ROLE OF THE LAWYER IN STOPPING IMPUNITY FOR GOVERNMENT OFFICE CORRUPTION, DISMANTLING KLEPTOCRACY AND PROMOTING GENUINE DEMOCRATIC GOVERNANCE[1]

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INTRODUCTION

Today, Nigeria is a constitutional democracy by virtue of S.1 of the constitution of the Federal Republic of Nigeria 1999. It is inherent in the provision of S.1 and other parts of the constitution that the rule of law is essential for the existence of the constitutional democracy prescribed therein. It is axiomatic that the two identifying characters of constitutional democratic governance are the observance of the limits of governmental powers by those who hold offices in government and the actual use of governmental power and the country's resources solely for the welfare and prosperity of the people as prescribed by our constitution and other laws. The second character derives from the fundamental principle of democracy that the sovereignty of a country resides in the people from whom all organs of government derive their authority and in whose name and for whose welfare and prosperity the powers of the government are to be exercised in accordance with the constitution and other laws. When holders of offices in government refuse to recognise the limits imposed by the constitution and other laws on governmental powers and refuse to use the resources of the state for the common good and well- being of the people and rather convert with impunity the state resources as their personal wealth using the instrumentality of the office they hold, a constitutional democratic governance, although prescribed in and established by the constitution and other laws, cannot be said to exist in practice.

The inability of the constitution and other laws to effectively make government office holders account for their theft of state resources using their office creates impunity. If this impunity persists over a considerable length of time and becomes pervasive a kleptocracy begins to develop. When the theft of state resources become the

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main pre-occupation of government office holders generally and becomes widespread and generally accepted in all levels, departments and arms of government as the accepted governance norm or practice, a kleptocracy emerges and exists in practice, even though democratic governance is prescribed in the constitution and other laws. Government becomes an instrument in the hands of those occupying offices in it to plunder and share state resources amongst themselves in complete disregard of the common good and wellbeing of the people. Kleptocracy, which is government by thieves, is the very antithesis of democratic governance. It is clear from the foregoing that submission of government, its institutions and officers and every other person to the rule of law is necessary for the existence of democratic governance.

By 29th May, 2015, the plunder and looting of government funds which had persisted for decades had become so pervasive and brazenly reckless on an unprecedented scale with total impunity. Any pretentions of constitutional democratic governance had become abandoned and replaced with a full blown kleptocracy. The common good and welfare of the citizenry was completely ignored. The security of lives and properties of persons was disregarded and even deliberately undermined. The national security and territorial sovereignty of Nigeria as a country was deliberately undermined in various ways, one of which has just been revealed as the diversion, stealing and sharing of 2.1 billion dollars meant to purchase more arms to prosecute the country's war against Boko Haram by the then National Security Adviser of the country, Nigeria Armed Forces chiefs, other government office holders, members and chieftains of the then ruling political party and other leading elites.

The consequences of this state of affairs were, the establishment of corruption and corrupt practices in public and corporate governance as an approved practice, the unrestrained and brazen looting of government monies by government office holders, the collapse of social security, infrastructures and services, dysfunctional bureaucracy, geometrically increasing mass unemployment, weakening of the national security, the almost complete inability of the Federal government to protect the national and territorial sovereignty and security of Nigeria, and the security of individual human lives and properties, the more frequent recurrence of mass killings of whole communities of persons in intertribal disputes, crimes against humanity perpetrated in the guise of religious riots, political and electoral violence, the rise and entrenchment of ethnic

militias, the emergence and transformation of Boko Haram from a political support group of a leading politician into what has been arguably described as the most dangerous terrorist organisation in the world, the persisting mass killings of people, kidnap of children and women and mass destruction of properties by the Boko Haram sect with impunity with resulting large scale humanitarian crisis, the temporary occupation of parts of North Eastern Nigeria and the declaration of a separate State over such occupied Nigerian territory by the Boko Haram sect. The Nigerian State structure had become so weakened and dysfunctional that concerns and doubts were raised internally and externally about the continued existence of Nigeria if there was no change of the existing state of affairs.

