

PROTECTING THE RIGHTS OF THE ACCUSED UNDER THE MILITARY JUSTICE SYSTEM IN NIGERIA: AN APPRAISAL

Written by *Dr Emmanuel Ugwu*

FSS MSS psc BA (1st Class Hons) MIRSS LL.B (Hons) LL.M Ph.D. Law Lecturer, Philomath University Abuja, Adjunct Lecturer, Defense Institute of International Legal Studies (DIILS) Rhode Island, USA

ABSTRACT

Military justice appears esoteric to so many people who even wonder whether there is justice in military trials. The long military rule in Nigeria during which military trials witnessed a lot of impunity did not help matters. Military Law is not offered as a main course in legal studies in Nigeria, which has made it even more distant to the people. It is in view of the misunderstanding of whether there is justice in military trials and whether those who undergo such trials have rights and if those rights are protected, that this article was crafted to appraise the rights of accused persons in the military justice system in Nigeria. Doctrinal and teleological research methods were used in the work. Doctrinal through consulting primary and secondary legal authorities and teleological from the experience of the author from military legal practice for several years. The work found that though there are provisions made for the protection of the rights of the accused, there are still gaps in the implementation. As a way out of the problem, the work recommends that negative command influence should be eliminated and that military law should be taught in Nigerian universities.

INTRODUCTION

The military has the principal task of protecting the territorial integrity of the nation among other tasks. The Nigerian military is created by virtue of Section 217 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 (as amended) to defend Nigeria from external aggression, maintain its territorial integrity from violation on land, sea or air. It is also to suppress insurrection and act in aid of civil authority. These functions ensure the survival of the nation as can be seen vividly in the fight against terrorism and insurgency in Nigeria today. The fact that the members of this profession pay the supreme prize when the need arises, in order to ensure that there is peace in the country and move when ordered to move, even in the face of extreme danger, make some people wonder if the rights of an accused person in the military are protected. Some people even wonder if there is anything like military justice. The need to clear this doubt gave birth to this topic.

This feeling is strengthened by the fact that military personnel have special laws that guide them aside from other civil laws that equally guide them. The Armed Forces Act, (AFA) CAP A20 Laws of the Federation of Nigeria (LFN) 2004, regulates the conduct of military personnel both in and out of uniform. There is no doubt that in military profession that there are limitations to some of the freedoms enjoyed in other professions. Some prominent leaders and writers do not assuage the feeling of those who believe that accused persons in the military may not have rights. In the words of Charles De Gaule, the former President of France,

There is no human right in the profession of arms. Men who adopt the profession of arms submit of their own free will to a law of perpetual constraint of their own accord. They reject the right to live where they choose, to say what they think, to dress as they like from the moment they become soldiers, it needs but an order to settle them in this place, to move them to that place, to separate them from their families and to dislocate their normal lives. On the word of command, they must rise, march, endure bad weather, go without sleep or food, be isolated in some distant post, and work till they drop. They have ceased to be masters of their fate. If they drop in their tracks, if their ashes are scattered to the winds, that is all part and parcel of their job.ⁱ

Even the Black's Law Dictionary uses the word 'punitive' in defining military justice, almost keying into the presumption of those who doubt that there is 'justice' in the military. It defines it "as a structure of punitive measures designed to foster order, morale and discipline within the military".ⁱⁱ The military justice system in the real sense of it encompasses all matters relating to the arrest and detention of suspects and powers thereof, investigation of crimes, summary trial, court martial trials and post-trial actions. There are basically two types of trials in the military justice system in Nigeria, namely; summary trial and court martial trial. An accused person in a military justice system is a person, subject to military law, who has breached any provision of the AFA or any other law and is brought before his commanding officer for summary trial or before a court martial for trial. It is necessary to state that contrary to the belief of some people who do not know about military justice system and have not been associated with the military in any way, 'the accused military personnel have rights and his rights are protected.' The problem that brought about this research is that so many people do not know about military justice and do not know whether an accused person has rights in military trials and whether those rights are protected if indeed such rights exist. Though the laws adequately provide for the protection of the rights of the accused in military justice system in Nigeria, there are gaps in the implementation in practice. This work will therefore explore ways of improving the system to ensure that the laws are adequately applied to properly guarantee the protection of the rights of the accused. The work will also shine some light on the perceived esoteric nature of military law.

In doing this, the work will discuss summary trial, the rights of the accused and how they are protected, court martial trial, the rights of the accused and how they are protected and then the appraisal of the protection of the rights of the accused in military justice system in Nigeria. The work will further give some examples of where those rights were observed and breached and recommend ways to improve the system.

