

THE COMMUNITY COURT OF JUSTICE FOR ECOWAS COUNTRIES

AN ARCHITECTURAL AID TO JUDICIAL PROMPTNESS

BY

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**A THESIS SUBMITTED TO THE DEPARTMENT OF ARCHITECTURE,
SCHOOL OF ENVIRONMENTAL TECHNOLOGY/SCHOOL OF POST
GRADUATE STUDIES**

FEDERAL UNIVERSITY OF TECHNOLOGY, AKURE

**IN PARTIAL FULFILMENT OF THE REQUIREMENT FOR THE AWARD
OF MASTER OF TECHNOLOGY IN ARCHITECTURE (M. Tech)**

DEPARTMENT OF ARCHITECTURE

**SCHOOL OF ENVIRONMENTAL TECHNOLOGY/POST GRADUATE
SCHOOL**

FEDERAL UNIVERSITY OF TECHNOLOGY, AKURE

NOVEMEBER 2001

DECLARATION

I, Alaba Adekunle, of the Department of Architecture, School of Post Graduate Studies, Federal University of Technology, Akure, hereby declare that this thesis work in its entirety, has been a personal academic exercise executed under the supervision of my mentor, Arc. Dr. Olotuah, A. O. of the Department of Architecture, Federal University of Technology, Akure, and has not been presented either wholly or partially for any degree elsewhere before. All sources of information have been duly acknowledged.



Alaba Adekunle



CERTIFICATION

This is to certify that this project was carried out by Alaba Adekunle as part of the requirement for the Award of the degree of master of technology in Architecture from the Department of architecture, Federal University of Technology, Akure, Ondo State of Nigeria.



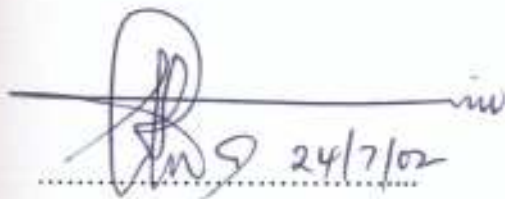
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Dean

DEDICATION

This project is dedicated to the glory of the father, the Son and the Holy Spirit,
for seeing me through it all.



ACKNOWLEDGEMENT

This is a beautiful opportunity for me to appreciate the contribution of some unique people to the success of my academic endeavour and this thesis.

Special thanks to my mentor Arc. Olotuah, for his guidance and assistance in the collation and organisation of data gathered for this thesis.

Many thanks to my brother, Ayorinde Ilori Faboro, for his financial support and for suggesting the topic for this thesis.

My gratitude also extends to my Uncle in the United State of America, Dr. Olaoye Ilori Faboro, for his financial assistance and to my mother, Mrs. Roseline Adenike Tonode.

Remembered fondly are friends and loved ones who have in one way or the other contributed to the success of this thesis. Notable amongst them are; Arc. Adam, Akin Akinduko, Bidemi Akanle and Akinyemi Olaniyi.

My outermost thanks goes to the following for their positive contribution to the success of this project Olumide Bamisaiye, Tayo Afolami and Kayode Olajide, I will forever remember you guys.

Thanks to our Head of Department, Arc. Dr. Ogunsote, for her motherly concern over us all and a big thank you to all my Departmental lecturers.

Last yet not the least, my heartfelt and sincere appreciation goes to my wife, Bukola Kunle Alaba (December 29th 2001), for her patience throughout the period of compilation, execution and defence of this project.

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ABSTRACT

The legitimacy of the State and an organisation cannot be disconnected from law, for law is what connects people to government both substantively and symbolically. It provides a frame of reference for the conduct of ordinary citizens as well as linking the organisation with a moral order. Consequently, the courts will be one of the first institutions to suffer from a decline of legitimacy. At the same time, the court's activities will also arrest or push forward an incipient decline in legitimacy.

Law, it is true, and courts to a degree, have a life of their own (aln Watson, 1978). Yet, the legal system is not totally insulated from the society, and becomes less so during periods of stress.

Therefore, for a body to be recognised as being valid, it must be legitimate. Whereas its legitimacy is challenged as when there is conflict, there will be need for an Arbitration agency or an interpreting organ, which will always facilitate resolution of conflicts. Therefore the community court of justice will help in interpreting and maintaining all that ECOWAS stands for in good time and in bad time.

The community court of justice is a symbol of unity and justice for the West African sub region and the world at large.

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CHAPTER ONE

1.0 INTRODUCTION

Africa is coming to grasp with the new democratic wind of change that is sweeping across the continent, especially in the West African countries, which constitute the economic community West Africa states (ECOWAS). Little wonder in the summit of the Organisation of African Unity (OAU) held in the capital of Algeria in July 1999, it was resolved at the end of the summit that forthwith, no undemocratic government will henceforth be allowed to participate in the activity of the organisation.

In view of the above resolution, it is only the effective rule of law and equal right to all citizens via easy access to judicial tool that can guarantee a sustainable democratic setting locally and internationally. In pursuit of its main objective of integration in the West African sub region, the economic community of West African States' head of states agreed to a protocol establishing the community court of justice at a meeting held in the capital of Nigeria (Abuja) on the 1st of August 1991. This is done because courts of law are central to the administration of law and justice which can enhance integration in the West African sub- region. Courts of law are institutions of cohesive authorities of the state and are constitutionally or statutorily vested with the power to interpret, apply and enforce the laws that are contained in the constitution or in the acts legitimately enacted by competent legislative authorities.

The thesis aims to provide a functional court of law for the ECOWAS. A court devoid of all the general problems; such as delay in judicial processes, space inadequacy for personnel and equipment, poor space arrangements etc, which are associated with courts in the West Africa sub-region.

The thesis aim to achieve functionality in the community court of justice through adequate architectural arrangements of spaces in the court so as to make judicial process prompt and efficient and these explains the reason for the sub theme “An architectural aid to judicial promptness”.

1.1 RESEARCH OBJECTIVES

The thesis will focus on the following objectives:

- i. To understand the nature of law, courts of law and the historical development of international law and its administration using the world court of justice which is an affiliate of the United Nations as a case study.
- ii. To trace the historical development of courthouses and the characteristics of the courthouse typology.
- iii. To trace the historical judicial precedent obtainable in the West African sub region, considering the Anglophone and Francophone question and using the evolution of the Nigerian judicial system as a case study.
- iv. To examine the structure of the ECOWAS, its objectives and make a brief analysis of its constituents states.
- v. To examine the structure of the community court of justice from the ratified protocol of the ECOWAS.
- vi. To understand the primary issues necessary in the design of courthouse.
- vii. To by the aid of case studies of existing courthouses both local and foreign know the problems in the design of court houses presently in use; and
- viii. From the foregoing, evolve solution and apply such in the design of the design of the community court of justice.

1.2 JUSTIFICATION FOR THE STUDY

As a result of the urgent need for a west African sub regional court of justice for the settlement of disputes arising between countries and their agencies due to the complexity that may arise from the various integrating concepts put together to enhance better co-operation of the countries, the ECOWAS heads of states signed a communiqué in July 1991 establishing the community court of justice.

Even though the protocol for the establishment of this court was signed 9 years ago, a structural edifice (a court) is yet to be put in place. However, a recent call was made again by the ECOWAS minister on the 27th of October 1999 at their meeting at Abuja of the need for a community court of justice. This project is necessary because there is a proposal to the effect.

1.3 RESEARCH METHODOLOGY

The methodology used for this project is as follows:

1) DATA COLLECTION AND RECORDING:

The sources of data for this work are as follows;

- a) Books, Newspapers, Magazines, Government official gazettes and other published works, a comprehensive list of which is given in the references at the end of the work.
- b) Case studies of both Nigerian and foreign courthouses.
- c) Direct observation of court proceedings and other court activities and
- d) Interview with various court personnel's.

The data were collected and recorded in the form of notes, photographs, plans, sketches and line drawing some of which are included in this work.



THE SCOPE OF THE DESIGN

The work encompasses the design of a main court of justice of international standard with all the subsidiary courts, like the pre-trial court and other auxiliary courts. It also encompasses the design of justice chambers, library, restaurants, administrative blocks, offices for the auxiliary workers in the judicial system of the ECOWAS, the design also includes conference rooms, chalets etc.

LIMITATIONS OF THE STUDY

One of the major constraints encountered in the course of this work was the inability to gain access to certain spaces in the course of the case study.

- Photographs of some of the courts were not allowed to be taken for security reasons.
- In the course of the interview of some of the court staff a cold shoulder was what one got.

1.4 ECOWAS

Even though efforts at establishing the ECOWAS have been intensified since 1970, the Economic Community of West African states (ECOWAS) was finally established through a treaty signed by 15 member countries on 28 May 1975 in Lagos. Right now the Economic Community of West African States comprise of sixteen West African states namely:

- i. Republic of Benin.
- ii. Burkina Faso.
- iii. Cape Verde.
- iv. Cote d'ivoire.

- v. Gambia.
- vi. Ghana.
- vii. Guinea.
- viii. Guinea Bissau.
- ix. Liberia.
- x. Mali.
- xi. Mauritania.
- xii. Niger.
- xiii. Nigeria.
- xiv. Senegal.
- xv. Sierra-Leone.
- xvi. Togo.

1.4.1 AIMS AND OBJECTIVES OF ECOWAS

- 1) The aims of the community are to promote co-operation and integration, leading to the establishment of an economic union of West Africa in order to raise the living standards of member countries citizens, to maintain and enhance economic stability, foster relations among member states and contribute to the progress and development of the African continent.
- 2) In order to achieve these aims and in accordance with the relevant provisions of the revised treaty for the establishment of the organisation it shall by stages, ensures the following:
 - a) The harmonisation and co-ordination of national policies and the promotion of integration programmes, projects and activities particularly in food, agriculture and natural resources, industries, transport and

- communications, energy, trade, money and finance, taxation, economic reform policies, human resources, education, information, culture, science, technology, services, health, tourism, legal matters.
- b) The harmonisation and co-ordination of policies for the protection of the environment.
 - c) The promotion of the establishment of joint production enterprises and
 - d) The establishment of a common market through the following:
 - i. The liberalization of trade, by the abolition among members states of customs duties levied on imports and exports and the abolition among member states of non-tariff barriers in order to establish a free trade area at the community level.
 - ii. The adoption of a common external tariff and common trade policy vis-à-vis third countries;
 - iii. The removal between member states of obstacles to the free movement of persons, goods, services and capital, and to the right of residence and establishment;
 - e) The establishment of an economic union through the adoption of common policies in the economic, financial, social and cultural sectors and the creation of a monetary union;
 - f) The promotion of joint ventures by private sectors enterprises and other economic operators, in particular through the adoption of a regional agreement on cross-border investments;
 - g) The adoption of measures for the integration of the private sectors, particularly the creation of an enabling environment to promote small and medium scale enterprises;

- h) The establishment of an enabling legal environment;
- i) The harmonisation of national investment codes leading to the adoption of a single community investment code;
- j) The harmonisation of standards and measures;
- k) The promotion of balanced development of the region, paying attention to the special problems of each member state particularly those of landlocked and small island member states;
- l) The encouragement and strengthening of relations and the promotion of the flow of information particularly among rural populations, women and youth organisations and socio – professional organisations such as association of the media, business men and women, workers and trade unions;
- m) The adoption of a community population policy which takes into account the need for a balance demographic factors and socio-economic development;
- n) The establishment of a fund for co-operation, compensation and development; and
- o) Any other activity that members states may decide to undertake jointly with a view to attaining community objectives.

1.4.2 THE INSTITUTIONS OF THE COMMUNITY

The institutions of the organisation as stated in its revised treaty are as follows;

a). **The authority of heads of states and government**

This shall be the apex ruling body of the organisation, which shall consist of the heads of states of each member states. The authority shall be responsible for the general direction and control of the community and shall take all measure to ensure its progressive development and the realisation of its objectives

The authority is also vested with the power to appoint executive secretary, council members, and the external auditors and delegate duties to them as appropriate. The authority shall meet at least once a year in ordinary session. An extraordinary session may be convened by the chairman of the authority or at the request of a member state provided that such request is supported by a simple majority of the member states. The office of the chairman shall be held every year by a member state elected by the authority. The present chairman is the president of Mali president Onmar Konare.

b). **The Council of Ministers**

The council shall comprise of the minister in charge of ECOWAS Affairs and any other minister of each member state. They shall be responsible for the functioning and development of the community.

They shall also perform the following duties;

- i. Make recommendations to the authority on any action aimed at attaining the objectives of the community;
- ii. Appoint all statutory appointees other than the executive secretary;
- iii. Issue directives on matters concerning co-ordination and harmonisation of economic integration policies as authorised by the Heads of States;

- iv. Make recommendations to the authority on the appointment of external auditors;
- v. Approve the work programmes and budgets of the community and its institution.

The council meets at least twice a year in ordinary session. One of such sessions shall immediately precede the ordinary session of the authorities. An extraordinary session may be convened by the chairman of council or at the request supported by a simple majority of the member states.

The office of a chairman of council shall be held by the minister responsible for ECOWAS affairs of the member's states who will be elected as chairman of the authority.

c). The Community Parliament

The parliament members, its composition, functions, powers and organisation is as defined in a communiqué relating thereto

d). The Economic and Social Council

The economic and social council plays an advisory role to the community and its composition includes representatives of the various categories of economic and social activity.

The composition, functions and organisation of the economic and social council is defined in a communiqué relating thereto.

e). Arbitration Tribunal

The status, composition, powers, procedure and other issues concerning the arbitration tribunal is set out in a communiqué relating thereto.

f). The Executive Secretariat

The secretariat shall be headed by the Executive Secretary assisted by a Deputy Executive Secretary and such other staff as may be required for the smooth functioning of the community. The executive secretary shall be appointed by the authority for a 4 year term renewable only once for another 4 year period. The incumbent executive secretary is Mr Lansane Konte

1.4.3 FUNCTIONS OF THE EXECUTIVE SECRETARY

- 1) The executive secretary is the chief executive of the community and all its institutions.
- 2) He shall direct the activities of the executive secretariat and shall be the legal representative of the organisation.
- 3) His other duties shall include the following;
 - a) Execution of decisions taken by the authority and application of the regulations of the council;
 - b) Promotion of community development programmes and project as well as multinational enterprise of the region;
 - c) Convening as when necessary meetings of sectorial ministers to examine sectorial issues which promote the achievements of the objectives of the community;
 - d) Preparation of draft budgets and programmes of activity of the community and see to their execution and supervision upon approval by council;
 - e) Submission of reports on community activities to all meetings of the authority and council;
 - f) Recruitment of staff of the community.
 - g) Initiation of draft texts for adoption by the authority or council.

1.5 WEST AFRICA

GENERAL SURVEY

BACKGROUND INFORMATION ON ECOWAS

The area traditionally known as West Africa is the land lying between Sahara desert and the Gulf of Guinea. It is bounded in the north by Rio de Oro, Algeria, Libya and Chad republic on the west by the Atlantic Ocean, on the south by Gulf of Guinea on the east by Gabon republic. Its greatest length (East to West) from Cape Verde to the latitude of Mount Cameroon is 2,800 km. It lies within longitude 20° west and 15° east and latitude 17° north and 10° south of the equator.

RELIEF

This can be divided into 3 large zones;

- a) Low monotonous plateaux with no prominent uplands to the north. This zone is occupied by the lower Senegal River, the middle Niger and Lake Chad.
- b) South of these is a zone of uplands, this extends from Fouta Jallon plateaux in the west to the Jos plateau in the east.
- c) The central plains, which lies between the upland and the Gulf of Guinea.

CLIMATE

We have 5 regions namely;

- a) The equatorial climatic region of the Cameroon and southern Nigeria where rain falls all the year round and temperature and humidity are constantly high throughout the year. Average temperature is 80° F.
- b) The western tropical region of the coastland from Guinea Bissau to southwestern Ghana, where rainfall is heavy but seasonal. There is a dry season,

which alternates with the rainy season, and during January and February the influence of the harmattan is felt.

- c) The coastlands of south-eastern Ghana. This is a dry region sandwiched between the 2 regions mentioned above. The atmosphere is humid, and rainfall is very low. There are 2 periods of heaviest rainfall, which occurs, just before and after the dry season in July and August.
- d) The tropical climatic region, where the dry and rainy season alternates. In the north of this region the dry season is longer, the rainy season is shorter. The rainy season generally begins in May and last until September or October. The dry season begins November and continues till April.
- e) The semi-arid climatic region, the region bears resemblance to the fourth region but lies far north so that the rainy season is extremely short and low.

JOINT ORGANISATION

There is a strong movement for Africa Unity among all states of West Africa, attested to by the following organisation;

- 1) The West African Customs Union (WDEAO) of 7 French speaking West African states, Togo, Cote d'ivoire, Mali, Mauritania, Niger and Burkina Faso was formed by a convention in 1959 and replaced by another convention of Abidjan in 1966.
- 2) All West African states are signatories to the Lome convention in association with the EEC initiated in 1969.
- 3) All French-speaking states are in the French zone.
- 4) Benin, Burkina Faso, cote d' ivories, Togo, and Niger formed the conseil de l' entente (the council of understanding).
- 5) Nigeria, Ghana, Sierra-Leone, and Gambia are in the sterling area.

- 6) All French speaking west Africa state, except Cameroon, guinea and Mali have a common bank of issue- the Banque de l' Afrique are members of OAU.
- 7) Nigeria, Ghana, sierra-Leone, and Gambia are members of common wealth.
- 8) All Franco-phone countries except Mali and guinea have defence pact with France.
- 9) Niger, Senegal, Togo, Burkina-Faso are members of the Afro-Malagasy common organisation (OCAM).
- 10) Senegal, guinea, Mali, and Mauritania in 1964 formed an organisation to study the co-ordinated development of the Senegal River basin. (Dams were built along the river).
- 11) Cameroon, Niger, Nigeria and Chad formed the Chad basin commission with the co-operation of UN Food and Agriculture Organisation, UNESCO and the French Aid Co-op (FAC).
- 12) Cameroon Cote de'ivoire, Mali, Niger, Nigeria, Burkina Faso formed the Niger River commission.
- 13) All independent West Africa states are members of the 41 nations UN, Economic Commission for Africa formed in 1959.
- 14) Senegal and Gambia has a custom union formed on 7th Feb 1969.
- 15) Association of Africa Central Banks (ECA) was established in August 1968.
- 16) Independent countries in West African civil aviation formed Jan 1969.

1.6 PROFILE ON ECOWAS MEMBER STATES.

BENIN.

It lies within latitude 6° and 12° north and longitude 0.41° west of Greenwich meridian.

The coastline is 125km long. The countries greatest width from east to west is 325km.

The total area is 112,622sq km.

Benin had her independence on the 1st Aug 1960.

Her main language is French. English and other African languages are secondary. The president of Benin republic is Mathieu Kerekou. The capital is Port Novo, meanwhile Cotonou is the commercial centre of the country. Her population is estimated at 4,050 million (based on 1985 census).

Entry requirements include a passport; required by all except ECOWAS Nationals. The local currency is CFA France – 100 centimes. Benin is a member of the following international organisation; International Labour Organisation (ILO), International Monetary Fund (IMF), Organisation of African Unity (OAU), World Health Organisation (WHO), African Development Bank (ADB), Economic Community of West African States (ECOWAS), the World Bank, European Economic Community Associated States (EEC) [Lome convention].

Benin's religion statistics are as follows; 15% Muslims, 17% Christians, 68% traditional. While the literacy level is 25%, but education has been made compulsory since 1975.