President Muhammadu Buhari and APC were voted on 29th May 2015 by Nigerians to form the Federal Government of Nigeria on the basis of their promise to bring about the much-needed change. Against this background of the peoples' high expectation for change, this federal government has preoccupied itself with removing the culture of impunity by strict and efficient enforcement of law, stopping the routine and brazen looting of public funds and recovery of stolen state funds and return of same to the Federal Government, removing the Boko haram threat to the national security and securing the territorial integrity of Nigeria, strengthening the security of lives and properties of persons.

After about 9 months in office, using the law to fight impunity and corruption, President Buhari, Vice President Osibanjo and the Chairman of the Economic and Financial Crimes Commission have made certain observations highlighted (immediately following). These observations in essence allege that while the society trusted in and relied on the legal profession to effectively and efficiently apply the law to save it from the pervading impunity and kleptocracy, the legal profession is rather working with and for the perpetrators and beneficiaries of the impunity and kleptocracy to frustrate the new government's fight against impunity and corruption by applying the law in a manner that frustrates criminal legal processes initiated by competent law enforcement agencies against persons reasonably suspected of stealing public funds and other acts of corruption.

These assertions against the Judiciary and the Learned Senior Advocates of Nigeria, in spite of their lack of particulars and vagueness would disrepute the Judiciary, Learned Senior Advocates and the legal profession as a whole, and reduce public confidence in the ability of the judiciary and the legal profession to strictly, effectively and efficiently apply the law to stop impunity and corruption and help dismantle the kleptocracy we had cultivated.

While we as members of the legal profession express our displeasure and disagreement with the assertions, we should regard them as an awakening to the need for us to appraise the role we should play in these extraordinary times and soberly consider why and how Nigeria descended into a full blown kleptocracy with absolute impunity while we performed our fundamental traditional roles of bearers and guardians of the law. It has become necessary for us to ask ourselves the role we have played and should now play in the application of anti-corruption laws, so as to enthrone fully the rule of law and genuine democratic governance solely for the benefit and welfare of the generality of the people. I think that we should also review and reconsider how we resolve conflicts between democratic values in all criminal cases, particularly those that directly destroy the common wellbeing of the people or the security of the country, such as corruption and theft of public funds by government office holders so as not to defeat public expectation of legitimate law enforcement and public interest and build impunity for such crimes.

So much has been said and written on the role judges and lawyers have played and should play in the application of law to preserve the rule of law, to transform and develop our country through positive social, economic and political changes and safeguard democratic governance and a democratic society. I had spoken in the Law week ceremony of these two branches of the NBA, then as Ogoja Branch of NBA on the Role of the Legal Profession in the development of society in 2010. I had also spoken to Enugu Branch of NBA during their 2014 Law Week on the "the Court as the last hope of the common man in Nigeria: A myth or reality."

The general public and now even the executive arm of the Federal Government have continued to question how we discharge our role in applying the law because they had absolute belief in the law as their protection against the tendencies that are now

depriving them of their wellbeing, dehumanising them and even threatening the existence of their country. They have waited for the law to respond to these tendencies by putting them in check, stopping them completely or controlling them. They have watched helplessly the inability of law to effectively respond to these tendencies and have watched the tendencies continue unabated and escalated into the conditions we found ourselves in May 2015 and thereafter. Apart from our peculiar experience that have made this discourse again relevant and timely, generally, across jurisdictions, the role of lawyers and Judges in the promotion of the rule of law, democratic governance and the application of law to ensure the general well-being of the society and its members; and the transformation and development of society has continued to generate public interest and inquiry due to the fundamental importance of law to the existence and well-being of a society, its function as an instrument for the positive social, economic and political transformation of the society and the fact that the society depends on the Judges and Lawyers to interpret and apply the law to realize its importance and functions in the society. This dependence is justified. The legal education of lawyers endows them with the peculiar sensitivities, skills and techniques of application of law for the well-being of the society.