SUMMARY TRIAL, RIGHTS OF THE ACCUSED AND HOW THEY ARE PROTECTED

Summary trial in the military is the type of trial wherein the accused is tried by the commanding officer alone standing in, as a judge in a conventional court, after all the pre-trial procedure.

The pre-trial procedure includes investigation when an allegation is made against a service personnel and drafting the charge if the investigation reveals a prima facie case against such personnel. The accused personnel is marched into the office of the commanding officer by the Regimental Sergeant Major, (RSM) if he or she is another rank or by an officer who is senior to him or her if the accused is an officer. Usually, the trial takes a short period with witnesses on both sides testifying after the accused takes his plea and ends the same day with the commanding officer pronouncing whether the accused is guilty or not. The commanding officer also pronounces the punishment immediately where the accused person is found guilty and the punishment takes effect immediately as there is no requirement for confirmation.

The powers of command of all the commanders in the Nigerian Armed Forces to summarily try an officer or a soldier are contained in Sections 115 and 116 of the AFA. It is not all the offences in the AFA that are triable summarily. Section 124 (6) of AFA specifies the offences that cannot be tried summarily. They include Section 45 AFA; aiding the enemy, Section 46; communication with the enemy and Section 47; cowardly behavior among others. However, there are some offences which are not included in Section 124 (6) of AFA among offences that cannot be tried summarily but in the real sense, they cannot be tried summarily because of the nature of the offence and the punishment it carries for instance, murder, Section 106 of AFA. The offences that cannot be tried summarily are tried by court martial.

THE RIGHTS OF THE ACCUSED IN A MILITARY SUMMARY TRIAL

The rights of an accused person in a military summary in Nigeria trial include the following:

- a. Right to fair hearing. In any trial in Nigeria, the right to fair hearing is paramount, whether in the civil or military. The Supreme Court of Nigeria held, with regard to fair hearing in the case of *Orugbo v Una*ⁱⁱⁱ that: “fair hearing lies in the procedure followed in the determination of the case and not in the correctness of the decision. Where a court arrives at a correct decision in breach of the principle, an appellate court will throw out the correct decision in favour of the breach of fair hearing.”^{iv} This right is guaranteed by Section 36 of the Constitution of the Federal Republic of Nigeria (CFRN) 1999 as amended. The following are some other specifications of rights to fair hearing of the accused in a summary trial:

- i. Right to be informed of the crime the accused person committed. A copy of the charge sheet and summary or abstract of evidence shall be given to the accused at least 24 hours before the trial;^v
 - ii. The accused shall be asked before the trial, if he would dispense with the attendance of witnesses whose evidence are contained in the summary or abstract of evidence and if he is so willing, he should signify in writing;^{vi}
 - iii. A commanding officer shall not try cases to which he is likely to be a witness, to avoid the allegation of bias;
 - iv. The accused is allowed to bring his own witnesses and cross examine the witnesses who testified against him.^{vii}
- b. Right of election of officers, warrant and petty officers to be tried by court martial.^{viii}

How the Rights are Protected:

There are several ways through which the rights of an accused person are protected in a summary trial. Some of the means of ensuring that the rights are protected are:

- Personnel convicted and sentenced summarily, have the right to petition against the finding or award or both to the authority not later than one month after the finding or award was made.^{ix}
- The Legal Department of every Division of the Nigerian Army reviews summary trials that are conducted in the Divisions and units and formations within its area of responsibility. When the rules are not followed in any trial, the awards from such trials are usually quashed by the General Officer Commanding (GOC) on the recommendation of the Deputy Director, Legal Services of the Division following a petition by the service personnel tried. The Service Chief performs the role of quashing the award and sentence wherein the formation is directly under his command.

There have been some instances where commanding officers breached these rules in summary trials which are meant for minor offences that usually attract minor punishments like extra duties and reduction in rank for soldiers. In some cases, there are dismissals of soldiers of junior ranks but when the rules are breached, such victims seek administrative redress or sue the

military at the National Industrial Court of Nigeria. The Nigerian Army in order to enhance the administration of military justice and the observance of rule of law generally has deployed legal officers down to brigade levels and human rights officers in all divisions of the Nigerian Army.