BURKINA FASO.

The name was formerly Upper Volta before it was changed to Burkina Faso. It lies at the centre of West Africa with latitude $9^{\circ} 30''$ & 15° north and

longitude 2° & 5° east. The town of Bori is situated exactly on the Greenwich meridian.

The president/ Head of state is Total area of the land is 274,200sq km. The country became independent on the 5th of August 1960. Her population is estimated at 6,942,000 (based on 1985 census). The capital is Ouagadougou.

The official language is French. Others languages include Mossi, Gonsousis, Bobo, Mande samo, Hausa, tourareg, peuhl, marka and lobi.

The local currency is the CFA Franc (CFA FR)- 100 centimes.

Burkina Faso belongs to such international organisations as the World Bank, United Nations, WHO, ADB, EEC Association, Islamic conference, Islamic Development Bank, ECOWAS, French monetary area, Arab Bank for Economic Development in Nigeria. The literacy level is generally below 16%. Religion distribution is 65% traditional, 30% Muslims, 5% Roman Catholic.

CAPE VERDE.

It is made up of 15 islands and only 9 are inhabited located about 620km off the coast of Senegal. These islands are mountainous. The total area of land is 4,030sq km.

The Head of state/president is Jose Marineves. The population of the people is about 326,000. The capital city is Praia. The official language is Portuguese while Groulo is the native tongue.

Literacy rate was 15% as at 1979. The local currency is Escudo (Esc) = 100 centavos. Cape Verde is member of the following international organisations; UN, ADB, EEC Association, Arab Bank for Economic Development in Africa (recipient), Economic commission for Africa (ECA), ECOWAS.

COTE D' IVOIRE.

It lies between the 5th and 10th parallels north and 3rd and 8th meridians west of Greenwich. The total land area is 322,463sq km. The Head of state/president is Lawrent Gbagbo, while the capital city is Abidjan.

The population is 9,810,000. Membership of International organisations includes ILO, IMF, OAU, UN, WHO, ADB, EEC Association, Arab Bank for Economic for Africa, ECOWAS, French monetary area, International Cocoa Organisation, West Africa Economic Community, World Bank. The country became independent on the 7th of August, 1960.

GAMBIA.

It is situated between latitude 13⁰ and 14⁰ N, bounded on the east, west, north by Senegal. The south boundary is the Atlantic Ocean. The main physical feature is river Gambia. The total land area is 11,000sq km.

The Head of state is The population is 643,000, while the capital city is Banjul. The official language is English. Others are Wolof, Mandilea and fula.

The percentage of the population literate in English is 15%, while literacy in Arabic is 20%. The local currency is Dalasi (D) = 100 Butus.

International organisation: World Bank, WHO, GATT, IMF, OAU, UN, Common Wealth, Islamic Conference, ADB, African Groundnut Council, African States in Association with EEC, Arab Bank for Economic Development in Africa (recipient), Economic Commission for African, ECOWAS.

Religion is 90% Muslims and 10% Christians and traditionals.

GHANA

It lies within latitude $4\frac{1}{4}^{\circ}$ and $11\frac{1}{3}^{\circ}$ N of the Equator and longitude $1\frac{3}{4}^{\circ}$ and $3\frac{1}{4}^{\circ}$ West to meridian. She had her independence on the 6th of March 1957. Her total area of land is 238,500sq km. The president of the country is John Agyekum Kuffour. The population of the country is 13,588,000 and the capital state is Accra.

The official language is English. Currency of Ghana is cedi 1 = 100 pesawas. Ghana belongs to the following International organisations; WHO, UN, IMF, ILO, FAO, OAU, ADB, EEC Association, Arab Bank for Economic Development in Africa (recipient), Commonwealth, Economic Commission for Africa, World Bank, International Cocoa Association, ECOWAS. Ghanaians are predominantly Christians and their literate level is about 25%.

GUINEA.

It is situated in the Northern hemisphere of African continent. It lies approximately between the 17th and 12th parallels latitude north and 8th and 15th degrees longitude west. The president is Lansana Conte. The total area of land is 245,900sq km. She had her independence on the 2nd of October 1958. The population is 6,075,000. The capital is Conakry, while the official language is English.

Guinea belongs to the following International organisations WHO, UN, UNESCO, OAU, ILO, IMF, ADB, EEC Ass, Arab Bank for economic Development of Africa (recipient), ECOWAS, Islamic Conference, Islamic Development Bank. Guineans are predominantly Muslims.

GUINEA BISSAU

This is a small country lying between 11° and 12.3° latitude north and 13.4° and 16.4° longitude west. She had her independence on the 23rd of September 1973. The total area of land is 36,125sq km. The Head of state is.....
Total population of Guinea Bissau is 889,000. The capital city of the country is Bissau. The official language is Portuguese.

She belongs to the following international organisations; UN, OAU, ILO, IMF, WHO, ADB, EEC in association with African states, Arab Bank for Economic Development Commission for Africa, ECOWAS, Islamic Development Bank, World Bank.

LIBERIA.

The total land area is 111,369sq km. The president of Liberia is Charles Taylor. The population is about 2,191,000. She had her independence on July 26, 1897. and about 5% were literate as at 1963. The capital city is Monrovia, while the official language is English. The local currency is Dollar (Lib \$) = 100 cents.

*American dollar is also a legal tender.

Their international status include; ILO, IMF, OAU, UN, WHO, ADB, ECOWAS, Arab Bank for Economic Development Commission for Africa, World Bank. Liberians are predominantly Christians.

Mali

The total area of land is 1,240,192sq km and the Head of state is Alfar Omar Konare. The population of Mali is about 8,082,000. The capital of Mali is Bamako, while the official language is French. The local currency is Franc (Mali Fr) = 100 centimes.

The international status of the country is as follows; IMF, OAU, ILO, UN WHO, ADB, African Groundnut Council, African Associated with EEC, Arab Bank for Economic Development in Africa (recipient) ECOWAS, French Monetary Area, Islamic Conference, Islamic Development Bank, World Bank.

MAURITANIA.

The area of land is about 1,030,700sq km. It lies between latitude 16^o and 22^o north & 10^o longitudes. The Head of state..... The population of Mauritania as a country is about 1,888,000, while the capital city of the country is Nouakchott. They speak Arabic and French (French being the commercial language). The currency used is Quguiya (OUG) = 5 khoams.

The international status of the country is as follows; ILO, IMF, UN, WHO, ADB, African Association with EEC, Arab Common Market, Arab Fund for Economic and Social Development in Africa, Arab league, Islamic Conference, Islamic Development Bank, World Bank.

NIGER.

The area of the land is 1,267,000sq km. It lies within latitude 12^o and 24^o north and longitude 0^o and 10^o east. The Head of state..... The population of the country is 6,115,000. The capital of Niger is Niamey. The official language is French while other languages spoken include Hausa, Kamuri, Fulani, Zarma, tamachek. The local currency is CFA franc (CFAFR) = 100 centimes.

The international status of the country are ILO, IMF, OAU, UN, WHO, ADB, Africa Groundnut Council, Africa State in Association with EEC, Arab Bank For Economic Development in Africa, ECA, ECOWAS, French monetary Area,

Islamic conference, Islamic Development Bank, World Bank. Niger is a theocratic country of Islamic religion.

NIGERIA

The country lies between latitude 4° & 14° north of the equator & between longitude $3\frac{1}{4}^{\circ}$ & 15° east of the meridian. The area of the land is 923,768sq km. The President of the country is Chief Olusegun Obasanjo. The population of the country is about 95,198,000. The capital city of the country is Abuja. The official language of the country is English while the other languages include Yoruba, Ibo, Hausa, kamri, Fulani etc. The local currency is Naira.

Nigeria belongs to the following International organisations; WHO, UN, IMF, ILO, FAO, OAU, ADB, EEC Association, Arab Bank for Economic Development in Africa (recipient), Commonwealth, Economic Commission for Africa, World Bank, International Cocoa Association, ECOWAS.

SENEGAL

It lies on latitude $12^{\circ}18'$ and $16^{\circ}41'$ & longitude $11^{\circ}12'$ and $17^{\circ}33'$. The area of land is about 196,192sq km. The Head of state is President Abdoulaye Wade. The population of Senegal is about 644,000. The capital of Senegal is Dakar. The official language is French.

The international status of the country include; ILO, IMF, WHO, UN, ADB, ECOWAS, Africa Groundnut Council, African States in Association with EEC, Arab Bank for Economic Development in Africa, Islamic Conference, Islamic Development Bank, World Bank.

SIERRA-LEONE

It lies within latitude $6^{\circ} 55'$ and 19° north and longitude $10^{\circ}8'$ west. The total area of land is 27,925sq mile. The Head of state is President Ahmad Tejan Kabbal. The total population is 3,602,000. The capital of sierra-Leone is Freetown. The official language is English. The currency of the country is Leone (Le) = 100 cents.

The international status of the country include; ILO, IMF, OAU, WHO, UN, ADB, African States in Association with EEC, Arab Bank for Economic Development in Africa, Islamic Conference, Commonwealth, World Bank.

TOGO.

It lies from the shore of Benin gulf latitude 6° N along meridian of Paris 1° east. The total area of the land is 56,000sq km. The Head of state..... The total population of the country is 2,960,000. The capital is Lome. The official language of the country is French. The currency used in the country is CFA Franc = 100 centimes.

The international organisations they belong to includes; IMF, OAU, ILO, UN, WHO, ADB, African Associated with EEC, Arab Bank for Economic Development in Africa (recipient) ECA, ECOWAS, French Monetary Area, international cocoa organisation, World Bank. The religion practised includes Tradition, Christianity, and Muslim with peaceful co-existence.

CHAPTER TWO

2.0 LITERATURE REVIEW.

2.1 THE NATURE OF LAW AND ITS ORIGIN.

Whenever men have lived together, they have found it necessary to develop rules of conduct. They need rules for the settlement of disputes. They also need rules for the organisation of their governments.

The Oxford Advanced Learners dictionary of current English simply defines Law as a rule made by authority for the proper regulation of a community or society or for correct conduct in life (Hamby, 1974). However, a closer look at the nature of law shows that law exists even where there is no formal authority like in primitive societies, hence the above definition of law is insufficient.

Law in the narrow sense relating to human actions is a complex phenomenon. Every society, primitive or civilised is governed by a body of rules, which the members of the society regard as the standard of behaviours. It is only where rules involve the idea of obligation that they become law. When they merely represent the notions of good and bad behaviour they are rules of morality, but law is most effective where it conforms to the moral feelings of the members of the community.

Although, practically speaking obedience to law is usually secured by sanctions, there are people who obey the law merely because they believe that it is in the best interest of the society to do so. Sanctions, however serve the purpose of protecting the general community against persons of defiant behaviour. Without sanctions, the confirmed existence of society would be endangered and the society will ultimately disintegrate.

In primitive societies, the obligatory rules of human conduct usually consist solely of customs-rules accepted by member of the community as binding on them.

HISTORICAL EVOLUTION OF LAW -

THE LAW OF MOSES



At about 1300 B.C. Moses, the servant of God, and his people gave to the world the Ten Commandments as revealed by God to the whole world. The Ten Commandments spelled principles of behavior that are good.

HEBREW 20 (1924)

HAWIRARIS CODES



The Code of Hammurabi was one of the earliest forms of law developed in the early 1900's B.C. The laws were promulgated by a ruler of the ancient Sumerians called Hammurabi. The codes continued to be used in that part of the world even long after his death.

ROMAN LAW



Roman law was complete, and on Rome the first legal development. The important step in Roman law in 450 B.C. was the Law of the Twelve Tables which was set up by a commission.

LAW

Modern law was based on Roman and Canon law which were worked out in the middle ages and have continued in the present day European countries. European law was also influenced by the Napoleonic Code written by Napoleon together by the French Emperor Napoleon.

ADVENT OF INTERNATIONAL LAW



International law is a product of western civilization. Its existence covers only the 300-500 years, but it's roots extend into the past. Any combination of Herodotus, Socrates, Plato, Aristotle, Chinese records in the 4th century B.C. and the many customs and usages which are still part of the modern.

TREATIES



The overwhelming majority of modern international law are created by treaties among states.



Customs are usually unwritten. In a primitive society, there is no centralised system for the enforcement of rules; self-help is usually resorted to.

2.2 HISTORICAL DEVELOPMENT OF LAW

Even before men could write, the laws and customs of each community were passed down from one generation to the next by the older members of the group. Later, some of the laws were written down for the sake of clarity and performance.

2.2.1 THE CODE OF HAMMURABI

The earliest law which has been preserved is the one developed in the 1900's B.C. by Hammurabi, a ruler of the ancient Sumerians. The Sumerians lived in the valleys of the Tigris and Euphrates rivers. Hammurabi's code set forth a complete system of law; it set down the kind of punishment to be used for a variety of offences. It also established the amount of payment to be made for various services. The code continued to be used in that part of the world long after Hammurabi's death.

2.2.2 THE LAW OF MOSES

About 1200 B.C. Moses, a Hebrew gave to the world the Ten Commandments. The Ten Commandments stated principles of behaviours that had long been recognised as good. These commandments in one form or another can be found stated in law everywhere during all ages of history.

2.2.3 THE LAW OF THE ANCIENT GREEKS

The Greeks were among the first to introduce the idea that laws are made by men and can therefore be changed by men whenever the need arises. Before then the general believe had been that laws always come from a god or group of gods. They

thought that these divine laws were revealed through the rulers or priest and could not be changed by men, even though the laws were unjust.

The Greeks respected the law more than any other people had done before. They believed that a country should be ruled by law rather than by men. The proposal made by Solon, who lived about six hundred years before Christ, was a great step in the development of Greek law. Solon persuaded the Athenians nobles to treat all citizens alike in matters of justice and voting in assembly. One of the famous works on Greek law is Plato's *The Laws*.

2.2.4 LAW IN ANCIENT ROME

The Romans developed much beyond the Greeks. Roman law was more complete and it was on Rome that the first legal profession developed. The first important step in Roman law came in 450 B.C. when the law of the *Twelve Tables* was drawn up by a council of ten men. These table were based on the Roman Religion, they set forth customary ways of behaviours, the laws were inscribed on brass tablets. For hundred of years, many Romans memorized the Twelve Tables, even though they had no schooling.

In Rome, the ministers of justice were called *Praetors*. Their duties were in some ways like those of modern judges. The praetors were responsible for administering the law of the Twelve Tables.

After the Roman Republic gave way to the Empire; Roman Emperors made law by decree. The law of the Twelve Tables applied to only the citizens. The Romans were therefore forced to develop another system of law, which would apply to all the conquered people within their empire. They tried to develop a system of law based on the moral instincts of man, which would be common to all civilized men

wherever they might be. This system of law was called the *Jus gentium*, or law of nations.

A great step in the development of law was the codification or classification of the Roman law by the Emperor of Justinian and this had a great influence on later European Law.

2.3 THE CONCEPT OF INTERNATIONAL LAW

DEFINITION

International laws are body of principles, customs and rules that are recognised as effectively binding obligations by sovereign states and other international persons in their mutual relations.

It can also be referred to as the body of rules and principles of action, which are binding upon civilised states in their relation with one another (Brerly, 1963).

Hall (1924), defines it as certain rules of conduct which modern civilised states regard as being binding on them in their relation with one another with a force comparable in nature and degree to that binding the conscientious person to obey the law of his country and which they also regard as being enforceable by appropriate means in case of infringement.

Valtel et al (1916) defines it as the science of the rights, which exists between nations or states, and of the obligations corresponding to these rights.

In a nut shell, international law as the law of nations are set of rules guiding between countries as agreed to and consented to by them.

2.4 INTERNATIONAL LAW [HISTORICAL]

International law is a product of western civilization. Its true existence covers only the past 300-500 years, but its roots extend into the distant past. For instance, a

treaty concluded in the very dawn of recorded history, about 3000 B.C. between the rulers of two Mesopotamian communities (Lagash and Umma) provided for the settlement of a boundary dispute through arbitration with solemn oaths for the observance of the agreement. A thousand years later a multitude of recorded treaties deal with subjects such as the creation of vassal states, alliances, boundary settlements, extradition and similar modern question.

Any examination of Hebrew, Assyrian, Babylonian, Hindu, and early Chinese records in the fields of warfare and diplomacy reveals many customs and usages which are still part of the modern states.

Even though in the world of antiquity, the concept of community of nations was lacking, because each countries had its own language, laws, morality and religion, because the interest of each unit were purely local not international, however, relationship with neighbouring countries could not be totally avoided, because no nation is an island on its own.

2.4.1 GREEK CIVILIZATION

The Greco-civilization, great though, its achievements in many spheres did not contribute to the development of international laws. There did exist common bond of race, culture, language, and religion as well as distinct feelings of enmity towards all non-Greeks (the Barbarians) but on the other hand, the well-known passion of the Greeks for local independence appears to have outweighed the common links among the Greek city-states and their numerous colonies around the shores of the Mediterranean.

Modern practice therefore cannot be traced at least on a basis of true international law to the customs of the Greeks, even though the elements of Greeks

modern rules of laws have accidental similarities and little more in the concept of international law.



2.4.2 DEVELOPMENT OF ROMAN LAW

In contrast to the Greek civilisation, ancient Rome contributes immensely to the development of western law as such and indirectly, to the subsequent appearance of international law. Many of the early text attributed the origin of modern law to the Romans and even applied the term 'international law to the *jus gentium* of Rome', it will be relevant therefore to examine just what relevant developments did occur in the Roman state as far as law was concerned.

The original law of community applying only to Roman citizens the *jus civile*, represented an archaic remnant from the days when Rome comprised of seven hills inhabited by a primitive agricultural community. When the settlement expanded, contacts with foreigners brought about difficulties in the administration of justice since there was no provision made for them in the law.

Hence the status of foreigners was recognised as early as 242B.C, by the creation of special official, called *the preari piregrinus*, who appointed judges to settle disputes arising between Romans and aliens or between aliens alone.

Some of the issues dealt with at this time include subjects as verbal contracts, partnership agreements, loans, and rights of owners of slaves' etc. This whole group of rules became known as the *jus gentium*, far more liberal in the outlook and application than the *jus civile*, which still applies between Roman citizens. The *jus gentium* later took over the *jus civile* as Rome's domestic law and not law of nation as it is known today.

However, in the 17th century the term *jus gentium* became specialised in its meaning and referred to the principles assumed to prevail in the relations between independent states and was translated as law of nations (*droit des gens*) by Vattel in 1758, and became international law through its use in that form by the English man Jeremy Bentham in 1780.

The development of modern international law and the derivation of its name was further complicated by the existence of the concept of the law of nature (*jus naturale*) adopted about 150 B.C. by Roman philosophers from Greek stoic thinkers. The law of nature later termed natural law was believed to have been implanted in men by nature to comprehend unchangeable and exact justice, universal in scope, self-evident to any individual exercising his "right reason" or moral faculty with which he was endowed.

The decline and fall of the western Empire referred to as the dark ages notable for its period of instability and total anarchy did not favour the observance of a presumed universal law. Various Barbarian kingdoms were established at this period. The Barbarian laws were governing the new ruling minority while the Roman law governs the remaining native majority and the two systems intermingled to a new synthesis called *Frankish law*, *Neustrian law*, *Burgundian law* etc. These new legal systems combined desirable elements of Barbarian (Teutonic) law with bulky remnants of Roman civil law and may be envisioned as crude forebears of modern national legal systems.