Fred C. Zacharias, Herzog Endowed Research professor, University of San Diego School of Law correctly restated that lawyers are the mechanics of the legal system. They drive and help fine-tune the engine, knowing that if it is not in working condition, it will not reach its destination. Lawyers are specially trained in the legal system's goals and have the greatest expertise about its operation"[3].

The Judiciary has the leading, dominant and overriding role of administering the Constitution and other laws because it is the exclusive owner of the judicial powers of the Country and States by virtue of S.6 (1) and (2) of the 1999 Constitution which includes the power to interpret the law and determine the legality and legitimacy of the exercise of powers by other law enforcement bodies, organs, institutions and officers of government, as well as the actions and omissions of individual persons and private

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[3] **The lawyer's Role in a contemporary Democracy, promoting social change and political values, True confessions About the Role of lawyers in a Democracy. (Fordharm Law reviewed 1979 Volume 77, issue 4, Article 16, P. 1604)**

bodies. The lawyers invoke the exercise of judicial powers to enforce the Constitution and the law in the cases they conduct in the courts. The lawyers who are specially trained to comprehend the importance of the rule of law have the exclusive license and privilege to practice law. The society expects that they will function as advocates of the rule of law.

It is the performance of our roles as judges, prosecutors and private legal practitioners in criminal cases involving corruption by government officials and in other high profile financial crimes that is now the subject of intense public interest and scrutiny in the light of the existing near total impunity for corruption, corrupt practices and large scale stealing of public funds and the resulting full blown kleptocracy, the difficulties President Muhammadu Buhari led government is facing in using the law to clear the thick fog of impunity, dismantle the kleptocracy, recover stolen public funds and prosecute persons reasonably suspected to have engaged in acts of corruption and corrupt practices and stealing of public funds while holding public office and persons reasonably suspected to have committed serious financial crimes, the glaring facts that up to 29th May 2015 the prosecution of cases of massive looting of government funds in scandalously monstrous proportions and cases of serious financial crimes have remained frustrated without any meaningful results and the glaring facts that the due criminal law process remained unable to provide the needed deterrence to the commission of these crimes and therefore failed to stem the high tide of corruption with impunity.

I will now consider how the lawyer should perform his role as a prosecutor, a defence lawyer and as a judge in criminal cases involving corruption, corrupt practices and theft of public funds by government officials while holding offices in government and other financial crimes.

THE LAWYER AS A PROSECUTOR

Let me start with the role of the lawyer as a prosecutor.

His duties include –

1. to prosecute and not persecute,

2. to give honest, objective and legally sound pre-trial opinion to investigating officers and ensure that the pre-trial criminal processes are fair and produce facts that disclose a good case against the accused.
3. to ensure that only cases with facts that show that there is prima facie a triable case are brought to court.
4. to be well equipped with good knowledge of all laws relating to the case and good research, writing and criminal pleading skills.
5. to diligently and painstakingly prepare the charge and other processes to commence the criminal case.
6. To be diligent, honest, dispassionate, zealous and fair in the prosecution of the case.
7. To assist the court in doing substantial justice in the case
8. To prevent the trial from being frustrated by any abuse of court process and the dilatory tactics of the defence
9. to pursue and be committed to an expeditious trial of the case
10. To ensure that the public expectation of legitimate law enforcement is not defeated.
11. To scrupulously adhere to the Rules of Professional Conduct in the Legal Profession.
12. Not to compromise or undermine the efficient prosecution of the case.

Experience has shown that many prosecuting lawyers do not have good knowledge of criminal law and practice, have poor criminal pleading skills and are not equipped to prosecute such serious crimes. The result is that many of the charges and information filed by them are ambiguous, duplicitous and have many other defects. The defence on many occasions have cashed in on these inadequacies to strike out many cases for incompetence. When the cases go for trial, many prosecuting counsel are lethargic, not zealously committed to an expeditious trial of the case and can hardly assist the court in arriving at the justice of the case. In some cases, the prosecuting counsel deliberately compromises the diligent prosecution of the case, creating loopholes in his case to the advantage of the defence.