COURT MARTIAL TRIAL, THE RIGHTS OF THE ACCUSED AND HOW THEY ARE PROTECTED

A court martial is an ad-hoc military court, convened under the authority of an officer so authorized by virtue of the AFA^x, to try erring personnel of the Armed Forces. The court martial is created by the CFRN 1999 as amended^{xi}. The CFRN in that Section allowed for ‘such other courts as may be authorized by law to exercise jurisdiction on matters with respect to which the National Assembly may make laws.’ Court martial falls under ‘such other courts’ because the AFA is a law enacted by the National Assembly and the court has been vested with jurisdiction to try criminal matters under the Act. Court martial is equivalent of high court in Nigeria as appeals from decisions of court martial lie to the Court of Appeal.^{xii}

There are two types of courts martial, namely; general court martial^{xiii} and special court martial^{xiv}. While a general court martial consists of a President and not less than four members, a waiting member, a liaison officer and a judge advocate, a special court martial consists of a President and not less than two members, a waiting member, a liaison officer and a judge advocate. A special court-martial shall have the powers of a general court martial, except that, where the court martial consists of only two members, it shall not impose a sentence that exceeds imprisonment for a term of one year or of death.^{xv} All offences in the Armed Forces Act are triable in a court martial.

The rights of the Accused:

The following are the rights of the accused in a court martial:

- a. The right to fair hearing is a very important right as earlier observed. The accused is to be served with his charge sheet and summary of evidence as soon as practicable and in any case not less than 24 hours before the trial.^{xvi}
- b. The right to defend himself in person or by a counsel of his choice.^{xvii} Where he cannot afford a counsel, the military will provide him one.^{xviii}

- c. Right to object to any member of the court martial or a waiting member before they are sworn in.^{xix}
- d. Right to the presumption of innocence.^{xx}
- e. Right to examine in person or by his legal practitioners, the witnesses called by the prosecution.^{xxi}
- f. Right to an interpreter if he cannot understand the language used at the trial of the offence.^{xxii}
- g. Right to the record of proceedings of the trial at the conclusion of the trial.^{xxiii}
Note that unlike the constitutional provision of making the record available within seven days of the conclusion of the case, a court martial judgment is not a judgment until confirmed by the confirming authority.^{xxiv} In addition, the AFA makes provision for 60 days for the compilation of record of proceedings.^{xxv}
- h. Right to be tried for an offence once.^{xxvi}
- i. Right not to be tried for an offence that has been condoned.^{xxvii}
- j. Right not to be tried for an offence not defined and the penalty not prescribed in a written law.^{xxviii}

HOW THE RIGHTS OF THE ACCUSED ARE PROTECTED IN A COURT MARTIAL

Just like in civil courts, these rights are meant to be observed and where the court martial fails to observe any of them, there are remedies. The rules of evidence observed in civil courts are the same rules observed in a court martial. AFA provides that "...the rules as to evidence to be observed in proceedings before a court-martial shall be the same as those observed in criminal courts in Nigeria..."^{xxix} The same Evidence Act 2011, used in civil courts is used in courts martial. The President, members, waiting member and Judge Advocate of the court martial swear to an oath or affirm before the commencement of proceedings as a way of ensuring that the rules of evidence and all other prescribed rules in trials are followed.^{xxx}

Some other ways of protecting the rights of the accused include the fact that courts-martial sit in open court.^{xxxi} There is however an exception to the rule of the court sitting in open, where

it is expedient, in the interest of defence and interest of security that the court should not sit in the open.^{xxxii} The accused is authorized to petition against the findings and sentences of courts martial before^{xxxiii} and after^{xxxiv} confirmation of the judgment of the court martial. Equally, the record of proceedings of a court martial is reviewed by the Directorate of Legal Services of the arm of the Armed Forces that conducted the trial before the confirmation.^{xxxv} Such review is sent to the confirming authority to guide its decision while confirming the judgment of the court martial. It recommends the upholding or quashing of the decision of the court martial or reduction of the sentence awarded as the case may be. In order to ensure fair hearing even at this level, “no person who has acted as a member, judge advocate, trial counsel, defence counsel, investigating officer in the case may later review the same case.”^{xxxvi} Note that discharge and acquittal of an accused in a court martial do not require confirmation.^{xxxvii} In addition to safeguards discussed above, convicted service personnel can challenge the decisions of courts martial, up to the Supreme Court. This is therefore another major way of protecting the rights of the accused in military justice system. Where courts martial fail to do what they ought to do, the appellate courts come to the rescue.