Contrary to a widespread belief, the medieval period did contain, however, some of the seeds of the future international law as well as our modern sovereign nations. Amongst the integrating factor was the Catholic Church. At first the important element was the existence of a single religion, increasing by centralised

administratively developing a common law (*Canon Law*) for its members irrespective of race, nationality, or location. *Ecclesiastical law* as it evolved during the medieval period, influenced many areas considered today to lie within the sphere of international law, the conclusion of treaties and their observance, authority over territory, the right of conquest with the sanction of the church, papal activity in arbitration and the general emphasis in canon law on arbitration as a desirable method for the settlement of disputes and above all regulations concerning many facts of warfare.

2.4.3 BEGINNING OF THE MODERN INTERNATIONAL LAW

The germination of the seed of international law traditionally took place in the sixteenth century, even though the decentralisation of the *res publica Christiana* of Europe, the true beginning of the law, came somewhat earlier. The use of Protestantism not only destroyed the traditional unity of Christendom but also made papal arbitration of secular disputes unacceptable to protestant rulers.

From an overall point of view, the outstanding event of the entire century was the emergence of the national state—first in the shape of England, France and Spain.

A growing number of writers began to treat national and international questions, which majorly has relation to the sphere of international law.

This school of thought emerged at this period mainly; the naturalist who postulated and defended in treaties the concept of natural law i.e. all laws naturally originated from nature-period!

The positivist, however, believes that a positive law of nature had its origin in custom and treaties, hence in the consent of states and that this law was far more important than any natural law of nations.

The third school of thought 'The Grotians' who are followers of the generally accepted father of international law, HUGH COMETS DE GROOT (1583-1645), better known as HUGO GROTIUS held to a middle position in the controversy asserting that Grotius himself had drawn terrible distinctions between natural and voluntary law.

Grotius unlike other writers which limits their writings to the beginning of conflicts (just or unjust) not only wrote on the beginning of a conflict but made contributions to international laws in the following areas; detail discussion of the conduct of military operation and of legal consequences and considerations; he urge for moderation in warfare; discussed the status and fate of hostages; he wrote on the destruction of properties; the problem of religious beliefs of defeated people; he wrote on the concept of neutrality, freedom of the seas, treaties and diplomatic practice..

Neutrality did exist infact, though much hampered, in his own time, but his was the first analysis of the legal status, rights, privileges, and duties of a neutral state.

Grotius was the first writer to proclaim in unmistakable terms, the concept of the freedom of the worlds oceans and to attack with energy and vast learning the monopolistic claim of his own era to navigation and fishing privileges.

The most important contribution made by Grotius to the laws and rules of diplomacy was his explicit statement of the notion of diplomatic extra territoriality, which is of the "fiction" that a diplomatic was to be considered immune from the justification of his host state which is still in practice today.

Other notable writers that contributed to international laws include; Francisco de Vitoria (1480-1546), Fransisco Suzzez (1548-1617), Albericus Gentilis [Professor of civil law (1552-1608)], Samuel Prifendorf (1632-1694), he was the first professor

of international law, others are Cornelius Van Bynhershock (1673-1743), Emmerich de vattel (1714-1767) and Joham Jakob Moses (1701-1785).

2.5 KINDS OF INTERNATIONAL LAW

The rules of international law are generally divided into laws of peace, of war, and of neutrality. Peace is considered the normal relationship between nations.

THE LAWS OF PEACE; define the rights and duties of nations; each country has a right to existence, legal equality, and jurisdiction over its territory, ownership of property, and diplomatic relation with other countries. Many of the laws of peace deal with recognizing countries as members of the family of nations, and recognizing new governments of old nations. Rules dealing with territory include the rights and duties of aliens, the use of posts by merchant ships, the right of passage through territorial waters, and the extraditions of criminals.

THE LAWS OF WAR; Alberico Gentili (1552-1608) is one of the earliest writers on international law, described was as a "properly conducted contest of armed public hostilities". The warring states are called Belligerents.

Under the rules of traditional law, there are definite restrictions on warfare. Undefended towns, called open cities must not be bombarded. Private property must not be taken over without compensation.

All these rules have been violated repeatedly. Nations are fighting for their existence in wartime, and it is not always possible to get them to follow rules which have been set down before hand. Each nation does its best to destroy its enemy and it uses the most effective and the most powerful weapons at its disposal.

THE LAWS OF NEUTRALITY; This is the law which allows for a state to declare its non-participation in a treaty that is binding on all other states that are parties to the

agreement. Under such laws, belligerents are not allowed to move troops across neutral territory. Neutral waters and ports must not be used for naval operations.

In the 1800's and 1900's, neutral nations claimed many rights for their ships on the high seas. But the laws about neutrals, like the laws of about war are observed only when it suits the convenience of the warring nations. Neutrals have been invaded in many wars, and neutral rights on the high seas are often ignored.

2.6 ENFORCEMENT OF INTERNATIONAL LAW

When a legislative body decides on a law for a city or a state, everyone must accept the law and obey it. Police enforce the laws, and persons who break them are tried in courts. But nations may choose whether or not they will accept international rules. There is no international legislature to pass rules that all nations must observe and as yet there is no international police force to make countries obey international law. This means it is often difficult to enforce international law.

CONSENT OF NATIONS

International laws are often classified in these groups, according to their acceptability.

- 1) **UNIVERSAL INTERNATIONAL LAW:** This refers to laws accepted by all nations. This rules covers such items as the sanctity of treaties, the safety of foreign ambassadors, and each nations jurisdiction over the air space above its territory.
- 2) **GENERAL INTERNATIONAL LAW:** This includes rules accepted by majority of the states, especially the powerful ones. Such laws includes jurisdiction its "Territorial waters", a water area extending for three miles from its shores.

- 3) **PARTICULAR INTERNATIONAL LAW:** includes rules followed by less than a majority of nations, such as trade treaties.

2.7 VIOLATIONS

Rules of international law are often broken, both in war and in peace. Japan violated international law in 1941 by attacking pearl harbour without first declaring war. Germany broke international law during World War II. When the German government killed millions of European Jews and forced slave labourers from other European countries to work in German war factories. Russia violated international law by refusing to repatriate many prisoners of war long after the end of World War II. However, the fact that laws are broken does not destroy them as laws. No nation has ever denied the existence and supremacy of international law. Even though, many countries that have broken these laws have argued at length to try to justify their acts.

2.8 COURTS AND ARBITRATION

Leaders of many nations have felt that arbitration is a better method of setting disputes than war. The permanent court of Arbitration was established at the Hague in 1899, but no nation was forced to accept its services.

The United Nations took over the court in 1946 and renamed it the International Court of Justice. This court decides boundary disputes and other questions of international law.

2.9 PUNISHMENT

There is no uniform way to enforce international laws. Laws within countries provide penalties for those who break them. But, in the society of nations no

individual nation has the power to punish other nations or to force them to submit their disagreement to courts Arbitration.

Over the years, the United Nations have come up with various ways of enforcing international law. From the use of special allied forces, like the North Atlantic Treaty Organisation (NATO) to the use of sanctions to make deviant nations to succumb to international order.

Example can be seen in resent time in the case of Iraq when it invaded Kuwait in 1990 and the Allied forces made up of Armed forces of countries of Britain, France and United States, had to force Iraq to surrender its dominance of Kuwait. Another example can be seen in the case of Yugoslavia when it undertook the ethnic cleansing of the Albanians in 1999 and the North Atlantic Treaty Organisation (NATO) had to come to the aid of the local Albanians.

2.10 DEVELOPMENT OF INTERNATIONAL LAW

IN THE EARLY DAYS

For thousands of years, international law was made up only of customs and treaties made by two or three nations. Any strong nation could, and did violate these treaties and customs.

IN THE 1800's

International conferences were held to try to set up rules nations would abide by in time of war. The first important conferences met at Geneva in 1864. It established the international Red Cross and made rules for the humane treatment of the sick, the wounded, and the prisoners of war. The Geneva Convention is important partly because it showed that it was possible to write rules for nations to follow.

As a result of international conferences held at the Hague in 1899 and 1907, the laws of war, of peace, and of neutrality were collected and simplified in seventeen conventions, but forty-five nations met at the Hague conference of 1907, and most of them signed many of the conventions. The permanent court of Arbitration was established at these conferences.

AFTER WORLD WAR I

Many persons hoped that the League of Nations, established in 1920, would be able to enforce international law and prevent a second world war. Under the covenant of the League of Nations, members were not allowed to go to war until three months after an arbitration court or the council of the league had tried to end a dispute. But when the Japanese invaded Manchuria in 1931, the league could only condemn the invasion as a breach of international law. Japan then withdrew from the league and went on breaking the law. Italy followed Japan's example in 1935, when Italian troops invaded Ethiopia.

In 1928, more than sixty nations signed the Kellogg peace pact, which was an attempt to do away with war by making a law against war. The failure of the pact led many to believe that nothing could be done to stop war, and that international law should only try to make it less brutal.

AFTER WORLD WAR II

The United Nations charter was signed at San Francisco in 1945 with the belief that the United Nations should be given the power to enforce its decisions by force of arms if necessary. The Security Council was given the power to decide whether nations were endangering the peace of the world by their actions.

In 1949, UN arbitration succeeded in stopping a war in Israel. And in 1950, the UN became the first World Organisation to use force to stop aggression. Communist forces from North Korea invaded the Republic of Korea in June 1950, and the UN Security Council agreed on a "police action". Sixteen UN countries sent armed forces to aid South Korea, with the United States and South Korea providing most of the troops and supplies. And the United Nations allied forces won the war.

2.11 SOURCES OF INTERNATIONAL LAW

- 1) **NORMS, THROUGH THE THEORY OF CONCORDANCE OF WILLS OF STATES:** This refers to the general norms, ethics and moral acceptance of a particular state that is internationally binding on all other states through their own will.
- 2) **TREATIES:** The overwhelming majority of norms of modern international treaties among states create law. These include Universal treaties, in which all or nearly all states participate; multilateral treaties, in which several states participate and also bilateral treaties.

As a source of international law the treaty is a clearly expressed agreement between subjects of international law to create norms defining mutual rights and obligation they accept as legally binding. While all legitimate treaties are equally binding on participating states, their role in international relations varies. Above all, their actual significance is determined by the issues to which they relate and by their effectiveness.

Beyond this, the number of participants in a treaty is generally important. From the legal point of views, the United Nations charter prevails over other international treaties. Article 103 states;" In the event of a conflict between the obligation of the members of the United Nations under the present charter and

their obligations under any other international agreement, their obligations under the present charter shall prevail”.

- 3) **INTERNATIONAL CUSTOMS:** This refers to a repetitive rules or custom followed generally by all states which is yet to become a norm of international law, but simply a customary usage. The general usage of such custom marks the first stage of a concordance of wills of states leading to the formation of corresponding norms of international law, and the agreement to officially recognise such norm as an international law.

There are many such examples, for instance, custom in international relations, especially in diplomacy and in maritime communication. For example, a newly arrived ambassador in a country is met by a representative of the Ministry of foreign Affairs. This is a rule, not a legal norm, yet it is always rigorously followed by all states.

Another example is provided by the emergence in modern international law of one of the most important customary norms, namely the principle of the sovereign equality of states. The custom of respecting another's states sovereignty existed for thousands of years before it became an international legal norm.

- 4) **INTERACTION BETWEEN TREATY-MAKING AND CUSTOMARY PROCESSES:** In their role as sources of international law, treaties and customs do not contradict each other but interact with each other and compliment each other.

Treaty-making processes often invalidate or else change and develop customary norms. In particular, the numerous general treaties concerned with the codification and progressive development of international law usually partly invalidate, change or develop operating customary norms and also create new norms.

5) LEGALLY BINDING RESOLUTIONS OF INTERNATIONAL ORGANISATION: Today, all-important international organizing adopts normative resolutions that are binding not only on its own organs but also on their member-states. These include rules of procedures for organs of the given organisation and resolution concerning the size of contribution by member-states.

6) GENERAL PRINCIPLES OF LAW: The general principles of law, which expresses common positions (common ideologies, common interests) as contained in Article 38 of the statute of the international court of justice of the United Nations.

General principles of law are legal postulates and logical rules that are characteristics of both all national legal system and international law. Examples of such rules includes the principles that *Lex specialis african a generali* (a special law nullifies a general law), *Lex posteriori african priori* (a later law nullifies an earlier one), *nemo plus jwis transfere potest quam ipse habet* (no man can transfer to another more rights than he himself possesses). Propositions of this type are employed when applying and interpreting norms of international law.

7) DECISIONS OF THE UNITED NATIONS INTERNATIONAL COURT OF JUSTICE: The concept of *stare decisis* (previous judgements) is another source of international law i.e. previous decisions or a judgement is used to define a similar case in operation.

8) ADVISORY RESOLUTION OF INTERNATIONAL ORGANISATIONS: When establishing or interpreting norms of international law, states are referring increasingly often to resolutions of the United Nations General Assembly and sometimes to resolutions of international organization as well. There is accordingly every reason for asserting that today advisory resolutions of the

United Nations General Assembly (and to a lesser extent those of international organisations) not only play a substantial role in creating new norms of international laws but are increasingly recognised as a means for establishing or interpreting international legal norms that are currently in force.

9) **INTERNATIONAL LEGAL DOCTRINES:** Article 38 of the statute of the international court of justice provides that in its decisions the court may also apply the teachings of the most highly qualified publicists of the various nations as subsidiary means for the determination of norms of law. Accordingly, international legal doctrines are officially recognised as a subsidiary source of international law.

10) **NATIONAL LEGISLATION AND DECISIONS OF NATIONAL COURTS:**

This is controversial to some extent, but the fact remains that every states decisions on international law is influenced by their states domestic law, in other words states legal systems has an indirect influence on the postulation of international law. Also the decision of the highest ruling body of individual states like Britain, USA, France are referred to sometimes when decisions are being reached, however, this concept is not agreed to by some communist states like the Soviet Union of old and China etc.

2.12 RELATIONSHIP BETWEEN INTERNATIONAL LAW AND INTERNAL LAW

This study will not be complete without a brief consideration of the relationship between international law and internal law of a state.

International law has been defined earlier, while internal law are the domestic laws in operation within a state. As the vital activities of people become increasingly

internationalised and international cooperation increases, there is a growing interaction between the internal and external policies of states. This in turn produces a growing interaction between internal law and international law.

Based on this important concepts, three basic theories or school of thought as emerged concerning their own view about the relationship between internal law and international law, they are;

THE DUALIST

According to the Dualist theory, which is especially wide spread, international and internal law differ in terms of their objects, sphere of operation, subjects, and sources and are therefore independent legal systems. The dualist theory contains definite rational core in that it proceeds from the sovereignty of states and views international and internal law as independent legal systems.

THE THEORY OF THE PRIMACY OF INTERNATIONAL LAW

This school of thought believes in the supremacy of the international law over internal law of a state. One of the major arguments of its adherent is the assertion that the sphere of operation of sovereign power and of internal law depends on international law.

The theory of primacy of international law attained its greatest influence after the Second World War. Norms were included in the constitutional laws of a member states to curtail individual states excesses and allow for international supremacy.

THE THEORY OF THE PRIMACY OF INTERNAL LAW

This school of thought proclaims an absolute priority of internal law on international law. This unavoidably produces a denial of the later legal force, some of its adherents consider that as a law that is "external to the state," international law is created and voided by each state at its discretion. This theory was developed in

Germany during the Second half of the last century (when the German imperialist were preparing to re-divide the world) and so it is not widespread.

In summary because of the existence of different spheres of legal regulation the problem of the relationship between any two legal systems is resolved by international law for the international sphere and by internal law for the domestic sphere.

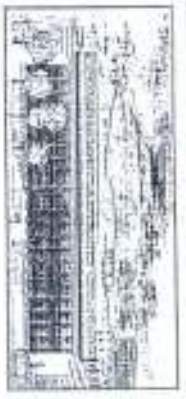
In international law the basic of its interaction with internal law is established by international legal principles. For example the principle of complying with international obligation in good faith declares that in carrying out their sovereign rights, including their right to establish laws; states are required to act in accordance with their legal obligations under international law. Should a law or administrative rule be published that contradicts its obligation under international law, this may result in international liability on the part of the state.

It therefore means that, a state may not involve the provision of its internal law as justification for its failure to perform a treaty (Art. 27 of the Vienna Convention of 1969 on the law of Treaties).

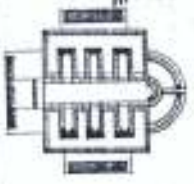
2.13 COURTS OF LAW

Courts may mean the place where judges and other persons regularly meet to settle legal disputes, or it may mean the gathering itself. However, courts of law are central to administration of law and justice. Courts of law are institutions of cohesive authorities of the state which are constitutionally vested with the power to interpret, apply and enforce the acts legitimately enacted by competent legislative authorities. It is supposed to be the hope of an aggrieved party, a place where one can seek redress.

HISTORICAL DEVELOPMENT OF COURTHOUSE



THIS IS A BUILDING, NEAREST THE BOULEVARD D'ORLÈANS, HAS COLONNAD WHICH ARE LINDHAM'S AND THE ATTIC TYPICAL OF THE OF THE 18TH CENTURY. IT WAS DESIGNED BY BATTARD IN 1835 IN LYONS'S PERIOD.



LYONS, PALAIS DE JUSTICE

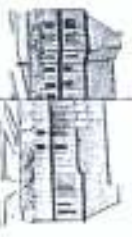
THE LATE 18TH CENTURY LAW COURTS AND THE WORKS LIKE IN FRANCE HAVE STRAIGHT HAVING THESE OWN SEPARATE BUILDINGS. ONE OF THE MANY LAW COURTS BUILT THEM INCLUDES THIS ONE BY P. BATTARD IN 1832 WHICH IS WELL-KNOWN IN SCALE.



LAW COURTS

ANTWERP TOWN HALL

BUILT AS PALAIS DE JUSTICE (Law court) BETWEEN 1618 AND 1628 ON TWO FLOORS. THE BUILDING WAS 200 FT BY 30 FT AND THIS MAKES IT ONE OF GOVERNMENT'S FIRST MONUMENTAL BUILDINGS.



RENNES PALAIS DE JUSTICE



PALAZZO DEI GIUDICI IS THE OLDEST GOVERNMENT BUILDING TO DATE. IT HAS AN OPENED GROUND FLOOR WITH ARCHES AND ONE LARGE ROOM ABOVE. THE BUILDING WAS DESIGNED BY ALBERTO PERUGINO IN THE FRONT OF THE BUILDING. IT WAS BUILT IN 1512.

PALAZZO DEI GIUDICI

PLAIS DE JUSTICE

A TOWN HALL BUILT IN 1513, BUT IT WAS CONSIDERED AS COURT FOR HEARING CASES, BECAUSE THAT WAS THE PATTERN SET FOR COURT HOUSES IN THE 15TH CENTURY.



THORN TOWN HALL



THIS IS ANOTHER RENOWNED TRIESTINE COURT, DESIGNED BY ALBERTO PERUGINO IN THE FRONT OF THE BUILDING. IT WAS BUILT BETWEEN 1512 AND 1516.

PARIS PALAIS DE JUSTICE

LONDON LAW COURTS



THIS IS ANOTHER OF THE BUILDINGS OF THE 17TH CENTURY WHICH WERE BUILT TO SERVE AS A COURT HOUSE. IT WAS DESIGNED BY CHRISTOPHER WREN IN 1667.