Defence advocates in this kind of cases are usually private legal practitioners. As defence counsel he must bear in mind that as a member of the legal profession, he has a threefold duty to his client, the court and the society at large.

As his client's counsel in a criminal case, he has a duty to zealously assert his client's position, using his best endeavour to explore all lawful defences available to his client on the available facts. The scope of this duty to his client does not include:

(i) Saving or rescuing his client from the law.
(ii) Devising all kinds of tactics to kill the case, including the filing of suits to change aspects of the pre-trial criminal process to disrupt and frustrate the pre-trial process and pre-empt the ensuing trial process.
(iii) Exploiting the rules of court meant to facilitate the expeditious disposal of the case, to delay and frustrate the trial of the case.
(iv) Engaging in fabrication of facts and advising his client to lie.
(v) Securing the discharge and acquittal of his client by all means and at all costs.
(vi) Abuse of the processes of the court and filibustering.
(vii) Corruptly influence the prosecutor or Judge to compromise the justice of the case. There is this case currently being widely reported in all newspapers nationwide. The EFFCC Chairman alleged that a particular Senior Advocate of Nigeria had for a long time been procuring the assignment of his cases at the Federal High Court to a particular judge. That recent evidence emerged by way of bank statements of account and mobile telephone call logs that the SAN paid 225,000.00 naira into the account of the said judge. EFCC is reported to have indicated its intention to charge the SAN to court with the criminal case of obstruction of justice on the basis of this and other facts. It is noteworthy that most of the cases of corruption, theft of public funds, financial crimes, bank fraud and money laundering are initiated and tried in the Federal High Court of Nigeria. So, the success or failure of the anti- corruption fight depends largely on the practices of this court during the trial of such cases and matters related to them.

As an officer of the court, he is an officer of the legal system and so has a special responsibility to participate objectively and honestly in the adversarial truth searching process, assist the court in the expeditious trial of the case, guide the court honestly and

properly on the applicable law, assist the court in ensuring that substantial justice is done and avoid doing anything that will disrepute the court and the trial process. This duty requires him to use his legal knowledge and skills to facilitate the expeditious trial of the case and not to delay and frustrate or outrightly prevent the trial. He must adhere strictly to the ethics of the profession as contained in the Rules of Professional Conduct in the Legal Profession.

As a member of the legal profession, he is a public citizen and the holder of the public trust, to use his legal knowledge and skills to ensure that public expectation of legitimate law enforcement is not defeated, that the fundamental rights of the accused are observed during the trial as required by law, that the trial outcome meets the objective of the law and protects the well-being of the society and that the outcome of the trial process achieves public satisfaction and furthers the public understanding and confidence in the rule of law and justice system because legal institutions depend on popular participation and support to maintain their authority.

It is beyond argument that one of the major causes of the impunity for crimes of corruption in government offices and the resulting full blown kleptocracy was that defence lawyers neglected their duties to the court and the large society and conducted their client's case beyond the legal limits of their duty to their client. They approached the discharge of their client-advocate duty as a mission to rescue or save their client from the law and not as a defence to the allegations of facts against him. Most of them adopted the Henry Lord Brougham's notion that a lawyer should **"know no one but his client."**

When Lord Brougham uttered these words, he was speaking in direct response to the notion that he, as defence counsel for Queen Caroline in a charge of treason, should constrain his factices on her behalf in order to preserve national interest. Brougham argued that, the lawyers' commitment to the client's interest should outweigh any separate concerns about a properly functioning and secure government. He stated thusly