APPRAISAL OF THE PROTECTION OF THE RIGHTS OF THE ACCUSED IN MILITARY JUSTICE SYSTEM IN NIGERIA

It is necessary at this stage to look at practical situations where superior courts have made pronouncements on the Nigerian military justice system. The military has made efforts to observe these rights but the efforts have not yielded adequate results as majority of the court martial judgments are overturned at appellate courts in Nigeria due largely to non-observance of these rights. The work will first highlight where the Nigerian Armed Forces got it right before looking at where it did not get it right before drawing lessons for the future.

- a. **Representation:** The CFRN 1999^{xxxviii} as amended provides that every person who is charged with a criminal offence shall be entitled to the right to defend himself in person or by legal practitioners of his choice. Courts martial in Nigeria have had several lawyers of repute who defended accused Service personnel. In the case of *Nigerian Navy v Rear Admiral Bob Manuel*, held at Navy Dockyard Lagos in 2005, Chief Bayo Ojo Senior Advocate of Nigeria (SAN), the then Nigerian Bar Association

President defended the accused senior officer at the trial. A well-known Human Rights activist, Mr Femi Falana (SAN) has defended several cases at courts martial including the case of *Nigerian Army v Sgt Oliver Akwara and 27 Ors*, who were tried by a Court Martial that sat in Akure on a case of mutiny in 2008 and also the case of *Nigerian Army v Cpl Jasper Braidolor and 11 Others*, equally charged with mutiny and tried by a court martial that sat in Abuja in 2014, just to mention a few. Where accused persons could not afford a counsel, the military provides for such personnel with a counsel, *pro bono*. The counsel to the accused in courts martial are barristers and solicitors of the Supreme Court of Nigeria like the military or civil lawyers that prosecute the matters. These defence lawyers have every right of a legal practitioner to protect the rights of the accused military personnel that they represent at courts martial.

b. **Observance of Fair Hearing:** Courts martial have also been found to have respected the rights of the accused in some trials. In the case of *Cpl Andrew Ogelekwu and 53 others v The Nigerian Army*,^{xxxix} the Court of Appeal which delivered its judgment on 6 December 2017 upheld the judgment of the court martial. The appellants who were tried at Army Headquarters Garrison, Abuja by a GCM in December 2014 were found guilty of mutiny and awarded death sentence which was commuted to ten years imprisonment. One of the grounds of appeal was that the appellants were not given fair hearing by the court martial. The Court of Appeal held per Paul Obi Elechi (JCA) that: “in the instant appeal, the President and the Judge Advocate at the trial general court martial had the jurisdiction to try the appellants. Their right to fair hearing on the two-count charge were amply supported by evidence in the record of proceedings.”^{xl} In addition, the Supreme Court overturned the judgment of the Court of Appeal and affirmed the judgment of the court martial in the case of *Nigerian Army v Lt Patrick Dodo*.^{xli} The appellant contended that the inclusion of a military police officer as the judge advocate of the court martial that tried Lt Dodo deprived the court of jurisdiction. Lt Dodo who was the respondent at the Supreme Court averred that the Judge Advocate was a military Police Officer who is precluded from being a member of the court martial by virtue of Rule 23 footnote 1 (f) of Rules of Procedure (Army) 1972. It excludes members of Provost Staff from being members of courts martial. This would have ordinarily deprived the accused of fair hearing. The Supreme Court therefore held that “the court below definitely misconstrued the provisions of Sections

129 (a) and 134 (2) (of AFA) supra.^{xliii}” Section 129 (a) mentioned a judge advocate as one of those that form court martial while Section 134 (2) states that anyone who participated in the investigation of a case cannot be a judge advocate in a court martial trying such a case. In a court martial, the judge advocate is not a member but a legal adviser to the court. The Judge Advocate does not vote and in line with Section 139 (7) AFA, he is not to be present during deliberation on finding and sentence.^{xliiii} Equally, in the case of *Surgeon Capt CT Olowu v The Nigerian Navy* the SC upheld the judgment of the court martial, stating that the Appellant’s right to fair hearing was not breached by the trial court martial.^{xliv} In the case of *Major Bello Magaji v Nigerian Army* the Supreme Court upheld the judgment of the Court of Appeal and that of the court martial. It held thus:

The facts of the case in this appeal do not support the invocation of the principle of fair hearing in favour of the appellant because I do not see where the appellant’s right to fair hearing was violated or contravened...I do not see the slightest merit in this appeal. I dismiss it and affirm the conviction and sentence of the GCM.^{xlv}

c. **Jurisdiction:** Appellate courts have equally found the military to have complied with requirements for jurisdiction in some cases. For instance, in the case of *Wing Cdr James v Nigerian Air Force*^{xlvi} the Supreme Court overturned the judgment of the Court of Appeal and affirmed the judgment of the court martial, holding that “the authority to convene a court martial can be delegated.”