THE LONDON COURT'S WERE BUILT IN 1667 BY CHRISTOPHER WREN. THE COURT'S WERE BUILT IN 1667 BY CHRISTOPHER WREN.

THE ANTIQUE TOWN HALL OF THE 13TH CENTURY, BUILT BY THE ARCHBISHOP OF LYONS, WAS DESTROYED IN 1830.



2.14 HISTORICAL DEVELOPMENT OF COURT HOUSES.

Courts have existed from ancient times. At first, the courts were held by rulers or religious officials in their palaces, in churches, or in other locations. Before the late 12th century, administration of law took place in palaces, bishop's court, and if for some reasons extra spaces were needed, the churches and of course any public square were available.

The oldest dated government building is the *Palazzo del Broletto* at Lomo, an open floor with arcades and one large room above. The ground floor served as an extension of the market held in front of the building; the *upper* dated 1233, is of the same type as the *Biolett* of Como. *Render ragione* is to administer justice, the new law court aspect rather than the town hall aspect was stressed. It is situated in *Piazza de' mercanti* to west of the cathedral but isolated by a high wall. Facing the long sides of the building were two markets and on the east side of the market was the *Palazzo del podesta*, built in 1251 and also housing the prisons on the south side of the *Loggia degli osil* which served for announcements. Differentiation of function had obviously set in.

Law courts continued to be part of town halls as shown in the 14th century town hall of Thorn (now a town in Poland) begun in 1393, there the building contained the town hall, market hall, law courts, general retails shops, baker's shops, weigh-house and other rooms. The shops were all on the ground floor, the great hall, council room and chancellery rooms on the upper floor. Another hall of the 16th century, *Cornelius floris* Antwerp Town hall, 256ft. long and 184ft. high. It had a courtyard, great hall, large and small rooms where the older men (senior members of the city council), conferred on matters, civil and judicial (of law or legal proceedings). The remaining two rooms along the yards were the quarters of the Hang man i.e. the public

prosecutor, and the court of justice the description is not very clear but what results from it undoubtedly is that the functions of town hall and law courts were still mixed up.

Salmon de Bresses palais de justice at Remmes was the next government building of considerable monumentality and it was built as the *palais du paslement*, and that in the 17th century meant law courts. Hence, we see the first monumental courthouse built from 1618. The building was 200ft. by 200ft. but the façade has angle bays moderately projecting framing the principles room, *sale des procureurs*. Beyond is a spacious courtyard with a cluster below, galleries above. On the ground floor were prisons, with a common room, also used for visitors, at the north end is the ominous annotation translated "windowless cells". On the main floor to the west of the sale were the *Grette* (chancellery), chapel, *sale de la Tournelle* (i.e. interrogation chamber) and the council room for the Tournelle; east of the *sale de la Tournelle* were the *African des Resquestes* (petition room), the *Grette civile* (civil chancellery) and the audience chamber. Finally, the north range repeats *African des Requettes* and adds a *Grette des Requettes* (petition chancellery), a 'burette' (refreshment room) is also provided.

The Amsterdam town hall is the grandest of all 17th century town halls built between 1648 and 1655. it is 263ft. long and 167ft. high. The spaces contained in it included the treasury, the burgomaster's suite, the trustees of orphans, the council room and the courtroom. Others are the secretariat, the insurance office, the bankrupt office and the accounts. There are also the magistrate's court, the chamber of the commissioner of petty affairs, the treasury extraordinary, guardrooms and the city banks. The building also contains a small room for the Assayer, the caretaker's flat,

spaces for legal business, the gaoler's flat, the torture chamber, the whipping chamber and the prison cells.

To the end of the 17th century, government buildings were nearly all town halls. Counsel meetings, administrative offices and courts of justice were located in the same building. In the course of the 18th century, that was to change. Differentiation of functions continued, and by 1800 houses of parliaments, buildings for ministries, town halls and law courts all went their own way.

Separate monumental buildings for the law courts began in the province with York, where in 1705 a debtors' prison had been built in Vanbrughian style close to the castle keep. This was now, in 1773-1780, enlarged by John Carr. The two additions, detached and with identical facades, served as a female prison, the other as assize courts. Inside are two courtrooms which carry pantheon domes. In France, separate buildings for law courts started in the late 18th century, and being on the megalomaniac scale of Boullée and Grand prix of the French Academy, remained on paper. An example is the one done by Boullée with colonnades of countless columns. Other ones by P. Bernard in 1782 and J.N.L Durand in 1809. An actual building nearest to the Boullée-Durand ideals is the *Palais de justice* at Lyons by L.P Baltard begun in 1835, the columns are Corinthian and the attic is typical of the *Ecole des Beaux Arts* style.

Some of the important separate buildings designed as law courts includes the London law courts built between 1866 and 1882 designed by G.E. Street. The *palais de justice*, Brussels (1868-1883) by Joseph Poelaert, and the Supreme Court at Leipzig by Ludvig Von Hoffmann and Peter Dybwad, built in 1887-1895.

From the middle ages, it had become the custom in England for officials to travel around the country court in various local buildings. By the time of the English

settlements in America, special courthouse buildings were constructed and the practice was followed in the colonies. In many cases, the judges still travelled to the localities to hold court and this practice still exists, to some degree today. For the most part, judges and other officials hold court on fixed locations at the municipal, county, state and federal levels as is now practiced in most parts of the world.

2.15 CHARACTERISTICS FEATURES OF THE COURTHOUSE TYPOLGY

There are certain features, which have become common part of the courthouse typology. Therefore, the design of any courthouse, on all levels will include almost or even much more than the following elements:

- One or more courtrooms, where the court sits;
- One or more judges' suites/chambers, which are private office/relaxation spaces for the judges;
- Court officers' offices, which includes offices of the registrars, clerks, Bailiffs, among others;
- Jury rooms, in the case of jury trials, where the jury deliberate on cases;
- Witnesses' rooms, where witnesses are kept until when required in court and where they may be interviewed;
- Libraries, where law books and law reports are kept and used by the court officials;
- Press rooms, where the press covering court hearings stay;
- Assembly and conference rooms, where meetings are held;
- Holding cells for the accused in the case of criminal cases;

- Offices of marshals and other law officers that are charged with the custody of the accused persons;
- Other auxiliary spaces.



2.16 GENERAL COURT PROCEDURE

Every judicial processes, whether civil or criminal, involves five general operations, which could be lesser depending on the nature of the trial i.e. jury or non-jury trials. The jury trials involve the following operations;

2.16.1 OPENING PRELIMINARIES

The opening preliminaries start with the bailiff's announcement that the court is in session and the naming of the presiding judge, who enters and calls the first case. The attorneys first have the opportunity to make motions in the case, and then they signify that they are ready for trial. After the jury has been empanelled and sworn (in case of a jury trial) an attorney may ask that all witnesses other than the parties be excluded from the courtroom. If the judge so rules he informs the witnesses where they should wait. The court may recess a number of times, and it may adjourn to reconvene the following day or at some later time.

2.16.2 OPENING STATEMENTS

The prosecutor or the attorney for the plaintiff generally presents the first opening statement, followed by the defendant's opening statement.

Each attorney tries to present the strong points of his case in his statement, deferring the issue and describing the evidence he intends to present in support of his contentions. Motions may be made during or at the end of the opening statements.

2.16.3 PRESENTATION OF EVIDENCES

The attorney for each side then presents their evidences. The prosecution in a criminal case, or the plaintiff in a civil action, goes first. Evidence consists of all exhibits and testimony by witnesses, including parties. Absent [sic] a prior stipulation on its admissibility, the opposing attorney may challenge the admissibility of any exhibit. The jury may be dismissed while the attorneys present their arguments to the judge on the matter, or the arguments may occur at the judges' bench or outside the courtroom. Each exhibit received in evidence is given an identifying number by the reporter or clerk.

When the attorney requests the isolation of witnesses, private and secured waiting facilities outside the courtroom are necessary. After each witness is called and sworn by the clerk, the attorney who called the witness proceeds with direct examination. The opposing attorney then cross-examines the witness and the first attorney may then examine or redirect.

2.16.4 CLOSING STATEMENTS

Each attorney makes a closing statement to present the merits of his (her) case forcefully and persuasively.

Although practices vary, the judge usually has had an earlier conference with the attorneys about the length of these statements and the content of instructions to be given to the jury. Generally, each attorney prepares the instructions which he (she) wishes the judge to give to the jury. The judge may use any of these or in most jurisdictions, may frame his/her own instructions. Opposing counsel may object to specific instructions given by the judge. A growing number of states are adopting pattern jury instructions, which are standardised expositions of points of law to be

used in every case where they are applicable. Such instructions should reduce the number of inconsistent and conflicting decisions in the trial courts of the state and eventually reduce the number of appeals.

2.16.5 VERDICT

Jury deliberations and decision continues until argument is reached or the jury informs the bailiff that it cannot agree upon a verdict. Deliberations can continue for days, and unless are planned so that the trial courtroom can be utilized for other proceedings. During this period, the space is not being used efficiently.

After the jury returns a verdict, the losing attorney may ask that the jury be polled; the judge then ask each juror if the verdict properly states his decision judgement may be entered on the verdict forthwith, or judgement may be reserved until the judge has ruled on post-trial motion filed by counsel.

However, in a non-jury trial, the presiding judge (who in the case of the community court of justice) is the president consults with his other community court justices and comes out with the verdict.

2.17 THE NIGERIAN JUDICIAL SYSTEM (AS A CASE STUDY)

THE JUDICIARY

The machinery of government in Nigeria is divided into 3 areas like all democratically elected government of West Africa, and it comprises of the Executive; the Legislative; and the Judiciary. Each has separate functions and powers and each acts as checks and balances on power excesses on one another in order to preserve the political freedom of the people.

The 1979 constitution of the Federal Republic of Nigeria, section 6, vests judicial powers on all courts of law in Nigeria.

The major function of the judiciary includes the following;

- 1) Adjudicate disputes or conflicts between citizens and states.
- 2) Apply the laws enacted by the legislature.
- 3) Interpret the laws enacted by the legislature.
- 4) Enforce the laws made by the legislature.
- 5) Exercise judicial power to control the excesses of the executive and the legislature.

2.18 CHARACTERISTICS OF THE NIGERIAN JUDICIAL SYSTEM

One notable feature of the Nigeria and the Anglophone countries is the tremendous influence of the English law upon its growth. The historical link of the country with England has left an indelible mark upon the system. English law forms a substantial part of Nigerian law.

Another characteristics feature is its complexity. Nigeria consists of a Federal Capital Territory and 36 states; each state has a judicial system. The capital territory too has its own judicial system. In addition there is a general federal judicial system applicable throughout the country. The complexity of judicial system is further revealed by the application of local customs as law in each state.

A small town in a state may have a system of customary law different in some respects from the customary law system of a neighbouring town even if all the indigenous inhabitants of both towns belong to the same tribal group. Thus within the judicial system of a state, there may be a multiplicity of legal systems.

In some states like in the Northern Nigeria, there is also the application of sharia law alongside customary law. It is therefore clear that there are several legal systems within the complex judicial system of Nigeria.

In spite of the diversity of judicial systems, history has contributed to a measure of uniformity of Nigeria legislation. On some matters the law of the various states are almost identical. The main reason being that Nigeria had a unitary government from 1914 to 1951 and some legislative measures passed during that period continue to apply in the various territories in so far as they are not repealed by the appropriate legislative authorities.

2.19 THE HISTORY OF NIGERIAN JUDICIAL SYSTEM

JUDICIAL SYSTEM BEFORE THE BRITISH

Before the introduction of British law, customary law was the sole governing law of the land. The machinery for administration of this laws consisted entirely of customary tribunals. The character of these tribunals varied from one area to another. In the Northern territories, which had come under Fulani hegemony owing to the 19th century jihad, the judicial system was comparatively advance. It was based on the holy Koran and other Islamic sources namely, the practice of the prophet Mohammed (the sunna), the consensus of scholars, and analogical deductions from the Koran and from the practice of the prophet Mohammed. The emir as the head of state was the supreme judge acting with the advice of his executives. Usually the Emir was pre-occupied with other matters, so the bulk of the judicial work is carried out by others who have made the Islamic laws their speciality. They are referred to as the Alkalis Grand Khadis.

In the south, however, it was a strong chieftaincy tradition. Usually, the head in regular consultation with his lieutenants was responsible for executive government and for the administration of justice. In all other areas of the country except the Muslim North, the rules of the customary laws were unwritten in the sense that they were not yet embodied in any code of systematic treaties. Also, unlike the Islamic system, the rules of customary observance were not of universal validity (throughout Yoruba land) for example since there were local variations in the details of some of them. These factors, however, do not preclude their undoubtedly legal character once the rules are known and understood.

Nevertheless, existing evidence seems to show that the basic norms of social behaviours and long entrenched customs vary but little from place to place so that it is possible to postulate generally a more or less definite body of enforceable rules of conduct for Yoruba land. Since the areas are not all at the same level of development, there are hierarchies of courts corresponding to the particular stage of advancement attained by the community concerned, thus the organisation of justice.

2.20.2 ORIGIN AND DEVELOPMENT OF BRITISH COURTS IN THE WEST COAST OF WEST AFRICA

The British and other European traders on the West coast were grossly dissatisfied with the settlement of their trade disputes, which often involved the indigenous people. Hence they petitioned their home government for a British representative on the West African coast. Thus in 1849 the first British consul was appointed. These consuls started the popular consular courts as from 1850.

With the introduction of English law as from 4th March, 1883 by ordinance No. 3 of 1863, the British Administration generally allowed the existence side by side of

English as well as customary law. The task of adjustment between the two systems has not been easy.

The traditional courts administer customary law particularly in such matters as land tenure, marriage and inheritance. They also deal with a certain amount of statutory law coming within their sphere. The British courts administer English law, but they also have to handle a fair amount of customary law brought up to them as an appeal from the native courts.

Since the introduction of British courts, the judiciary underwent some changes, with the establishment and abolition of different types of court, courts for civil and criminal cases and commercial courts. The Supreme Court was also introduced, being first introduced to Lagos, before its jurisdiction was extended to the hinterland of Western Nigeria.

The Royal Niger Company established in 1886 set up district agent's courts to try civil and criminal cases involving natives, foreigners and British citizens.

In 1900 the British government declared two protectorates over Nigeria; the protectorate of Southern Nigeria and the protectorate of Northern Nigeria. All the former courts were also abolished at this time and new systems introduced. The South was served by one kind of court, the Supreme Court which consisted of chief justice and a small number of judges. The court functioned through the organs; the divisional court, the full court and the district court. The native court also functioned alongside these.

The protectorate of northern Nigeria was served by a Supreme Court, provincial courts and cantonment courts. Native courts namely, the Alkali's court and the judicial council were also established.

The colony and protectorate of southern Nigeria and the protectorate of Northern Nigeria were amalgamated on January 1, 1914 to form the colony and protectorate of Nigeria. Thus, Nigeria as a political unit came into existence on that date. Three types of court were established for the country, namely the Supreme Court, the provincial courts and the Native courts.

The court system of Nigeria had attracted such serious adverse criticisms that reform was effected by legislation in 1933. Provincial courts were abolished and a high court and magistrate's courts were introduced. In the protectorate, the jurisdiction of the High court and the Supreme Court was generally the same but of the two, only the Supreme Court had jurisdiction in probate divorce and matrimonial cases, admiralty cases and proceedings under specified ordinances.

There were also a few changes in 1943. The High court was abolished and the Supreme Court re-appeared with unlimited civil and criminal jurisdiction throughout the country. There were also amendments in the ordinances of the other courts.

With the constitutional change in 1945, Nigeria became a Federation comprising three regions- the Northern, Western and Eastern Regions-and a federal territory (Lagos). The constitution established for the whole country a federal supreme court and a high court was established for Lagos and each region. There were also magistrates' courts in each jurisdiction. The Western and Eastern Regions had statutory courts called customary courts while they were called Native courts in the Northern Region.

In 1960, Nigeria became independent with a new constitution. The court systems remained basically the same as they were established in 1945. Since then there has been several modification (especially addition) to the court system, which

were provided for by amendments in the constitution and decrees of the military administrations.

2.20.3 GENERAL COURT STRUCTURES FROM 1900-PRESENT DAY

By the end of 1930, the whole system of courts in Nigeria as earlier explained, was either modelled on the British system or greatly influenced by the British notion of court.

The courts hierarchy were:

- 1) Privy Council.
- 2) West African court of Appeal.
- 3) The Supreme Court.
- 4) High court.
- 5) Magistrate court.
- 6) Native court of Appeal.
- 7) Native court.

By 1954, the legal system was regionalised by the Richards constitution and so there was a breakaway from the unitary and centrally controlled judicial system earlier practised. And so on the eve of Nigerian independence we had this structure;

COLONY OF LAGOS

- 1) Privy Council.
- 2) West African court of Appeal (WACA).
- 3) Federal Supreme Court of Appeal.
- 4) High court.
- 5) Magistrate court.

WESTERN REGION

- 1) Privy Council.
- 2) WACA.
- 3) Federal Supreme Court of Appeal.
- 4) High court.
- 5) Magistrate court.
- 6) Customary courts (Grade A-D).

EASTERN REGION

Same as 1-5 above

- 6) District court.
- 7) Country court, customary court.

NORTHERN REGION

1-5 (same as above)

- 6) Moslem court of Appeal.
- 7) Native courts (Grades A-D).

The courts system in Nigeria as so far being remodified to give the following:

ALL NORTHERN STATES

- a) Supreme court of Nigeria.
- b) Federal court of Appeal.
- c) Sharia court of Appeal.
- d) Custom court of Appeal (only plateau).
- e) Federal high court.
- f) National industrial court.
- g) High court.
- h) Magistrate court.

- i) District court.
- j) Area courts (4 Grades).

ALL SOUTHERN STATES

- a) Supreme court of Nigeria.
- b) Federal court of Appeal.
- c) Federal high court.
- d) High court.
- e) National industrial court.
- f) Magistrate court & customary court (5 Grades).

2.21 THE INTERNATIONAL COURT OF JUSTICE (WORLD COURT) HAGUE, NETHERLANDS

The international court of justice with headquarters in Hague was first formed in 1899 as a permanent court of Arbitration, but no nation was forced to accept its services. Members of the court serve as Arbitrator, not as judges.

However, since the united nations legal work has been in the forefront of tackling problems as they take on an international dimension, providing the legal framework for protecting the environment ensuring the peaceful use of outer space, regulating immigrant labour and combating drug trafficking and terrorism etc. The United Nations took over the court of Arbitration in 1946 and renamed it the international court of justice.

Judgement delivered by the court, since it first met in 1946 have been concerned with for example disputes on the law of the sea, territorial sovereignty, the right of Asylum, nationality, decolonisation diplomatic privileges and immunities, economic rights, principle of non use of force and non-intervention.

Apart from settling disputes between states parties, the court also gives advisory opinions to the United Nations and its specialised agencies. Over 75 cases have so far been submitted to it and over 22 advisory opinions have been requested by international organisation so far. The world court as it is popularly known has made scores of judgement on international disputes involving economic rights, rights of passage, the non-use of force, non-interference in the internal affairs of states, hostage taking, the rights of Asylum and nationality, others includes peaceful settlements of disputes on questions such as land frontiers, maritime boundaries and territorial sovereignty. For instance, a dispute over delineation of a section of the border between Burkina Faso and Mali was settled in 1986. Cameroon in 1994 instituted proceedings against Nigerian over the ownership of the oil rich Bakassi. Libya/Chad border clash also in 1994 was settled in the world court.