> **"To save the client by all means and expedients, and at all hazards and costs to other persons is his first and only duty, and in performing this duty he must not regard the alarm, the torments, the destruction which he may bring upon others. Separating the duty of a patriot from that of an advocate, he**

must go on reckless consequences though it should be his unhappy fate to involve his country in conclusion."[4]

In line with this Brougham's notion, some counsel adopt the approach of:

1. Pre-empting the initiation of a criminal case against their client by filing fundamental rights enforcement applications purporting to challenge the procedure of their client's arrest and detention and contending that there is no reasonable basis for their client's arrest and detention and obtaining injunctions to prevent the prosecution of their client for theft of colossal sums of government funds or bank funds. In most cases the real purpose of such applications is to disrupt the pre-trial process and forestall the impending criminal case against their client.
2. Physically obstructing any pre-trial criminal process against their client. Recently, a Senior Advocate of Nigeria was arrested by EFCC for obstructing the arrest of foreign nationals suspected of committing certain offences, by hiding them in his car within the premises of the Federal High Court in Abuja for about 4 hours. The Learned SAN is about being charged to court with the offence of obstruction of justice.
3. Devising all kinds of dilatory tactics to kill the case.
4. Exploiting the rules of court to delay and frustrate the trial of the case.
5. Exercising the right to fair hearing in such a manner as to delay and frustrate the trial of their client.
6. Fabricating facts and advising their clients to lie.
7. Overriding their client's decision to plead guilty to the charge against him and setting up a false defence.
8. Initiating and negotiating plea bargains that enables their clients to keep a substantial part of the stolen money.

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9. Helping their client to hide the stolen funds from the reach of the investigating agency or officers.

[4] Fred C. Zacharias (supra at 1599 to 1600)

10. Using appeals against decisions on their pre-trial applications and on interlocutory issues to delay and frustrate the trial process.
11. Influencing Judges to compromise the justice of the case.
12. Harassing, intimidating and blackmailing the judge who refuses to be influenced and insists on the expeditious disposal of the case.

THE LAWYER AS A JUDGE

The lawyer as a judge presiding over a criminal case or any case involving allegation of corruption or stealing of public funds by the holder of a public office has the duty:

1. To ensure that the trial of a corruption case reflects the objectives of the relevant statute under which an accused is charged in the particular-case and the broad objectives of society.

2. To ensure that the trial is fair and that both the prosecution and defence have equal arms.

3. To ensure that public expectation of legitimate law enforcement is not defeated.

4. To be fully committed to the expeditious trial of the case by having a firm control of the pace of the proceedings and not allow any party dictate the pace of the proceedings.

5. To ensure that the trial of the case is not delayed and frustrated by the abuse of its process, by the use of court procedural rules, by the abuse of the exercise of the right of fair hearing and filibustering.

6. To avoid the issuance of injunctions to prohibit or prevent the investigation and prosecution of persons reasonably suspected of committing an offence.

7. Not to allow the use of its processes to disrupt and frustrate the pre-trial criminal processes that are lawfully carried out by the competent law enforcement agencies. These processes include investigation, arrest, detention, searches and obtaining of written statements from persons.

8. To ensure an expeditious trial and determination of the case.

9. To avoid being influenced in any manner by either party to compromise and subvert the justice of the case.

10. To ensure that the trial process takes into account the very serious nature of the crime and its impact on the well-being of society.

11. To properly exercise its discretion in granting or refusing to grant bail pending trial. As the supreme court held in **Abacha v. State**[5] that the trial court has the discretion to refuse bail if the court is satisfied that there are substantial grounds for believing that the applicant for bail pending trial would abscond, or interfere with witnesses or otherwise obstruct the course of justice. It held in **Dokubo-Asari v. FRNC**[6], "when it comes to the issue of whether to grant or refuse bail pending trial of an accused by the trial court, the law has set some criteria which the trial court shall consider in the exercise of its judicial discretion to arrive at a decision. These criteria have been well articulated in several decisions of this court. Such criteria include, among others, the following: (i) the nature of the charge; (ii) the strength of the evidence which supports the charge; (iii) the gravity of the punishment in the event of conviction; (iv) the previous criminal record of the accused if any; (v) the probability that the accused may not surrender himself for trial; (vi) the likelihood of the accused interfering with witnesses or may suppress any evidence that may incriminate him; (vii) the likelihood of further charge being brought against the accused; (viii) the probability of guilt; (ix) detention for the protection of the accused; (x) the necessity to procure medical or social report pending final disposal of the case."