There have been situations where the Nigerian military did not get it right. Below are some examples.

a. **Fair Hearing:** In the case of *Nigerian Army v Col Umar Mohammed*,^{xlvii} the Supreme Court, affirmed the decision of the Court of Appeal by overturning the judgment of the court martial in the matter principally on grounds of fair hearing. The respondent was arraigned before a GCM on eight count charges of conduct to the prejudice of service discipline, offences in relation to service and public property and extortion. He was found guilty on six count charges and sentenced to a total of nine years imprisonment to run concurrently.^{xlviii} The main contention was that the president of the General Court Martial (GCM) made disparaging statements

that made it obvious that the respondent was not given fair trial and was sure to be convicted. Belgore, J.S.C as he then was, held:

The President of the General Court Martial no doubt went to town virtually finding the respondent guilty before the end of the trial. Several documents received in evidence ought not to have been admitted in view of Evidence Act S.92. The respondent never had a fair trial and the judgment amounts to miscarriage of justice. Court of Appeal was perfectly right to allow the appellant's appeal. It is true court martial is a military court, it is however always bound by rules of evidence and manifestation of fair trial. The respondent was virtually not allowed fair trial. I find no reason to disturb the judgment of the court of appeal.^{xlix}

In the case of *Lt Yahaya Yakubu v Chief of Naval Staff*^d the problem of the President of the court martial descending into the arena, thereby breaching the principle of fair hearing was one of the reasons why the Court of Appeal overturned the decision of the court martial. The Court held that the trial court actually descended into the arena and breached the principles of fair hearing.^{li} It should however be noted more of the cases where there was serious breach of fair hearing were during the military regime and that democracy brought about some improvement in this aspect though there is still room for improvement.

b. **Jurisdiction:** Appellate courts overturned the judgement of some court martial cases based on the fact that the court lacked jurisdiction to hear such cases. For instance, in the case of *Bakoshi v The Nigerian Navy*,^{lii} the Court of Appeal overturned the judgment of the court martial due to the fact that the court members were not sworn. In the case of *Aminun Kano v The Nigerian Army*^{liii}, the Supreme Court overturned the judgment of the court martial due to the fact that the charges for which he was tried were previously condoned, among other reasons. In the case of *Rear Admiral Agbiti v Nigerian Navy* the Supreme Court of Nigeria overturned the judgement of the court martial that dismissed the appellant, six years after the judgment was delivered, on account of lack of jurisdiction. The court martial had two members of the court that were junior in seniority to the accused, contrary to the provisions of AFA.^{liv} The President of the court martial did not also invoke the provisions of AFA^{lv} to justify the inclusion of officers who were

juniors to the accused. In upturning the judgment of the court martial, the Supreme Court did not exonerate the appellant from the crime but had to decide the way it did, based on lack of jurisdiction of the court martial.

The research found that most of the breaches of the rights of the accused were informed by the court martial members not adhering to the legal advice of the judge advocate which could be as a result of negative command influence. This happens when the court martial members feel that such an accused person has to be convicted probably to satisfy the feelings of the convening authority.

CONCLUSION

The Nigerian military justice system draws its strength from the CFRN 1999 as amended and the AFA. The Evidence Act 2011 which is applicable in civil courts equally applies in courts martial. The military justice system is mainly made up of summary trial and court martial trial. In each of the trials, there are legal provisions for the protection of the accused. The summary trial is usually the fastest means of disposing minor disciplinary cases and the punishments awarded when an accused is found guilty is usually less than what is obtainable in courts martial. Even in such summary trials, the accused has a right to redress if he feels that his right was not respected. Courts martial take a longer process and whoever is convicted has a right to proceed on appeal up to the Supreme Court if he or she is not satisfied with the outcome of the court martial trial. Extant laws made adequate provisions for the protection of the rights of the accused in military justice system but the laws are not always strictly applied the way it should be, hence there is the need to ensure the strict application of the law. Non adherence to the advice of judge advocate in courts martial is one of the major loopholes that cause the breach of the right of the accused in military justice system in Nigeria. The problem is equally seen as an offshoot of negative command influence which needs to be done away with. The awareness about military law among the populace is low and it needs to be improved in order to remove the esoteric nature of the discipline and to afford the public the opportunity to comment on military trials. In addition to the actions of the appellate courts, this will help in checking future breaches.