MEMBERSHIP OF THE WORLD COURT

The world court has 15 judges, elected on merit by the United Nations general Assembly and the Security Council (which have 15 members state, 5 permanent members, mainly China, France, Russia, United States and the United Kingdom. While the other 10 members, represents the other region of the world, elected for a two-year term). The 15 judges are of different nationalities and they represent the world's principal legal systems. They however work as independent magistrates, and not as representatives of any government. The judges serve for a 9years term and may be re-elected.

The court normally sits in plenary sessions, but it may form smaller units called chambers if the parties so requests.

THE INTERNATIONAL CRIMINAL COURT

The international criminal court is an offshoot of the world court. The idea of a permanent international court to prosecute genocide crimes against humanity, aggression etc. was first considered at the United Nations in the context of the adoption of the genocide convention of 1948. In 1992 the general assembly directed the international law commission to prepare a draft statute for the court.

The statute was adopted in June/July 1998 in Rome, which calls for the establishment of a permanent international criminal court with power to investigate and bring to justice individuals who commit the most serious crimes of international concern, including genocide crimes against humanity and war crimes.

THE ORGANS OF THE COURT

The organs of the court include the following;

- I. The presidency
- II. An appeal division.
- III. A trial division.
- IV. A pre-trial division.
- V. The office of the prosecutor and
- VI. The registry.

The court has 15 judges, elected by the general assembly of the United Nations for a term limited to nine years. No two judges are to come from the same country. The judges are to elect their president while the court prosecutor is elected by a secret ballot by the general assembly of state parties to the United Nations. The seat of the court is at The Hague, but it can convene elsewhere.

2.22 COMPARATIVE STUDY OF THE JUDICIAL SYSTEM OF THE TWO MAJOR COLONIAL MASTERS OF WEST AFRICA

In order to have an overall view of the judicial system operative in West Africa states, which are similar in structure, it is pertinent therefore to simply look at the judicial structure of the two major colonial masters of West African states before they got their independence in the late 50's and early 60's [Britain & France].

2.22.1 THE COURTS IN ENGLAND

England is the country, which gave birth to the common law, which operates in the Anglo-phone countries of West Africa. The common laws originated during the Norman conquest (1066) when the new monarch used the Royal courts as instruments of the practice of having the royal court judges 'ride circuit' holding court in various locales, this led to the law being used becoming common to all of England.

But the concept of common law embraces much more than set of rules to be followed throughout the kingdom. It is rather according to Roscoe pond, 'essentially a mode of judicial thinking'. The stress on judicial thinking is important, for the common law puts the accents on the power of judges to be the developers and transmitters of the law. Yet judges are bound by the decision rule of stare decisis, 'stand by the decision'. When cases are brought to court, the judge is obligated to decide them in the same way as previous cases involving the same as similar circumstances. If the case however presents novel questions, as cases will, because there are social and economic changes, then the judge must fashion a modification of the older rules. What results in theory, is an organic system of laws, always stable but always evolving to meet new conditions. Incremental change is therefore built into the system.

MAGISTRATE COURT

At the bottom of the court hierarchy are the magistrate courts, which handles all criminal cases and few civil actions (mostly matrimonial cases). Magistrates also license pubs, allow for variances in liquor serving hours, and control local betting and gambling.

Their current judicial powers are still extensive in addition to being a juvenile court and having authority to issue warrants and summonses, all criminal offences as earlier mentioned must originate before a magistrate. However, if the crime is serious, the defendant will be bound over to the crown court.

In cases they try, the magistrates may impose sentences of up to six months in prison and fines up to £1000.

COUNTY COURT

On the civil side, the lower courts of original jurisdiction are county courts. These courts handle civil controversies ranging up to £1000.

HIGH COURTS

High court is the next on the ladder of hierarchy. Major civil cases in England are heard here. Although pictured as one court, its seventy judges sit in three distinct divisions. The Queen's Bench division is the busiest of the three since it hears all types of common law civil actions, especially, tort and breach of contract cases. They also handle appeals from crown courts in certain instances. Original trials are conducted by a single judge, but appeals are heard by three or five judges. The head of this division is the lord chief justice.

The chancery division grew out of a court that handled matters of equity, that is, issues where the common law did not provide an adequate remedy. Today, its work

consists of trust, estates, and mortgage foreclosures etc. The Lord Chancellor is the official head of this division, but he delegates effective power to a vice chancellor.

The third division is the family division, dealing with such matters as divorce, child custody and distribution of property in a marriage. Their presiding officer is labelled *President*.

COURT OF APPEAL

Appeals from the high court (with a few exceptions), crown court and county courts go to court of appeal, in which there are separate civil and criminal Divisions. It is composed of sixteen-lord justice of appeal. Three justices are the usual numbers hearing a case, but five or even seven are employed occasionally. The master of the Rolls heads the civil division while the lord chief justice has responsibility for the criminal division. If leave is given by the court of appeal or permission granted by the House of Lords, a case may go to the nation's highest tribunal.

HOUSE OF LORDS

The house of lords is the final appeal court and it also takes the place of the upper house of parliament. Its judicial function is administered by 12 specially appointed law lords.

The chief judicial officer in Britain is the Lord Chancellor. Not only does he chair the law lords, but he also appoints judges and supervises the work of the entire judiciary. Furthermore, he is a political officer with a seat in the cabinet.

2.22.3 THE COURTS IN FRANCE

French belongs to what the French comparable, Rene David, calls the Romano – Germanic family of legal systems, traditionally referred to as civil law systems, and

its practitioners as civilians by English and the United states scholars in recognition of its evolution from the *corpus iuris civilis*, the final and authoritative compilation of the private law of the Roman Empire written under the reign of the Emperor Justinian. The rediscovery of this work in the twelfth century and its diffusion through European universities had an enormous influence in the western European countries which had formerly constituted parts of that empire, where scholars regarded the compilation as representing law still in force, a conception which was politically possible since the feudal princes holding actual power at the time rarely saw it fit to legislate in the matters of the private relations between their subjects. This domain was therefore governed by customary law.

It is this history, which has given French law its peculiarly academic flavours, i.e. throughout its development it has been more closely associated with the universities, which gave birth to it (or rebirth) than with the law courts and its preoccupations have been characteristically more abstract and philosophical than administrative.



CIVIL CASES

TRIBUNAUX D' INSTANCE

They can try cases in which the amount in controversy is less than \$1000. Trials are held before a single judge.

TRIBUNAUX DE GRANDE INSTANCE.

Case of larger amount. A panel of three judges decides cases.

COURS D' APPEL

They hear cases from the decision of the above trial courts as well as from various specialised courts.

THE COURS DE CASSATION

The French Supreme Court is headed by a first president and six presidents de chamber corresponding to the six chambers into which the court is divided (five to hear civil appeals and one for criminal matters). These seven are assisted by seventy-seven other judges and thirty-one *counseillers referendaires* who participate in the debates but may not vote.

CHAPTER THREE

3.0 CASE STUDIES

A careful analysis of existing court buildings, using some Nigerian courts and Foreign courts for case studies reveals the major techniques employed to satisfy the requirements of a functional court house, as well as to find the likely problems bedevilling such court houses and postulates solutions to such problems in the proposed design.

These case studies are outlined as follows based upon the primary issues necessary to be addressed in the design of courthouses.

3.1 THE HIGH COURT OF JUSTICE, IBADAN

YEAR OF COMPLETION: 1985

LOCATION: RING ROAD, IBADAN.

3.1.1 THE PROJECT

This high court is a two-phase, twelve court room complex, but so far only the first six court room is completed and in use. The complex houses the high courts of Ibadan, an appeal court together with auxiliary offices and accommodation for the police and day time custody of those charged with criminal offences.

3.1.2 SITE PLANNING

The site is just over 5½ acres and has a gentle fall to the northeast and a sharp fall north-westwards, near the west boundary. The main approach is from leaf road off an access road. Entrance to the site leads directly to the public car park but there is no direct route from the public car park to the courtrooms. The public car park is not well defined.

The way to the judge's car park is through the ground floor of the left side of the complex into the courtyard from which the carports of the judges are under their chambers and the library. The site planning is such that the direction of approach to the building does not make one's way to either the courtroom or the administrative areas obvious, causing confusion to public users.

3.1.3 SYMBOLIC MEANING

The high court complex is set on a hill and its towers seem to dominate the landscape and majesty. Though the complex is imposing at a glance, it however looks more like an office complex or government ministry than a court complex. Hence, we see here a situation in which though the complex is imposing, yet it does not convey the symbolic meaning of a courthouse. There is also nothing about the exterior of the complex that suggests that the complex is a high court.

3.1.4 SPACE PATTERNS

The planning of the court complex is based on a courtyard arrangements and the separation of the judicial from the administrative function is obvious.

The courts are a floor higher than the rest of the complex, which makes them visually distinct. Hence, we see a dominance of space by the courtrooms.

The six courts in the first phase of the project are double volume with galleries arranged two on one another. Hence there are three blocks linked together as courtrooms. Behind these is a three storey building that serve as the registry and general administration. A two storey block raised on columns joins the courtrooms at the back and this accommodates the library, judge's common rooms and the administrative spaces that require central access, while the ground floor serves a car park for the judges and senior staffs.

3.1.5 CIRCULATION PATTERNS

Even though separation of circulation is achieved within the complex itself, yet there are still more defects in the circulatory patterns. One obvious defect is the non-existence of a main entrance as necessary for a public building. There is also no obvious entrance to the courtrooms or to the administrative areas, therefore causing confusion to public users. The place that looks like an entrance from the car park is marked "NO ENTRY" because it is supposed to be the private entrance for the judges, which is inadequate because of the lack of security measure there.

A vertical circulation system is used at the courtrooms and the judge's chambers. There is a private staircase for use by prisoners, court staff and technical staff that lead directly into the courtroom on each floor. There are public staircases for each courtroom block, which lead to the courtrooms.

Another defect in the circulation pattern is the excessive separation of public circulation between registry and courtroom. However, the courtyard arrangement aids the circulation. A ramp is also provided between the first phase and the extension to lead on to the first floor.

3.1.6 COURTROOM ARRANGEMENTS

The internal arrangements of the courtrooms are adequate in terms of the position of the dock, witness box, the bench, clerks desk and lawyers seating. The courtrooms are double volume with a gallery provided for additional sitting for spectators. However, the positioning of the dock is such that the spectators in the gallery cannot have a good view of whoever is there.

Another problem with the courtrooms is that the entrance lobby is too small. There is also inadequate provision for waiting and circulation for prisoners.

3.1.7 CRITIQUE

NEGATIVE.

- 1) The public car park is not well defined.
- 2) The complex though imposing does not convey the symbolic meaning of a courthouse.
- 3) There is no main entrance to the administrative offices and courtrooms

POSITIVE

- 1) The placing of the complex on a hilly top enhances its monumentality.
- 2) There is a clear-cut separation of the organs of the court.
- 3) A private staircase is provided to convey prisoners directly to the courtroom.

3.2 IKEJA HIGH COURT COMPLEX

YEAR OF COMPLETION: Old building 1972.

New chief judges' court 1995

LOCATION: Old secretariat, Ikeja. Lagos.

ARCHITECTS: D.D Cray of Lagos state works management Board (chief judge's court).

3.2.1 THE PROJECT

Located at the old secretariat in Ikeja is a complex of buildings located on two adjacent plots which as the magistrate and high courts. There are two high court buildings an old one completed in 1972 and a new chief judge's court completed in 1995. The courts are developed in phases.

3.2.2 SITE PLANNING

In line with the above, there seems to be no deliberate attempt to articulate a good site plan. The piece-meal approach used for the development of the individual buildings as opposed to a wholistic approach to the whole development on site seems to account for this.

The parking spaces are not adequate neither were they well laid out. There is also no separate pedestrian circulation.

Though some lines were drawn on the tarred site to guide parking, their layout often causes traffic problems. Also because of the poor layout of the buildings, there is the need to write inscriptions in order to restrict parking in certain places.

3.2.3 SYMBOLIC MEANING

The old high court building is a long narrow building that cannot be seen from the road. Even when one enters the premises, it is the end elevation that is visible. Coming close to the building, there is nothing that suggests that it is a formal or government building or even a courthouse. The overall outlook of the building is dull and unexciting even with its aluminium sun breakers on the courtroom floor and no prominent entry. The building therefore, does not carry any meaning as a courthouse.

The new chief judge's court on the other hand has a formal look but it can only pass for any other institutional or office building than for a courthouse. The façade has nothing to suggest it is a courthouse.

3.2.4 SPACE PATTERNS

The old high court building is a long narrow building with a double bank arrangement of rooms along the corridor. The lower floor serves administrative functions and the upper floor judicial ones. The lower floor contains the library, the

registry, and other auxiliary facilities while the upper floor contains six courtrooms together with the judge's chambers and judge's secretary offices. Hence we see here a differentiation of function by the location of spaces.

The new chief judge's court is planned in a courtyard arrangement. The ground floor contains the offices and other administrative functions and chief judge's garage.

The upper floor contains the chief judge's court and chambers and the courts and chambers for two other judges. It also contains the probate registry, conferences room and offices of the chief registrar and other administrative staff. The library is octagonal in shape and is set right at the centre of the courtyard. Here again we see a differentiation in space based on function. The library whose function is somehow different from that of the other spaces has a different shape- the octagonal plan. Though there is a differentiation in space, there is however a fault in the disposition of the spaces because some related space is placed far apart.

3.2.5 CIRCULATION PATTERNS

There are some very obvious problems with the circulation pattern of the old high court building. The entry visible on approaching the building is the judges and staff entrances and the main entrance is not visible. Two narrow 1.3m wide straight flight staircase takes one to the courtroom floor. This is too narrow considering that there are six courtrooms on the floor. A horizontal circulation system is used for the courtrooms and judges chambers.

The corridors generated, both the internal one for the judge's chambers and the external one for the courtrooms are narrow, long and poorly treated. The aluminium sun breakers provide lighting for the courtroom's corridor, but the judges corridor as well as the staff's corridor downstairs are poorly lit.

There is a good restriction of circulation in the new chief judge's court. The general public and litigants need not to go further than the courtroom area, which are to one side of the building. The chief judge parking in the garage has a private staircase that takes him to his chamber. However, there is no provision for the two other judges. The distance of the library from the courtrooms is also much because the entrance to the library is only from the ground floor, hence this increases retrieval time. Another problem is the fact that the judge's circulation is the same as that of the defendants in custody, which is a security risk. The cells for the accused person are by the gate and no separate circulation is provided for this group, an omission, which constitute a security lapse.

3.2.6 COURT ARRANGEMENTS

The courtroom arrangements are adequate but they are poorly lit and ventilated.

3.2.7 CRITIQUE

NEGATIVE

- 1) The parking spaces are not adequate, neither are they well articulated.
- 2) There is no separate pedestrian circulation.
- 3) The building at a glance does not symbolise a courthouse.
- 4) Some related spaces are placed far apart.
- 5) The main entrances are not visible to an outsider.
- 6) There are only 2 (1.3m) staircases to the 6 courtrooms located on the second floor.
- 7) The judge's circulation is the same as that of the defendant in custody, which constituted a security risk.

POSITIVE

- 1) There is differentiation of function by spatial location of spaces.
- 2) There is a private staircase for the chief's justice from the garage to his chamber.

3.3 THE SUPREME COURT OF NIGERIA BUILDING, ABUJA

YEAR OF COMPLETION: Yet to be completed.

LOCATION: Three-Arm zone, Abuja.

ARCHITECTS: Kenzo Tange (Principal consultants) in collaboration with Oluwole Olumuyiwa and Associates and E.E.D Nsiegbe and Associates.

CONTRACTOR: Bougues Nigeria Ltd.

3.3.1 PROJECT

The Supreme Court is located in perfect co-ordination with the other arms of government's complexes, namely the Presidential and Legislatives' complexes to form the 3 Arm – zone in the heart of Abuja's phase one developmental evolution as contained in the master plan of the Federal capital Territory.

The Supreme Court consists of three court Halls surrounding a monumental hall placed in the centre. Other structures in the big compound include the judicial commission located away from the main complex, a prominent and well-designed water tank and a huge electric generating plant house.

3.3.2 SITE PLANNING

The approximate 250m land has gentle fall towards the north with steep southern fall overlooking the National Assembly Complex. The complex, which is located to the right of the National Assembly and adjacent to the presidential

complex, has two gates. The first gate can be approached from the main road that leads to the National Assembly. An approach from this end shows a well landscape area and a covered terraced walkway for pedestrians.

The main approach is from the second gate, which is located off Ibrahim Babangida road, from where one approaches the well articulated public parking which can take as many cars as possible. Another car park is located nearer the building complex for other staffs of the court, while the judge's car park is located at the basement from where they are expected to take a lift to their various chambers.

The general layout of the whole complex is well articulated, and the architect made good use of the gentle slope towards the northern part of the compound to achieve a symbolic grandeur for the Supreme Court.

3.3.3 SYMBOLIC MEANING

The supreme court as the name implies, being the apex court of the country in Comparison with the other two arms of the government's complex's, seems to be on a higher plain and this makes it to stand out prominently. Even though the Assembly complex next to it looks more imposing, the Supreme Court wields an intimidating stance as a result of its Altitudinal advantage.

Another symbolic thing about the complex is in the fact that the complex is centrally located in such a way as to have the same elevational outlook from all sides and this makes it difficult for one to ascertain the approach view from a distance.

The monumentality of the complex cannot be over emphasised and the different court heights gives a picture of court hierarchies.

3.3.4 SPACE PATTERNS

The Supreme Court consists of three court halls surrounding a monumental hall placed in the centre. The 15 justices' chambers and facilities, the registrars section, library and archives, administrative department and accounts offices surround these court halls to form a square, creating four interior courtyards in the process. It is evident from the design that similar spaces and functions were grouped together as shown by the justices' chambers, courts and administrative block.

The justices' parking space is placed in the basement to facilitate easy and private movement for them. The various sizes of courts also showed an obvious hierarchy of the courts at first look. The courtrooms start off from the first floor and span the third floors and extend above the floor level of the encompassing buildings, while the main court which is larger extends further.

3.3.5 CIRCULATION PATTERN

Distinction in the justice's circulation and that of the public and other staff of the court complex is achieved by providing staircases and lifts for them from the basement parking to their chambers and also providing them with an emergency route which is privately used by them to escape from the compound whenever the case may arise. The justices can also enter the various courtrooms without mixing with the public anytime.

The offices of the judicial services commission were located away from the complex and connected to the complex by two colonnaded walkways. The ceremonial approach to the complex terminates at the plaza, which is enclosed on three sides by a colonnaded walkway.

3.3.6 COURTROOM ARRANGEMENT

The Supreme Court arrangement like every standard courtroom all over the world has entrances for the different categories of court participants, showing sharp circulation hierarchies.

One significant element of the courtroom at the Supreme Court is the use of see through sheets for its roofing to throw in natural lighting into the courtroom. The main court has the highest volume in terms of height and capacity while the other three court rooms has the same volume sharp separation of different categories of participants in the courtroom is achieved with demarcation showing the different sections, which includes the press section, audience, counsels and the justices are seated on an elevated platform.

3.3.7 CRITIQUE

NEGATIVE

- 1) It is difficult to ascertain the approach elevation of the court complex due to the similarities in all the sides of the court complex.

