of a fine in lieu of imprisonment. This is a reason for one of the recommendations by the USDOS that South Africa must impose stringent imprisonment penalties only for human trafficking.

The CPA provides for the prosecution of corporations and members of associations. Section 332(1) imputes to the corporate body any acts or omissions of a director or servant in the exercise of their powers or in the performance of their duties to further the interests of that corporate body. Section 332(2) further provides for trial in representative capacity, just as in the ACJA. The subsection states that “in any prosecution against a corporate body, a director or servant of that corporate body shall be cited as representative of that corporate body, as the offender, and thereupon the person so cited may as

such representative, be dealt with as if he were the person accused of having committed the offence in question.” Section 332 of the CPA was described by the Constitutional Court in *S v Coetzee & Others*¹⁶ as a “comprehensive set of provisions designated to facilitate the criminal prosecution of corporations, their directors and servants and members of associations”.¹⁷

3.1.2. Namibia

The Criminal Procedure Act of 1977 (CPA) of Namibia in section 7 provides for private prosecution but there is no evidence of this impacting on independent criminal investigations into human trafficking by government officials. According to the USDOS 2021 report, the government did not report any investigations, prosecutions, or convictions of government employees complicit in human trafficking offences. Even though it was alleged that an off-duty immigration official threatened officials screening for trafficking indicators in the Hosea Kutako International Airport.

The CPA provides for judicial discretion in the imposition of sentences. Section 283 of the CPA is to the effect that courts have discretion as to the punishment to be imposed, except where a minimum penalty is prescribed by the law creating the offence or prescribing a specific penalty. The penalty for human trafficking in section 3 of the Combating of Trafficking in Persons Act 1 of 2018 is a combination of both imprisonment and fines. So, it can be deduced that the courts have the discretion to either prescribe a fine or imprisonment. In the year 2020, the courts imposed fines and imprisonment on persons convicted of trafficking. Despite this, The USDOS still reported an effective prosecution of offenders.

The Criminal Procedure Act in section 332 provides for the prosecution of corporations and members of associations. By section 332 (2), any acts or omissions of a director or servant in the exercise of their powers or in the performance of their duties to further the interests of that corporate body are

deemed to have been by the corporate body. The Act in section 356(3) also provides for trial in a representative capacity similar to the provisions of the ACJA. Also, section 185(1) of the CPA [as amended by Act 13 of 2010] provides witness protection.

3.2. Ghana – Maritime Offences

It is noteworthy that Nigeria is the only country in the Gulf of Guinea that has enacted a stand-alone Anti-piracy Act. Other countries rely on their general criminal law including recent amendments for prosecution of piracy and maritime offences. Ghana is selected in this discourse because similar to Nigeria, several attacks have also taken place there, and the country ranked next to Nigeria in the number of actual attacks in the Gulf of Guinea in 2018. Gaps have been identified as impeding prosecution of maritime offences in Ghana, and legal reforms suggested for the Criminal Procedure Code include “defining mode of trial rather than a jury trial, having specialised maritime court, and revising sentencing regime for foreigners to capture post-judgment matters.”¹⁸ The Criminal Procedure Code of Ghana does not make provisions for virtual hearings of criminal cases or electronic taking of evidence from experts or witnesses. Legal reform is also required to consider strengthening the administration of justice by facilitating virtual hearing of criminal cases.¹⁹

4. CONCERNS IN THE APPLICATION OF RELEVANT PROVISIONS UNDER ACJA

As regards human trafficking, a consideration of the significant provisions of the ACJA in the prosecution of human trafficking vis-à-vis the effect of the provisions in Namibia shows that those innovations can make for effective prosecution if implemented appropriately. The innovative provisions under the ACJA are quite similar to those under the Criminal Procedure Act of Namibia, and Namibia is assessed to have complied with the minimum standards for eliminating the trafficking of persons. Notwithstanding, the imposition of fines in

lieu of imprisonment contrary to the penalty prescribed in the substantive law has proved to be a setback in the prosecution of human trafficking in Nigeria.

With regard to maritime offences, only one case has been prosecuted under the SPOMO Act which has led to a conviction. It may thus still be early to determine the effect of the provisions relevant to prosecuting maritime offences under the ACJA.