RECOMMENDATIONS

In view of the findings, this article recommends the following:

- a. Military commanders, court martial presidents and members at all levels should adhere strictly to the provisions of the Constitution of the Federal Republic of Nigeria 1999 as amended and that of the Armed Forces Act in all trials.
- b. Military commanders at all levels should endeavour to consult their legal advisers before conducting any trial and eschew command influence.
- c. Nigerian universities should offer military law as a course in Public Law Department, especially at first degree level.

REFERENCES

1. Armed Forces Act, CAP A20 Laws of the Federation of Nigeria 2004.
2. Constitution of the Federal Republic of Nigeria 1999 as amended.
3. Evidence Act 2011.
4. Rules of Procedure Army (1972).

ENDNOTES

-
- ⁱ De Gaule, C.A.J.M. *The Edge of the Sword*. Faber and Faber, Paris, 1960. p.54.
 - ⁱⁱ Garner, B.A. (2004) *Black's Law Dictionary*, Ninth Edition, Dallas, West Publishing Company. p.1083.
 - ⁱⁱⁱ(2002) 12 MJSC 14.
 - ^{iv} Ibid.
 - ^v Rule 25 (d) Rules of Procedure Army, 1972.
 - ^{vi} Schedule to the Rules of Procedure 1972.
 - ^{vii} Rule 8, Rules of Procedure Army 1972.
 - ^{viii} Section 117 AFA CAP A20 LFN 2004.
 - ^{ix} Section 147(2) of AFA.
 - ^x Ibid. Section 131.
 - ^{xi} Section 6 (5) (j) Constitution of the Federal Republic of Nigeria 1999 as amended.
 - ^{xii} Section 183 AFA.
 - ^{xiii} Ibid. Section 129 (a).
 - ^{xiv} Ibid. Section 129 (b).
 - ^{xv} Ibid. Section 130 (3).
 - ^{xvi} Rule 25 (d) Rules of Procedure Army, 1972
 - ^{xvii} Section 36 (6) (c) CFRN 1999.
 - ^{xviii} Rule 25 (b) Rules of Procedure Army, 1972.

- xix Section 137 AFA LFN 2004.
- xx Section 36 (5) CFRN 1999.
- xxi Ibid. Section 36 (6) (d).
- xxii Ibid. Section 36 (6) (e).
- xxiii Ibid. Section 36 (7).
- xxiv Section 148 (3) AFA LFN 2004.
- xxv Ibid. Section 148 (1)
- xxvi Section 36 (9) CFRN 1999, Section 171 (1) (a) and (b) AFA CAP A20 LFN 2004.
- xxvii Section 171 (c) AFA CAP A20 LFN 2004. See also *Aminun Kano v The Nigerian Army* (2010) 1 MJSC Pt 1, 151.
- xxviii Section 36 (12) CFRN 1999 as amended.
- xxix Section 143 AFA CAP A 20 LFN 2004.
- xxx Section 138 AFA CAP A20 LFN 2004.
- xxxi Section 139 (1) AFA CAP A20 LFN 2004
- xxxii Ibid. Section 139 (2).
- xxxiii Ibid. Section 149 (1).
- xxxiv Ibid. Section 154.
- xxxv Ibid. Section 149 (3).
- xxxvi Ibid.
- xxxvii Ibid. Section 141.
- xxxviii Section 36 (6) (c) CFRN 1999 as amended.
- xxxix Appeal No: CA/A/9C/M/2017
- xl Ibid at page 51.
- xli SC.290/2009 delivered on 8 June 2012.
- xlii Ibid at page 13.
- xliii Section 139 (7) AFA CAP A20 LFN 2004.
- xliv (2011) 18 NWLR Pt 1279, 659.
- xlvi (2008) 8 NWLR Pt 1089, 338.
- xlvii (2002) 18 NWLR Pt 798.
- xlviii (2002) 15 NWLR Pt. 789, 42.
- xlviii Ibid.p.43.
- xlix Ibid.
- ¹ (2004) 1 NWLR Pt 853, 94.
- li Ibid.
- lii (2004) 15 NWLR Pt 896, 268 274.
- liii (2010) 1MJSC Pt 1 151
- liv Section 133 (3) (b) Armed Forces Act CAP A20 Laws of the Federation of Nigeria 2004.
- lv Ibid. Section 133 (7)