POSITIVE

- 1) The general layout of the whole court complex is well articulated.
- 2) A private emergency escape route is provided for the justices from their chambers.
- 3) There are clear-cut circulation route for judges and the public.

SONOMA COUNTY HALL OF JUSTICE

CALIFORNIA

THE SONOMA COUNTY HALL OF JUSTICE CALIFORNIA WAS BUILT AROUND A COURTYARD ENCLOSED. THIS COMPLEX WAS DESIGNED BY ARCHITECT J. CLARENCE FELDMAN AND IN 1960 IT WAS DESIGNED AS AN INTEGRAL, THOUGH SEPARATE, THREE STOREY TAIL.



PICTORIAL VIEW

Architect's Note

- THE COURT COMPLEX IS VERY SIMPLE YET IMPERATIVE.
 - PRISONERS CAN BE TRANSPORTED DIRECTLY FROM JAIL TO A STAIRCASE BY THE COURT ROOM VIA A TUNNEL IN THE ROOF FROM THE JAIL TO THE COURT PREMISES.
 - THE CIRCULATION PATTERN SHOWS A CLEAR CUT MOVEMENT SEPARATION FOR JUDGES, JURY AND THE PUBLIC.
- Y. J. FELDMAN
- THE PARKING SPACE PROVIDED IS INSUFFICIENT
 - THERE IS NO SEPARATE PARKING FOR JUDGES AND JURY, THIS CAN CONSTITUTE SECURITY HAZARDS.



2ND FLOOR PLAN



PRISONERS ARE TRANSPORTED IN A CONCEALED TUNNEL, LEADING FROM THE SECURITY AREA TO THE COURT ROOM.

1ST FLOOR PLAN

3.4 SONOMA COUNTY HALL OF JUSTICE AND JAIL

YEAR OF COMPLETION: 1962.

LOCATION: Santa Rosa, California.

ARCHITECT: J. Clarence Feliciano, Ala.

3.4.1 THE PROJECT

The complex is built around an enclosed courtyard and it has integral, though separate three-storeyed county jail. The jail can either be seen as part of the complex or otherwise as the architecture of the court is independent i.e. one can visually perceive the distinction. This is not however, to say that the jail is an afterthought or addition to the court.

3.4.2 SITE PLANNING

The site planning is adequate but the parking is not well articulated and it is insufficient. There are also no separate parking areas for the judges and jurors.

A system of pedestrian walkways takes the users from the parking area to the court complex.

3.4.3 SYMBOLIC MEANING

The court complex is appealing for its simplicity. The architect seems to have done a good job with the massing. In spite of its simplicity, it is still impressive and still conveys the meaning of a formal building. The formal look conveys the impression of a building for law and justice, which it is.

3.4.4 SPACE PATTERN

One can readily perceive visually the separation of the court and the jail in spite of their strong connection physically. The ground floor contains offices, which

are well placed on the exterior of the building to receive full benefit of natural light. The first floor contains the five courtrooms, the judge's and juries' chambers and the law library. The roof has a concrete tunnel from the jail that leads to staircases which are used to transport prisoners directly into the courtrooms.

The hierarchy of spaces is shown in the elevation as the courtrooms are expressed in the exterior design in contrast to the smaller spaces for judge and jury chambers spaced between. The courtyard does not only ensure adequate lighting and ventilation, but it also helps in achieving good spatial quality.

3.4.5 CIRCULATION PATTERN

A look at the circulation pattern shows that the judge and jury have adequate internal circulation, because once inside their chambers, they can enter into the courtroom without mixing with the public. However, the glass-enclosed corridor running completely around the inner courtyard does not afford separation of public and official traffic.

The same system of elevators and stairs used by the judges and jurors are the same being used by the public.

The architect achieved an effective control system for transporting the prisoners by the use of a concrete tunnel running across the roof from the jail to stairs leading into the courtrooms. However this is a costly solution.

3.4.6 CRITIQUE

NEGATIVE

- 1) The parking is insufficient.
- 2) There is no separate parking for judges and jurors.

POSITIVE

- 1) The court complex is very simple yet impressive.
- 2) Prisoners can be transported directly from jail to a staircase by the courtroom via a tunnel in the roof from the jail to the court premises.
- 3) The circulation pattern shows a clear-cut movement separation for judges/jurors and the public.

3.5 THIRD DISTRICT COURT OF APPEAL

YEAR OF COMPLETION: 1979.

LOCATION: Miami, Florida.

ARCHITECTS: Ferendiro/Grafton/Spillis/Candela.

3.5.1 THE PROJECT

The third district court of Appeal is a small building located in a suburban-almost rural area, where the element of monumentality becomes important in creating a statement of civic presence. The building has an added bonus of savings on heating and cooling loads.

3.5.2 SITE PLANNING

The site is adequately laid out with good circulation system and parking for vehicles. The site plan provides in conjunction with the building design, circulation to a private entrance for the judges.

3.5.3 SYMBOLIC MEANING

In the suburban area where it is located, where the element of monumentality becomes important in creating a statement of civic presence, this building inspite of its small size does this adequately. The building has a grand entrance that leads to an

open courtyard. Using the courtyard, a centuries-old format for circulation, in warm weather climates, the architects have produced a monumental, but appropriate building for official function with only 37,500 square feet of enclosed space.

A good part of the perceived is wide open to the sky, and becomes a "free" contribution to the buildings scale. Hence, we see here a small building that gains appropriate monumentality by capturing open space, in the form of a central courtyard, within its carefully designed volume.

The outlook of the building is formal and its seemingly monumental scale combines with this to produce a building which is appropriate for a courthouse in terms of its outlook.

3.5.4 SPACE PATTERN

The grand entrance to the building leads not to the expected closed lobby, but to a welcoming open courtyard that gives both a place of assembly and a way of reaching the various basic spaces located off it. The use of the courtyard circulation concept would not work for a series of smaller air-conditioned spaces where the doors are opened frequently; thus there is the usual system of enclosed corridors on the first floor where there are offices for eight judges, their assistants and secretaries.

An extensive library occupies parts of both storeys of the building in two different areas, and is connected by an opened well. The courtroom is expressed as a separate volume by its semi circular shape both in the interior and the exterior.

3.5.5 CIRCULATION PATTERNS

A centuries-old courtyard format of circulation is used for the building. The grand entrance leading to the open courtyard acts both as a place of assembly and a

way of reading the basic located off it. On the first floor, a system of enclosed corridor was used for energy efficiency.

The judge's and staff circulation is clearly separated from that of the public. The judge's have a separate entrance to the right side of the building from which they can access the courtroom or go to the first floor where their chambers are located. The circulation for the general public is such that they would have no access to the judge's private area except on purpose.

3.5.6 CRITIQUE

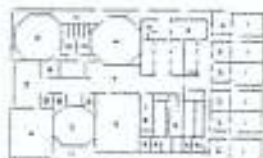
POSITIVE

- 1) The entrance is through an opened distinct courtyard.
- 2) The circulation pattern showed a distinct separation of movement of judge's/courts staffs and the public.
- 3) The courtroom is adequately designed in a radial disposition to enhance good sight contact of all court participants.

3.5.7 COURTROOM ARRANGEMENT

Opening directly from the courtyard, and indeed expressed as an articulated building volume, the all important courtroom is semi-circular in shape. This also provides a good visual contact with the bench by both radial distances from spectators seating and by having the seating on stepped platforms. The stepping up of the ceiling provides a greater height at the focus and this increases the importance of the bench in what is a relatively a modest room.

COMMONWEALTH STATE LAW COURT SYDNEY AUSTRALIA



TYPICAL FLOOR PLAN

- 1 JUDGES CHAMBERS
- 2 ROOMS FOR JUDGES ASSOCIATE AND TIP STAFF
- 3 INDIVIDUAL AIR-CONDITIONING AND AIR HANDLING UNIT
- 4 GOODS AND PRISON LIFT
- 5 TOILETS
- 6 TYPICAL OCTAGONAL COURT
- 7 PUBLIC WAITING SPACE
- 8 LEGAL AND WAITING ROOM
- 9 SERVICE ROOMS
- 10 JURY ROOMS
- 11 JUDGE'S CONFERENCE ROOM



SITE PLAN



PICTORIAL VIEW

THE COMMONWEALTH STATE LAW COURT IS IN THE SACRED CORNER OF SYDNEY, WHERE LAND IS VERY SCARCE AND AMENITIES HIGH. AS A RESULT OF THIS THE ARCHITECT DECIDED ON A TALL BUILDING TO PUT THE SUPREME COURT OF NEW SOUTH WALES IN BOTTOM HALF AND THE COMMONWEALTH COURT ABOVE BUT TO GIVE BOTH COURTS GROUND FLOOR LOBBIES OF EQUAL SPLENDOUR AND OPENING UP DIFFERENT STREETS.

THE BUILDING WAS COMPLETED IN THE 1978.

MERITS

- THE SITE IS WELL ARTICULATED AND RELATED WITH OTHER EXISTING BUILDINGS.
- THE BUILDING IS TALL, BOLD AND VERY IMPRESSIVE SHOWING IT IS A FORMAL BUILDING.
- THE SPACE PATTERN IS EXCELLENTLY ORGANIZED GROUP SIMILAR SPACES AND FUNCTIONS TOGETHER.
- JUDGES CAN GET INTO THEIR CHAMBERS WITHOUT THEIR CIRCULATION CROSSING WITH THAT OF THE PUBLIC. JUDGES AND THE PUBLIC.

DEFERENCES

- SINCE THE BUILDING IS LOCATED IN A DENSELY POPULATED ENVIRONMENT, THE NOISE INCUSSION WILL

3.6 COMMONWEALTH STATES LAW COURT BUILDING

YEAR OF COMPLETION: 1978.

LOCATION: Sydney, Australia.



3.6.1 THE PROJECT

Sydney has a legal quarter like any other capital city, but it is the sacred corner of Sydney where land is short and amenity is high that the court is situated. The architects therefore decided on a tall building, to put the supreme court of New South Wales in the bottom half and the common wealth court above but to give both courts ground floor lobbies of equal splendour and opening onto different streets.

3.6.2 SITE PLANNING

The building, located in Sydney's legal quarter has a well-articulated site plan that relates well with the building existing there previously. There is both vehicular and pedestrian access to the building. The sitting of the building is in the government area.

3.6.3 SYMBOLIC MEANING

The building frame is steel and the cladding precast concrete with a gravel aggregate chosen to go with the traditional Sydney sandstone. The building treatment produces a sense of care and thought into an area of design where neither is common. The architects seem to have gone through great pains to make these court and their surroundings as homely as majesty would allow.

Inspite of this, the building is tall, bold and impressive, indicating a formal building, which could pass for any government, or corporate building. The building also has large impressive entrance lobbies, which are double floors with reflective metal ceilings and polyhedral glazing.

3.6.4 SPACE PATTERNS

In this building one notices the differentiation of space as evidenced by their shapes, sizes and location. One innovation is the use of octagonal courts for some of the less formal hearings. This was adopted only after trial by a full-size mock-up, with the intention of throwing the parties together.

Another space patterns evident from the design are the grouping of similar spaces and functions together as shown by the judge's chambers and courts. There also seem to be use of modular units.

3.6.5 CIRCULATION PATTERN

The handling of the majestic double volume ground floor with its separate foyers, reflecting metal ceilings and polyhedral glazing was interesting. These foyers provide impressive transmit areas for the passage from one world into another.

Though similar spaces were grouped together the architects also achieved a superb separation of circulation. For example, the judge's can get to their chambers without their circulation crossing with that of the public and by their own system of corridors on the periphery they can also get to the courtrooms privately. There are also separate lifts for the public, prisoners, judge's and the staff.

3.6.6 COURTROOM ARRANGEMENTS

The octagonal courtroom arrangement that was experimented and adopted for some of the less formal hearings is an interesting innovation. This arrangement tends to throw the two parties to the case together.

3.6.7 CRITIQUE

POSITIVE

- 1) The building is tall, bold and impressive.
- 2) There is appropriate differentiation of space, through the use of shape, sizes and location of various space requirements.
- 3) Similar functions are adequately grouped together.

3.7 THE CHANDIGARH HIGH COURT

YEAR OF COMPLETION: 1950-1957.

LOCATION: The Capital, Chandigarh, India.

ARCHITECTS: LE CORBUSIER.

3.7.1 THE PROJECT

The Chandigarh high court, also called the palace of justice is located in the capital in Chandigarh with the other government buildings namely the secretariat and the presidential palace. It represents positive premier manifestations of an aesthetic possible in reinforced concrete. It contains a large court of justice and eight small courts of justice.

3.7.2 SITE PLANNING

Le fricana planned the site very dramatically. The site contains three water basins and amenities that make it look like park-trees, flowers, greens, pavements of stone and cement and different monuments. In spite of this, the site plan is well articulated and well related to the other buildings in the capital.

3.7.3 SYMBOLIC MEANING

The building is built in *Le fricana's* late style. The style, totally unexpected when it broke out with the United d' Habitation at Marseilles in 1947-1952 and the far more radical chapel of Ronchamp in 1950- 1994, is not a development of the preceding international modern movement but a violent reaction against it. While in the thirties, architects wanted maximum performance with minimum thickness of material, the chandigarh law courts is cyclopean (gigantic and colossal) in its masses. Also, it is aggressive and overpowering. The result of this is an impressive awe-inspiring building for a law court, which is improper for such a building.

In this building we see an example of what judge's and legal practitioners term improper for courts. *Le fricana* commissioned Indian craftsmen in Kashmir to produce 650 metres of tapestry for the lower parts of the small courts of justice (eight tapestries of 64m² each) and for the lower part of the large courts of justice (a tapestry of 144m²). The tapestries provoked the delight of Mr. Nehru and the Governor of Punjab as well as the chief judge. But they also aroused doubts in the mind of some judges who declared that they were an outraged to the dignity of justice and they caused two or three of them to be removed in a short time. The brightly milk-coloured tapestries seemed offensive to the dignity of justice hence they eventually had to be removed.

3.7.4 SPACE PATTERNS

In the chandigarh high courts we see a hierarchy and differentiation of space both in their size and disposition. The ground floor contains the car-park and the spaces for the counsels. The first floor contains the courtrooms, the judge's chambers and the library. These are double volume, hence they continued on the second floor

but the large court of justice has a gallery. The third floor contains the registry, archives and the restaurant.

The size of the large court of justice tells us immediately that it is the most important space and the one manned by the chief judge. The equality of size and grouping together of the others tell us that they are at the same level.

3.7.5 CIRCULATION PATTERNS

There is a distinction in the judge circulation and that of the general public. The judges have their own staircase and corridor which takes them to their chambers and into the courtrooms without crossing the public circulation.

From the main public entrance lobby there is a large ramp that is doglegged and is for vertical circulation in addition to a dogleg staircase. The ramp helps in case there is a need for a disabled person to attend a court hearing. It also makes it easier for a visitor to find his route within the building. There is also clarity of circulation since there is a clear definition and restriction to where the different users move through in the building.

3.7.6 COURTROOM ARRANGEMENT

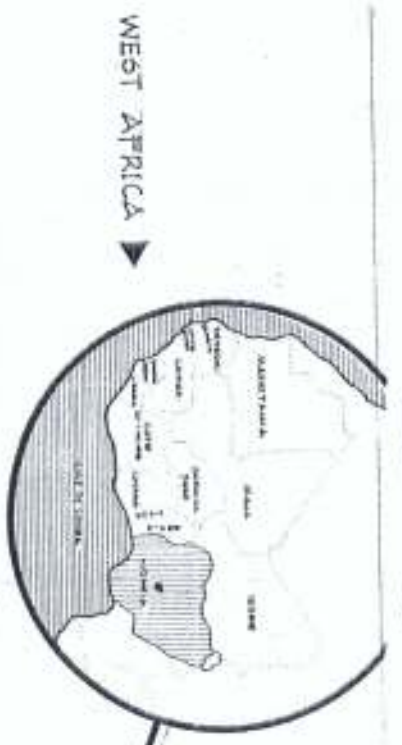
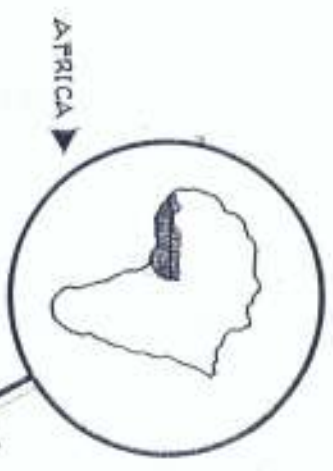
The large court of justice is triple volume and it also has a gallery. The gallery ensures that there is enough space for the public attending court sittings. The small courts of justice have double volume.

3.7.7 CRITIQUE

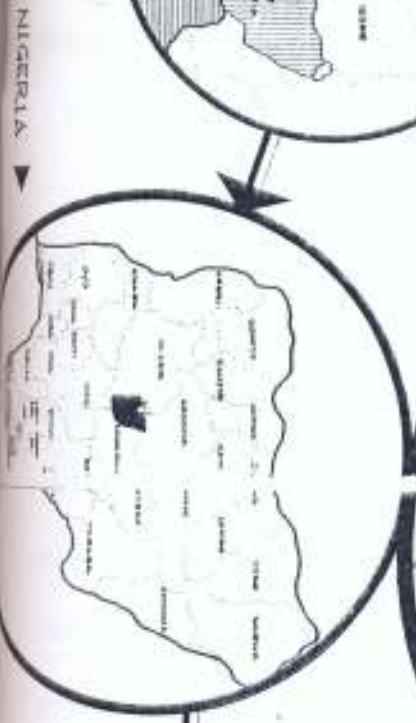
POSITIVE

- 1) Adequate public, judge's and staffs circulation is provided.
- 2) A ramp is provided to convey the handicap to the courtrooms upstairs.