5. RECOMMENDATIONS

- 5.1. Judicial discretion when sentencing persons convicted for human trafficking should be exercised within the ambit of the substantive law creating the offence, that is, the TIPEAA 2015. Adequate consideration should be given to section 401 of the ACJA in relation to deterrence as envisaged under the TIPEAA 2015. So, fines should not be prescribed for offences when imprisonment is prescribed explicitly for those offences under the TIPEAA 2015.
- 5.2. There is a need for continued sensitisation of relevant law enforcement agencies and prosecutors on prosecuting maritime offences under the ACJA. With the enactment of the SPOMO Act in 2019, there is expected to be an increase in maritime prosecutions and capacity building on relevant provisions of the ACJA will lead to effective prosecution.
- 5.3. Prosecution of human trafficking cases should be explored more by private legal practitioners, particularly human rights groups. This will prevent the stalling of investigations by bottlenecks in relevant law enforcement agencies and facilitate independent investigations into the complicity of security officials, thereby contributing to the effective prosecution of human trafficking.

6. CONCLUSION

The ACJA contains provisions that address current and envisaged challenges with prosecuting human trafficking and maritime offences in Nigeria. While some of the challenges may have to do with the substantive laws, a lack of procedural coordination hinders effective prosecution. Compared with other jurisdictions, the relevant ACJA provisions, such as provisions on the trial of corporate entities, can aid effective prosecution. Regarding human trafficking, Namibia is currently the only African country that has sufficiently met the minimum standards for eliminating human trafficking in terms of prosecution, among others. Remarkably, the relevant provisions of the ACJA are similar to corresponding provisions in the CPA of Namibia. This means that the provisions of the ACJA can enable effective prosecution if well implemented.

With regard to maritime offences, Nigeria is a step ahead of other countries in the Gulf of Guinea, having enacted the SPOMO Act. The ACJA also contains provisions that can effectively prosecute maritime offences if well implemented. As cited in the bulletin, the provision of electronic recording of evidence is crucial to the trial of maritime crimes with a transnational nature where experts or witnesses may be located in other countries.

- 1 Human Rights First, 'How to Dismantle the Business of Human Trafficking' (July 2015) 1
<https://www.humanrightsfirst.org/sites/default/files/HRF-Anti-Trafficking-Blueprint-final.pdf>
accessed 22 August 2021
- 2 US Department of State, 2021 Trafficking in Persons Report: Nigeria - United States Department
of State accessed 23 August 2021
- 3 *Ayomitan v. State* (2018) LPELR-45700(CA) Per Owoade, J.C.A. (Pp. 48-49, Paras. C-A).
- 4 Accountability Hub, Labour Exploitation: Nigeria Human Trafficking, forced labour & slavery
corporate accountability database (accountabilityhub.org) accessed 22 August 2021
- 5 Sections 14(b), 15 (b), 16, , 17(1)(b), 18, 19, 20(1)(b),2(b), 20(3) , 21, 22(b), 23(b), 24, 25(d),
26, 58 TIPEAA 2015
- 6 FHC/L/170C/2020
- 7 (2018) LPELR-45700(CA)
- 8 Per UWA, J.C.A. (Pp. 39-48, Paras. A-B).
- 9 (2019) LPELR-CA/L/1125C/2018
- 10 (2018) LPELR 43969 C.A
- 11 (2016) Federal High Court, Charge No. FHC/ABJ/CR/383/2015
- 12 US Department of State, 2021 Trafficking in Persons Report: South Africa South Africa - United
States Department of State accessed 22 August 2021
- 13 US Department of State, 2021 Trafficking in Persons Report: Namibia - United States
Department of State accessed 22 August 2021
- 14 Kees Thompson, "South Africa Exhibits the Pitfalls of Private Prosecutions for Corruption"
November 5, 2018. The Global Anti-Corruption Blog South Africa Exhibits the Pitfalls of Private
Prosecutions for Corruption | GAB | The Global Anticorruption Blog accessed 25 August 2021
- 15 (1980) 4 SA 568 (T) at 571D.
- 16 1997 (3) SA 527 CC (Coetzee) 332
- 17 Section 538 A and B.
- 18 UNODC, '3-day simulated trial on oil tanker attack helps reinforce maritime legislation in Ghana
to combat piracy' 7 November 2020 2020-11-07 Maritime piracy mock trial Ghana (unodc.org)
accessed 25 August 2021
- 19 *Ibid.*