12. To judiciously and judicially exercise its discretion in resolving conflicts between the two democratic values of public interest and the accused's fundamental right to personal liberty and privacy and ensure that where there is reasonable basis for suspecting a person of committing a crime or where the facts of the case show good cause why the case should be tried, to ensure that public expectation of legitimate law enforcement is not defeated by suits challenging the violations of

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[5] (2002) LPELR–15 (SC)
[6] (2007) 5-6 SC 150

the accused's right to personal liberty and privacy during arrest, detention or search. The remedies for such violations is in damages and not in truncating the trial of the accused or refusing relevant evidence obtained during such violations.

What has happened in the past is that in most cases, the Judges did not observe and discharge the above listed duties. Many cases were easily frustrated by undue protracted delay in the trial processes caused by the abusive use of the procedural rules of court, lengthy and unjustified adjournments, lack of commitment of the Judge to the expeditious trial and determination of the case, filibustering and all kinds of abuse of trial court processes, unreasonable interlocutory decisions, total lack of control of the proceedings by the judge. Some judges allowed pre-trial processes to be disrupted and delayed or frustrated by the abusive use of their court processes purporting to challenge the legality of such pre-trial processes such as investigation, search, arrest, detention, and taking of written statements. Once a person is suspected of having stolen government money or abused his office to the detriment of the well-being of society and is being investigated or is searched or arrested or detained, he rushes to court to file a suit challenging the pre-trial process and seeking to stop it. Such a suit is an abuse of process. The experience is that such suits disrupt and can out rightly frustrate the pre-trial processes by their delayed and protracted hearing and determination and in some cases have resulted in the issuance of glaringly unjustified injunctions permanently stopping the continuation of the pre-trial process and the prosecution of the person reasonably suspected of committing the offence. The issuance of an injunction to prevent the investigation or search or arrest and detention of a person reasonably suspected of committing an offence or the prosecution of such a person for the offence is an abuse of judicial power that disreputes the court and the due administration of criminal law and generates public feeling of betrayal by the court.

In the very few cases that were tried to conclusion, after conviction, the judges imposed sentences without regard to the triad principles of punishment in criminal law which requires that sentences must have regard to the accused, the nature of the offence, the circumstances of the case and the impact of the offence on the well-being of society. The result was that they imposed sentences that made the trials appear like mockeries and pseudo trials meant to impress or deceive the public that the accused had been tried

and punished. The sentences glaringly amounted to helping the convict escape proper accountability for his crime against the people. Most of these judgments did not recover and restore the stolen government funds back to government, leaving the people who are the victims of the crime without justice.

The failure of the prosecutor, the defence advocate and the judge to discharge their respective duties in the criminal process in respect of corruption cases is responsible for the failed prosecution and trial of corruption cases and lack of effective and efficient enforcement of anti-corruption laws and the resulting impunity for that crime and kleptocracy.