SITE LOCATION MAP



▶ SITE



CHAPTER FOUR

4.0 SYNTHESIS OF STUDY

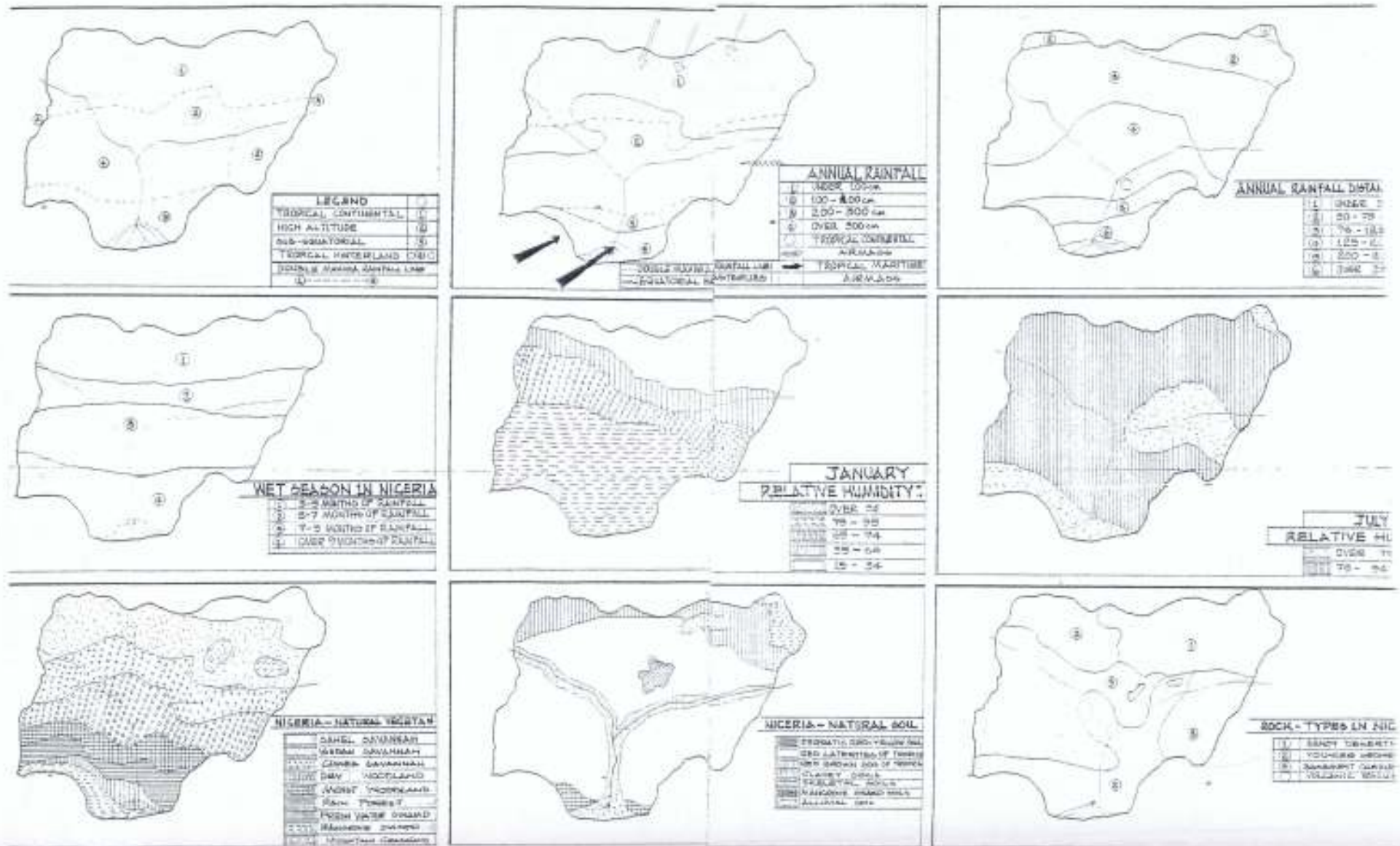
On October 1975 the federal capital development Authority was established and charged with the responsibility of the development of a new capital for Nigeria.

The site selected by the relocation committee set-up by the federal government as defined in the 1976 federal capital Territory decree is 8,000 square kilometres area south of Abuja, bounded by Niger, Kaduna, Nassarawa and Kogi state. Fig () indicates the location of the FCT within Nigeria, which lies between longitude $7^{\circ}22'30''$ E and $7^{\circ}27'30''$ E and south of latitude $9^{\circ}15'00''$ N.

As shown in the fig (), the FCT is centrally located in Nigeria. It lies above the hot humid lowlands of the Niger/Benue trough but below the drier parts of the country towards the North. It is located North of the wide alluvial plains formed by the confluence of the Niger and Benue rivers. The jema platform, which is a confirmation of the Jos plateau, now in Nassarawa state extends well into the middle of the territory. Four major rivers flow southwards into the Niger/Benue trough either through the federal capital territory or adjacent to it, the Guarara River flows along its western edge. It's watershed drains most of the territory into the Niger. To the west and north of the territory lies the largest of the four rivers, the river Kaduna.

Apart from the Benue the Kaduna River is the largest tributary to the Niger. A new dam was constructed on this river at shiroro at the junction of Durya and Kaduna rivers, which is approximately 100 kilometres north of the Federal Capital Boundary. Several ridges of low mountains or high hills lie between the shiroro dam site and the federal capital territory. Between the Kaduna River and the federal capital territory lies the Fatau River, while the Okwa River his east of the territory.

NIGERIA'S CLIMATIC ANALYSIS.



LEGEND

TROPICAL CONTINENTAL	1
HIGH ALTITUDE	2
SUB-TROPICAL	3
TROPICAL WETLAND	4
TROPICAL WETLAND (M)	5
DOUBLE MONSOON RAINFALL LINE	6
EQUATORIAL WETLAND	7

ANNUAL RAINFALL

1	OVER 100cm
2	100 - 800 cm
3	200 - 500 cm
4	OVER 500 cm
5	TROPICAL CONTINENTAL
6	ARABIAN
7	TROPICAL MARITIME
8	ARABIAN

ANNUAL RAINFALL DATA

1	OVER 75
2	50 - 75
3	75 - 100
4	125 - 150
5	200 - 250
6	OVER 250

WET SEASON IN NIGERIA

1	2-3 MONTHS OF RAINFALL
2	3-7 MONTHS OF RAINFALL
3	7-9 MONTHS OF RAINFALL
4	OVER 9 MONTHS OF RAINFALL

JANUARY RELATIVE HUMIDITY:

1	OVER 75
2	75 - 90
3	65 - 74
4	55 - 64
5	45 - 54

JULY RELATIVE HU

1	OVER 75
2	75 - 90

NIGERIA - NATURAL VEGETATION

1	SAHEL SAVANNAH
2	WEST SAVANNAH
3	WEST SAVANNAH
4	SWY WOODLAND
5	WET TROPICAL
6	SWY TROPICAL
7	WET TROPICAL
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NIGERIA - NATURAL SOIL

1	FRAGMENTARY SOIL
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ROCK TYPES IN NIG

1	SAHEL GRANITE
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The geographical relief of the federal capital territory shows that it consists of a tilted plain rising from elevation 300ft in the southwest corner to above 2000ft at the Northeast corner. Rising out of this tilted plain are numerous rocky out-crops and inselbergs and several ranges of low mountains. This kind of landscape also characterises large areas of the region surrounding the territory. In the area overlooking the Niger/Benue lowlands the hills changes to flat topped laterite-capped masses.

4.1 CLIMATIC CONDITIONS

4.1.1 TEMPERATURE AND HUMIDITY

Radiation in human terms is air temperature and this is greatly influenced by the humidity conditions in air. The FCT records its highest temperature during the dry season changes in temperature of much as 17°C have been recorded between the highest and lowest temperature in a single day. During the rainy season, the maximum temperature is lower due to dense cloud cover. Diurnal annual range is also much lower, sometimes no more than 7°C in July and August. Like air temperature, human response to stimuli is greatly affected by relative humidity. The fig () shows the monthly variation in temperature and humidity of the FCT taken at 0700hrs. During the dry season, relative humidity falls in the afternoon to as low as 20% in the city, the low relative humidity coupled with the high afternoon temperature account for the desiccating effect of the dry season. In the rainy season, the relative humidity is as high as 95%. Even though the temperature is slightly lower, the effect is to create a heat trap.

4.1.2 RAINFALL

The rainy season starts around the 10th of April in the Northeaster part of the FCT. The rain then tapers off rapidly after the 20th of October. Thus the duration of the rainy season is between 180 days to 190 days. The table () shows the mean monthly rainfall for the Abuja area. The mean monthly distribution shows a tendency for concentration in three or four months. In the Abuja area 6 percent of the annual rainfall is in the months of July, August and September.

The FCT has frequent occurrences of squall lines, which begin with dense dark, cumulo-nimbus clouds with thunder and lighting, followed by strong winds and intense rainfall. The intense rain may last for up to one-half hour and is then followed by drizzle of several hours duration, this condition is then replaced by a few days of bright, clear skies. It is believed to originate from Jos plateau region and to travel from east to west across the city. It is most common in the late afternoon at the beginning and ends of the rainy season, and often causes serious property damage.

Another weather phenomenon is associated with the presence of inselbergs. These features exert an influence on local weather, greater than their size. The inselbergs start off conventional activity and cause intense relief rain in their immediate environment.

4.1.3 WIND DUST

Two major air masses dominate the climate of the FCT; these are the tropical maritime air mass and the continental air mass. The tropical maritime air mass is formed over the Atlantic Ocean to the south of the country and therefore warm and moist. It moves inland generally in a southwest to northeast direction. This is also referred to as the southwest trade winds. The tropical continental air mass on the other

hand is developed over the Sahara desert and therefore it is warm and dry and it blows in the opposite direction to the first i.e. northeast to southwest. It is also referred to as the northeast trade wind (Hammarttan). The oscillation between these two air masses produces the highly seasonal characteristics of weather conditions in the country. The tropical continental air mass is associated with dry season, while the tropical maritime air mass creates the wet season. The presence of these two air masses is indicated by the characteristics of prevailing wind as shown in fig (). While the tropical continental air masses is associated with the northeast trade wind and the tropical maritime air mass with southwest monsoon winds, the intensity and duration of each type of wind over a particular place vary due to the interface of these two masses. In time, the northerly flow of air component has weakened and only the southerly flow predominates being moisture laden. And this brings a lot of rain. In September, the tropical continental begin to intensify over the territory and the northeast trade winds become the dominant wind from October to march bringing with it dry, cloudless but dust laden condition associated with the Hammarttan. It is always very hot during the days but the cloudlessness means that at night there is considerable loss of heat by radiation from the earth. The temperature in the night drops sharply often to dew point, giving rise to early morning mist fog. This is further complicated by setting dust particles, which have the effect of reducing visibility to a few hundredth metres. With day light, renewed insulation clear the mist or fog, even though the dust particles continue to float in the air or to settle as thin film over furniture and other objects.

4.1.4 SUN AND CLOUD COVER.

In Nigeria, there is a general increase in the total hours of sunshine further north from the Atlantic coast. The duration of sunshine ranges from a minimum of 1300hrs

in the Niger-delta to 3,200hrs in the extreme northeast of the country. The FCT is exposed to 2500 sunshine hours annually.

The monthly pattern of variation as shown in the table () is the critical issue. At the dry months (November-April), the monthly variation in the amount of sunshine follows the general trend of an increase from over 275hrs on the city site. As the rainy season approaches, the trend is to increase cloudiness. The decline in sunshine hours becomes more intense as the rainy season progresses and reaches its lowest in the month of August. At this time, there is actually an inversion in the city, where there is less sunshine hours than in the southern part of FCT, see fig () for the mean monthly sunshine duration.

4.2 PHYSIOLOGY AND CLIMATOLOGY

4.2.1 ACCESS AND LOCATION

The thesis site is located at the federal capital territory. The actual site is located in the phase II of the federal capital territory.

The choice of Nigeria in particular as the site for the location of the community court of justice for Economic Countries of West Africa States (ECOWAS) was based on two factors; it's leading role in the emancipation of this organ, through its initiative and leading roles in the establishment of the organ far back in 1975 and for the fact that Nigeria is the highest financial donor to this organ up to date. Another reason being that Nigeria is the most populous country in West Africa, Nigeria is three times bigger than all the French speaking countries put together. In view of these facts Nigeria has the highest number of parliamentarians in the proposed ECOWAS HOUSE of parliament, 35 seats out of a total of 120 seats (Guardian 10th Feb. 2001).

The choice of the city of Abuja on the other hand was made because of its centrality to the country (Nigeria), and for the fact that it is an administrative city and it is the capital of Nigeria, more so, it is the seat of the secretariat of the ECOWAS.

The actual site for the proposed project was selected because it is the area apportioned for diplomatic structures, even though yet to be developed fully, it is the location of the various foreign embassies and more so it's nearness to the Nnamdi Azikiwe International Airport is a major advantage.

As earlier explained the site is located in the phase II of the FCT developmental phases outside the phase I, which is the fully developed part of the city, consisting of Wuse as well as Garki. Developments in this phase include roads network, services, residences as well as governmental and non-governmental establishments. However, the phase II in which the site is situated could be described as developing, as the bulk of the projects are still on paper, however, a few road network have been put in place. Adjoining this phase is the phase III, which is practically undeveloped, the road network is not fully on ground yet, however, this is the phase that houses the international Airport.

The actual site for the proposed project is cited in the Kukwaba recreational park area, which overlooks the area, which housed the various embassies, which are mostly under construction. The Kukwaba recreational park area is the boundary area to the phase I, which is the core of the FCT. The site is therefore bounded by the phase I to the east, the Durumi district area to the south and Jabi and Wuye district area to the north and the park to the south.

The site is flanked to the south by the major international airport road. The site is about 10km to the city core, and about 8km to the ECOWAS secretariat.

4.2.2 SITE CONFIGURATION

The site is flat in configuration with sparse vegetation, which reflects the general characteristics of the Kukwaba village, which originally own the site prior to its acquisition by the federal government of Nigeria.

4.2.3 SOIL GEOLOGY

The Kukwaba area is generally underlain by crystalline igneous and metamorphic rocks of Precambrian age. The rock lithological characteristics shows bedrocks made up of fine-to-medium granite biotite, granite and migmatite.

The soil is made up of; residual laterite soil; made up of pebbles, gravels, sands, silt and clay. The upper part includes humus soil with high sand content and laterite crust. The laterite outcropping on the project site consists of harpan and conglomerate, frequently lithoid, particularly rich in iron and aluminium oxide with characteristics cellular texture, which forms a cement of chemical origin.

Alluvial soils also constitute the dominant soil on the site. The soil consists of stormy rock fragments mixed with sand silt and clay rock outcrops.

4.2.4 NATURAL VEGETATION

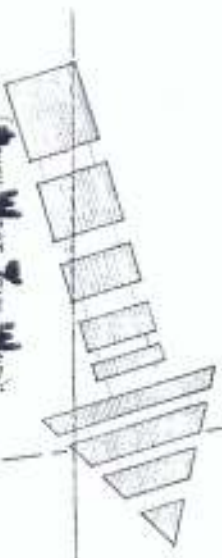
The vegetation on the site is predominantly parks and shrubs of Guinea savannah with the trees and shrubs scantily located in different proportion. There were although fringes of tropical vegetation very close to Kukwaba village because of its proximity to Jabi River which is to the south of the village.

The dominant tree species in this area are *Taniellia olivera* found in association with *dectarium*, *microcrpium*, *lophira lancerlath*, *propisious* *fricana*, *Andropogon tectorum*, *Imperata cylindrical*, these all abound in sparse forms. The park and shrubs found on the site on the other hand is the combination of scattered trees, grasses and

SITE ANALYSIS.



W
S
 DURING PARTS OF A LOW ALTITUDE
 FLOWING THROUGH THE CANYON, AND A
 LONG STRETCH OF OPEN FLAT WIND
 DIRECTION IN THE WINDS.



South West To Windy
 THE WIND BLOWING FROM THE ATLANTIC OCEAN,
 IT IS CALD AND THESE POINTS SCATTER THE SAND
 AND FOR IT IS HEAVILY CONCENTRATED IN THE INTERSTICES
 OF BUILDING, THIS SANDY WIND WINDS ARE DESCRIBED
 TO WINDS IT'S DIRECTION.



General description

Human activities

THE CLIMATE FORMATION
 BRUSHWOOD



North East To Windy
 IT IS CALD THE DIRECTION, IT IS WINDY
 DURING THE WINDS, BECAUSE IT BLOW OVER THE SANDS
 DIRECTION.



ALONG LEVEL, IN AN
 HIGH DUE TO SANDS,
 MOVEMENT ON -
 HIGHWAY, HOWEVER,
 DUE TO SANDS DUE TO
 APPROPRIATE SANDS
 THE HIGHWAY.

THE NEUTRAL DIRECTION
 HORIZONTAL



E
 THE SANDY WINDS AND SANDS
 OF ATLANTIC O - IT'S EFFECT IS
 DIRECTION IN THE DIRECTION OF A SANDS.



THE WIND DIRECTION



shrubs with the vegetation being mainly herbaceous probably due to human activities such as cultivation, grazing and burning.

4.2.5 SITE MICRO ANALYSIS

The various climatic elements, which directly or indirectly influence the site and its contents, are as follows:

- i. Temperature.
- ii. Wind.
- iii. Humidity.
- iv. Noise.
- v. Glare.
- vi. Drainage.
- vii. Solar orientation.
- viii. Relief.
- ix. Movement pattern and traffic.

Since the location is exclusively a reserved area for diplomatic edifices, there is bound to be less noise, more so since it is away from the central business district, which is in phase I.

Glare, which causes discomfort as a result of reflection of the sun on reflective surfaces can be reduced or eliminated through the use of, overhangs and shades on the building and through planting of trees and the preservation of existing ones.

Drainage is controlled by having a central drainage system, which is linked to the national drainage grid for the area.

Solar orientation is enhanced by orientating the building windows and doors in a way as to allow for only minimum sun penetration by considering the sun path for the site location.

4.2.6 SITE SELECTION CRITERIA

Other consideration includes the following;

- i. Ease of accessibility.
- ii. Minimum topographic restriction.
- iii. Adequate existing social infrastructures i.e. electricity, water, such that would not require extra cost for procurement.
- iv. Geological conditions not requiring extra ordinary engineering measures before construction could take place.
- v. Possibility of using the natural vegetation to enhance the landscape.
- vi. Possibility of future expansion.



CONCEPT DEVELOPMENT

EFFIGY

(B) Jus (B) Remedium

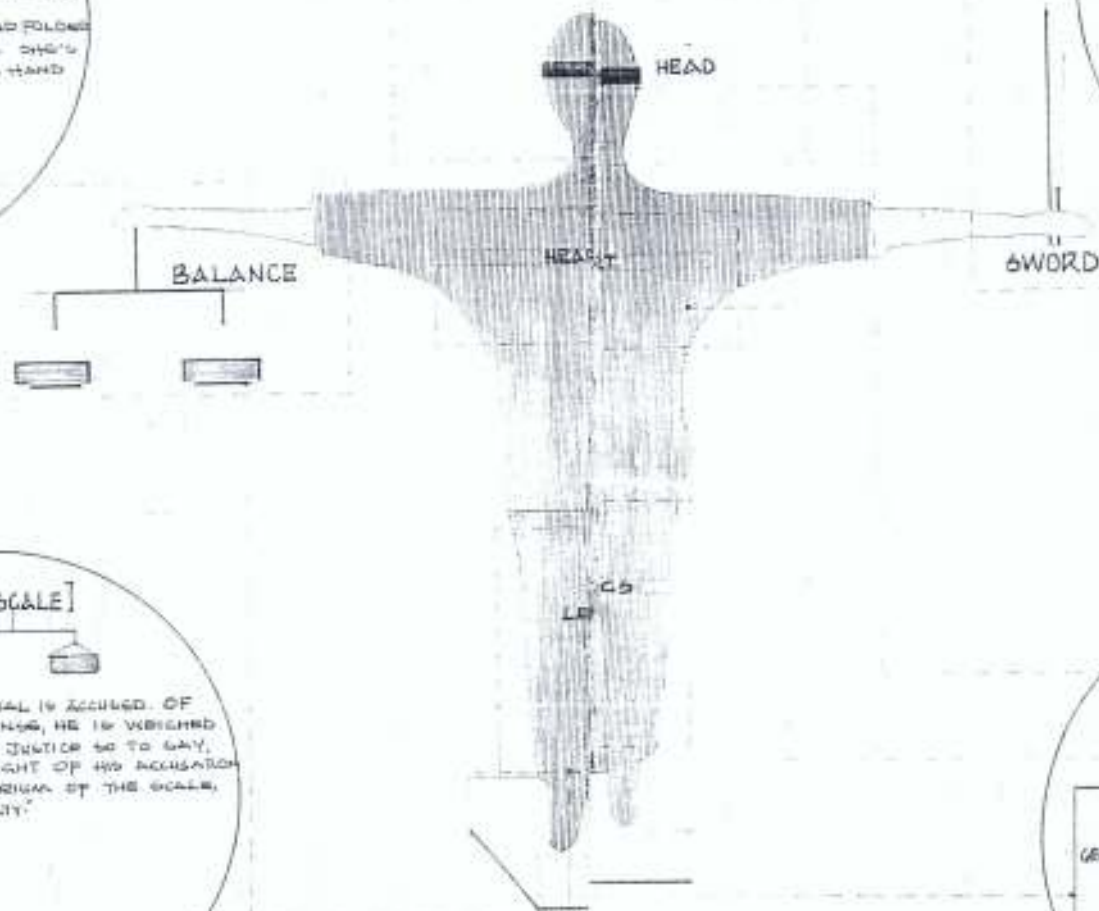
THE JUSTICE EFFIGY IS A STATUE USED IN LAW COURTS BUILDING TO DEPICT THE CONCEPT OF JUSTICE. IT IS A UNIVERSAL SYMBOL USED ALL OVER THE WORLD.