The democratic values that are prominent in a criminal trial are fair trial and legitimate public expectation of law enforcement and public interest. The trial process must reflect the consideration of the two sets of values. The common experience is that the defence counsel focuses only on rescuing his client from the due criminal process and disregards the glaring pervasive impact of the crime on society. While counsel is entitled to represent an accused in a criminal case and is not bound to refuse to do so because of the horrible nature of the alleged crime or the huge impact it has on the common good of the people and well–being of society, in representing the accused in the case, counsel should not act as if he is on a mission to rescue the accused from justice, he should not sabotage the due and expeditious process and justice of the case. Experience has amply demonstrated that this approach exposes lawyers to public distrust, contempt and hostility. Hostility towards the legal profession on account of this approach and other misconduct is a widespread phenomenon. The legal profession was abolished in Prussia in 1780 and in France in 1789, though both countries eventually realised that their judicial systems could not function efficiently without lawyers. Complaints about too many lawyers were common in both England and the United States in the 1840s, Germany in the 1910s, and in Australia, Canada, the United States, and Scotland in the 1980s. Public distrust of lawyers reached record heights in the United States after the Watergate scandal. In the aftermath of Watergate, legal self-help books became popular among those who wished to solve their legal problems without having to deal with lawyers. Lawyer jokes (already a perennial favourite) also soared in popularity in English-speaking North America as a result of Watergate. In 1989, American legal self-help publisher Nolo Press published a 171-page compilation of negative anecdotes about

lawyers from throughout human history. In Adventures in Law and Justice (2003), legal researcher Bryan Horrigan dedicated a chapter to "Myths, Fictions, and Realities" about law and illustrated the perennial criticism of lawyers as "amoral guns for hire" with a quote from Ambrose Bierce's satirical The Devil's Dictionary (1911) that summarized the noun as: "LAWYER, n. One skilled in circumvention of the law." More generally, in Legal Ethics: A Comparative Study (2004), law professor Geoffrey C. Hazard, Jr. with Angelo Dondi briefly examined the "regulations attempting to suppress lawyer misconduct" and noted that their similarity around the world was paralleled by a "remarkable consistency" in certain "persistent grievances" about lawyers that transcends both time and locale, from the Bible to medieval England to dynastic China. The authors then generalised these common complaints about lawyers as being classified into five "general categories" as follows:

> “abuse of litigation in various ways, including using dilatory tactics and false evidence and making frivolous arguments to the courts; preparation of false documentation, such as false deeds, contracts, or wills; deceiving clients and other persons and misappropriating property; procrastination in dealings with clients; and charging excessive fees.”[7]

In Ghana, during the Jerry Rawlings revolution there was public hostility against the legal profession because the lawyers and judges were regarded as responsible for the the reign of impunity and the resulting kleptocracy in Ghana. Four high court judges were extra-judicially executed by the revolutionaries. Many lawyers escaped to neighbouring West African states.

We should not ignore the fact that our unethical practices and obviously very unreasonable decisions in cases of public office corruption and theft of public funds have created the pervasive impunity and kleptocracy in our country. Having created this situation that has glaringly endangered the common well-being of our people and the existence of our country, we must change our current unethical practices in such criminal

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[7]Balin Hazarika, **Role of Lawyer in the Society: A Critical Analysis**:
http://clarion.ind.in/index.php/clarion/article/view/10/41

cases, adopt best ethical practices that would facilitate the expeditious, fair and just trial of such cases, so as to change the wide public perception that we are working with and for the perpetrators and beneficiaries of this impunity and kleptocracy to frustrate the fight against impunity and corruption and the fight for the restoration of our common good and the wellbeing of our country. As lawyers, it is only through ethical professional practices that we can promote democratic values and act as agents of positive social, economic and political transformation of our country.

The right of a citizen of a country to the use of his country's resources for the common good and wellbeing of all persons is the most important of all his rights. Without, it all his constitutional, fundamental and other legal rights become illusory. Experience has amply demonstrated that the deprivation of the rights of the citizens to the use of their country's resources for their common good exposes them to dehumanisation, pauperisation, hopelessness and renders them easily dominated and manipulated by the tiny clique of kleptocrats and unable to effectively enjoy their constitutionally prescribed fundamental rights and other legal rights . So it is deceptive for us to claim to be fighting violations of the Constitution and other laws and violation of the rights of persons, while we preoccupy ourselves with using the same Constitution and other laws to protect and encourage the large scale violation of the right of the citizens to the use of their country's resources for their common wellbeing.