IT DEPICTS A WOMAN BLINDFOLDED TO SYMBOLISE IMPARTIALITY OF LAW. SHE'S BEEN CARRYING A SWORD IN ONE HAND AND A BALANCE IN THE OTHER.

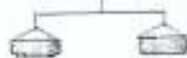
SWORD



THE SWORD OF DAMOCLES WILL FALL ON THE OFFENDER THAT IS WEIGHED ON THE BALANCE AND FOUND GUILTY. THE SWORD CARRIED BY THE EFFIGY THEREFORE SYMBOLISES PUNISHMENT THAT IS METED OUT ON OFFENDER THAT DISTURBS THE EQUILIBRIUM OF THE BALANCE.



BALANCE [SCALE]



WHENEVER AN INDIVIDUAL IS ACCUSED OF COMMITTING AN OFFENSE, HE IS WEIGHED ON THE BALANCE OF JUSTICE SO TO SAY, AND WHEN THE WEIGHT OF HIS ACCUSATION DISTURBS THE EQUILIBRIUM OF THE SCALE, HE IS TERMED 'GUILTY'.

ZONING



CHAPTER FIVE

5.0 DESIGN PROPOSAL

Design concepts in architecture simply refer to ideas about how the design is synthesized into a whole. It covers the evolution of the structure relative to the form and its suitability to the site.

Five methods of concepts development are as follows,

IDEAL; it looks at the universal values of how a design should be.

PRAGMATIC; it involves considering the stated functional demand of the design above every other factors.

ANALOGY; case studies of other buildings/designs are considered for basic ideas.

METAPHOR; it involves the use of abstracts or symbols relevant to the design as a concept for the design of the building.

ESSENCE; this considers the essential reasons for the building/design.

5.1 DEVELOPMENT OF CONCEPT

The concept is an abstract idea, motion or thought. It can be referred to as the designer's inner mind, it should be so conspicuous enough for a layman to be able to perceive. A true concept should be simple and down to earth about it's meaning, it is better when it is meaningful to the ordinary eye.

The design concept for this project will be based on the metaphor concept, which involves the use of abstractions or symbols relevant to the design as a concept to evolve the building design. For the design concept, therefore the justice effigy (*ubi jus ubi remedium*) was adopted. The head of the justice effigy represents the seven justices for the court's chambers, while the two outstretched hands show horizontally the three courts of the community court of justice, and the legs will stand for the Administrative block which will make the court to stand and function effectively.

It is important to note the significance of the various parts of the statue and what it stands for in the proposed design. The essence of the statue needs to be explained first.

The statue which is also known as "*ubi jus ubi remedium*" in latin simply shows the significance of justice in the law court. Pictorially, the statue shows a woman blindfolded, carrying a balance on one hand and a sword on the other hand. That it is always represented by a woman is just to bring a touch of femininity to justice, unlike masculinity which may have no mercy in judgement even when there is a need for it. Blind folding the woman in justice is a sign of impartiality and it shows that the law is no respecter of persons.

The balance in her hand is a sign of judgement which signifies the process of due process of law, it therefore means that the individual or group will be weighed on a scale to see if they are found wanting. However, the sword on the other hand simply signifies the act of punishment.

In summary therefore when a convict is weighed on the scale, if he is found wanting, the sword of Damocles will fall on him. See fig () for statue.

5.2 BUILDING DESIGN CRITERIA

The design proposal for the project was based on the following criteria;

- a) Design brief and brief development.
- b) Space requirement analysis.
- c) Schedule of accommodation.
- d) Functional analysis.
- e) Functional diagram and flowchart.
- f) Case studies of existing courts.

5.2.1 GUIDELINES FOR PLANNING A MODERN COURTHOUSE

The physical organisation of the modern courthouse has been completely transformed by the enlarged scale for its operation and the growth of its administrative staff.

5.2.2 LOCATION OF THE COURTHOUSE

Courthouse should be located in government areas, i.e. in close proximity to other government and administrative buildings. The reason for this is two folds. In the first place, it is good for the courthouse to be close to other government buildings to facilitate easy communication between the judiciary and other government arms. Locating courthouses in the government area also enhances the image of the courthouse as a formal building.

5.2.3 SITE PLANNING/LAYOUT

Site planning is also an important consideration in the design of courthouses. Site design can fix the path, control the flow and shape the environment. The objective in designing the site plan should be to develop a safe, legible, functional sequence that is visually stimulating and expressive of the character of the site. The vehicular circulation system is a primary element in structuring a site plan. The circulation system should not be haphazard or unplanned. The circulation pattern should form distinct hierarchical patterns especially in courthouses where public circulation will need to be separated from judges' circulation. Vehicular parking should also be catered for to provide for the public and other court staffs. Pedestrian circulation should also be well planned.

The layout of the site consists of the following:

- i. Community Court of Justice Main Building

- ii. Judges' Rest House
- iii. Gate House
- iv. Generator House
- v. Maintenance Yard
- vi. Parking Facilities
- vii. Water Tank
- viii. Relaxation Area

5.2.4 SYMBOLIC MEANING OF COURTHOUSES

Courthouses are for law and judicial administration. This character is supposed to be shown in the visual image of the courthouse. People should be able to read a symbolic meaning into the image of the courthouse as a place for law and order. Hence, court buildings should not only be functionally adequate, they should also possess strong features of identification or have an architectural style or symbol of its function and which people can relate to.

Courthouses should be designed to have meaning to the people; imply strength, grandeur, and express sacredness. In this respect, courthouses should evoke a feeling of grandeur, strength and human transcendence. This is necessary so that the public will accord the judiciary its respect as well as respect the rule of law.

The building should not only possess a strong character that shows them as public buildings of importance but they should also possess a character appropriate to a courthouse and should reflect dignity and order.

5.2.5 SPACE PATTERN IN COURTHOUSES

Courthouses comprise of many spaces, some large, like the court rooms, registries, conference rooms, but others small spaces, like the offices of lower cadre of

staff. There are distinct space patterns that should be used in the articulation of these into the whole of the court complex. The reason for this is to achieve the required level of functionalism as well as reinforce the visual image of the building.

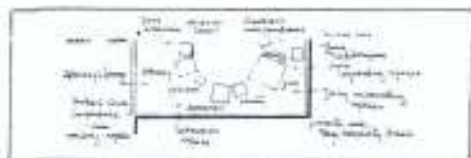
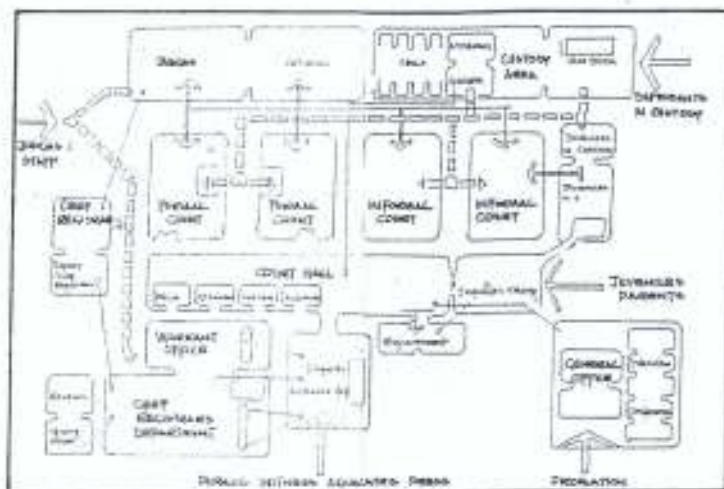
Separation of the administrative and social service Department from the courtrooms and their associated function is very necessary. The latter includes judges' chambers, hearing rooms, jury assembly and deliberations rooms, conference rooms and law library. The court administrative and social services departments require flexible office space in which the layout of partitions can be altered to respond to administrative or procedural changes. The courtrooms and their associated spaces on the other hand are unlikely to change during the life span of the building.

The architectural and engineering characteristics of flexible and permanent spaces are of course quite different suggesting their separations onto different floors in a multi-story building, or into zones in a one storey courthouse. Normal office partitioning cannot be used for court functions because it is difficult to obtain acoustical privacy, where acoustical privacy is required, special precautions must be taken which tend to eliminate flexibility. The walls must penetrate the suspended ceiling and be sealed against the structural slab. Pipes and ducts are specially insulated and the movement of air must be planned to inhibit the transfer of sound.

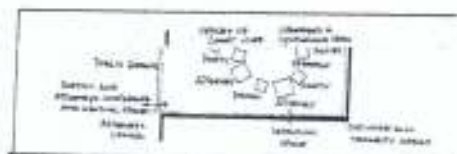
Also the visual form that an activity space is given will affect our understanding and use of the space, hence, the size, shape, scale, proportion and enclosure should be appropriate for the intended behaviours. This necessitates the development of a good program before the design of a courthouse is undertaken so that the activities are analysed against the space, size, and shape.

Locational grouping is also an important space pattern in courthouse. Locational grouping is the concept of grouping or separating areas in the building in order to

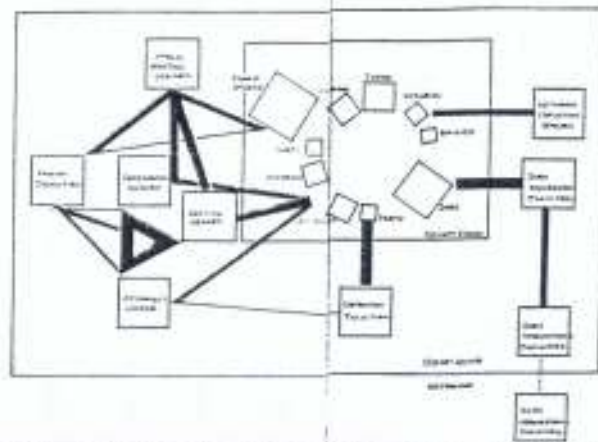
A GUIDE TO CIRCULATION PLANNING IN COURTHOUSES



OPTIMUM ACCESS TO THE JURY TRIAL COURTROOM.



ACCESS TO THE COURTROOM FROM RE SPACES.



INTERSPATIAL MOVEMENT PATTERN FOR ANCILLARY FUNCTIONS

influence communication and the movement of people and work. Hence, related functions in the courthouse should be grouped together to facilitate easy communication and the movement of people and work.

5.2.6 CIRCULATION PATTERNS AND ROUTES IN COURTHOUSES

Courthouse activities involve a number of user groups and ease of circulation must be achieved for them. Their users as earlier discussed includes: judges of the high courts and their orderlies, secretaries and other staff.

Defendants in custody; litigants, witnesses, advocates, pressmen, spectators, technical staffs etc.

For safety and security reasons both to their own persons and for the sake of the public, certain user groups require separate circulation routes both to the building and to the courtrooms. These are the judges and defendants in custody. The circulation for the public must be simple, straightforward and obvious to avoid confusion and ensure public convenience.

Separate systems of corridors, lobbies and elevators must provide access to the courtrooms for the public, for prisoners and for judges, jurors and staff. In most courthouses built before 1950, public spaces are used by judges, jurors, and attorneys, staff and sometimes even prisoners to reach the courtrooms or judges' chambers. Today as earlier explained, considerations of convenience, efficiency and security require that segregated circulations areas be provided.

The horizontal system provides lobbies and corridors to connect all the prisoners' elevators. The public has its own bank of elevators and its own lobby. A private corridor at the rear of the courtrooms is used by the judges, staff, and jurors for access to judges' chambers, offices, courtrooms, and if necessary, *Voir dire* (preliminary questioning) rooms. The connections between the private corridor and

public lobby must be monitored by a receptionist in order to control access and maintain security. Prisoners use a special corridor, located on a mezzanine level directly above the private corridor to a prisoner holding room adjacent to each courtroom and a special prison elevator provides vertical circulation from the cell block to the courtroom floors.

The vertical circulation systems provide two separate private elevators to serve a series of courtrooms stacked one above the other. An elevator is used for the transfer of judges, jurors and staff. It opens into a private lobby which provides access to the judges' chambers, the rear of the courtroom and if necessary a *Voir dire* room. A connection to the public lobby is available for attorney and members of the public who have appointments to see a judge.

The vertical system provides good access between the courtrooms floors, the law library, and the pool of judges' secretaries and various departments of the court.

In a nutshell, the circulation system is an important factor in selecting appropriate locations for the various functions and departments in the building. The optimum location depends on interdepartmental communication, public convenience and security, as well as factors like the volume of visitors and the frequency and nature of the transactions that take place. All this information must be recorded and classified on the basis of priority. One of the most important considerations is that circulation routes in the courthouse should be self-evident.

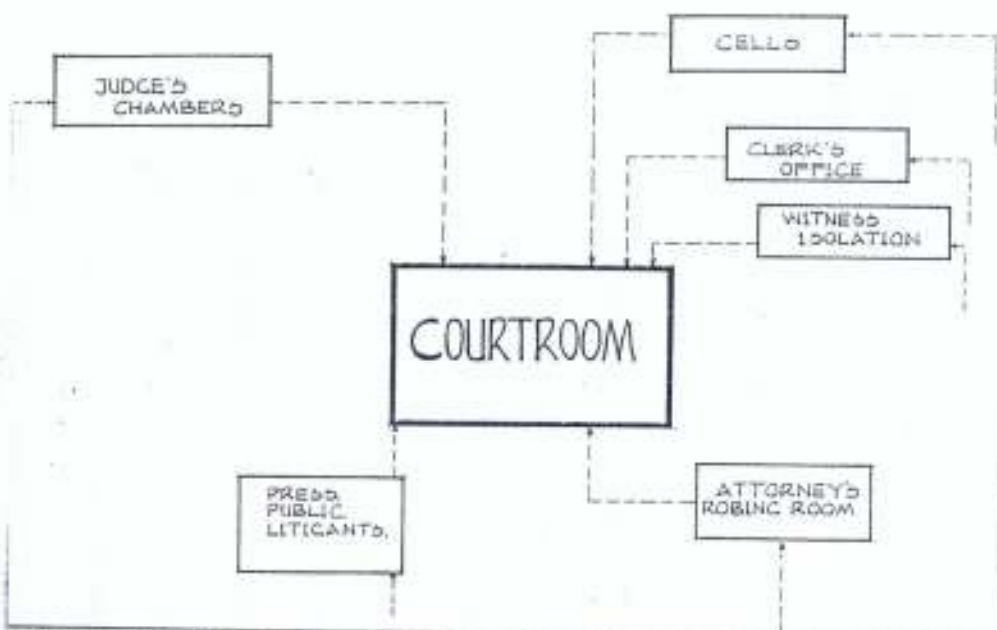
Architects and court administrators often overlook the fact that the majority of people, especially jurors and witnesses are in the building for the first time. In many new courthouses, the public experiences considerable difficulty locating both the people and the service they need. When members of the public constantly stop to ask for directions it is a sure sign of a poorly planned building. The majority of visitors

usually have destination in administrative or social services departments. If these are all concentrated on the lower floor of the building, public access is considerable simplified.

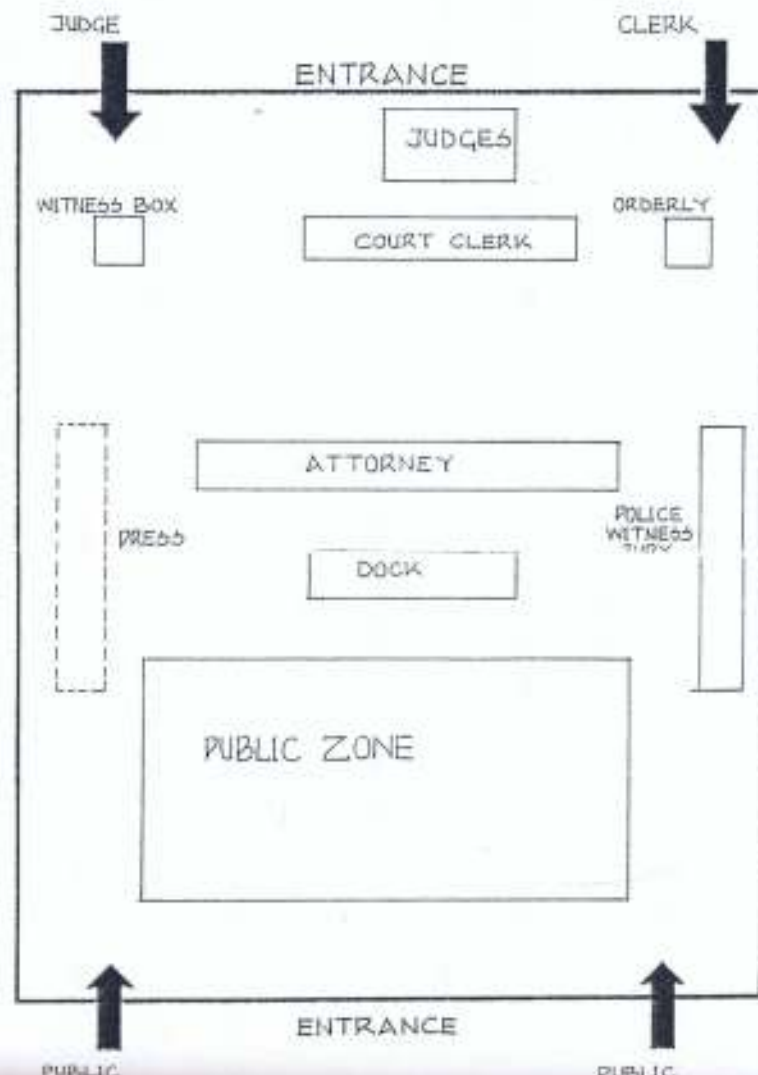
Centralization has the additional advantage of limiting traffic on courtroom floors to people directly concerned with court proceedings, thereby improving security. The courtrooms should occupy the midsection of the building. The libraries, judges' chambers, jury assembly room and other areas, which require some privacy, can be assigned the upper floor. This arrangement results in a division of the building into these zones-office areas, courtrooms and private areas.

Interdepartmental proximity requirements are also an important factor in selecting locations for the various departments and functions. Certain departments require direct access to the movement of both court records and personnel's. These include the offices of the clerk and prosecuting attorney, and other departments depending on local circumstances. The segregation of the juror from the public is necessary for efficient control over their movements and to preclude any contact with plaintiffs, defendants, their friends, witnesses, attorneys or other interested partners for obvious reasons, the connections between the segregated circulation routes and public lobbies must be minimized and carefully controlled. In addition to these 'process' factors, the shape and size of the site, the character of the surrounding environment and the zoning restrictions can impose several limitations on the building's shape, height and floor area, restricting the number of options available for locating departments.

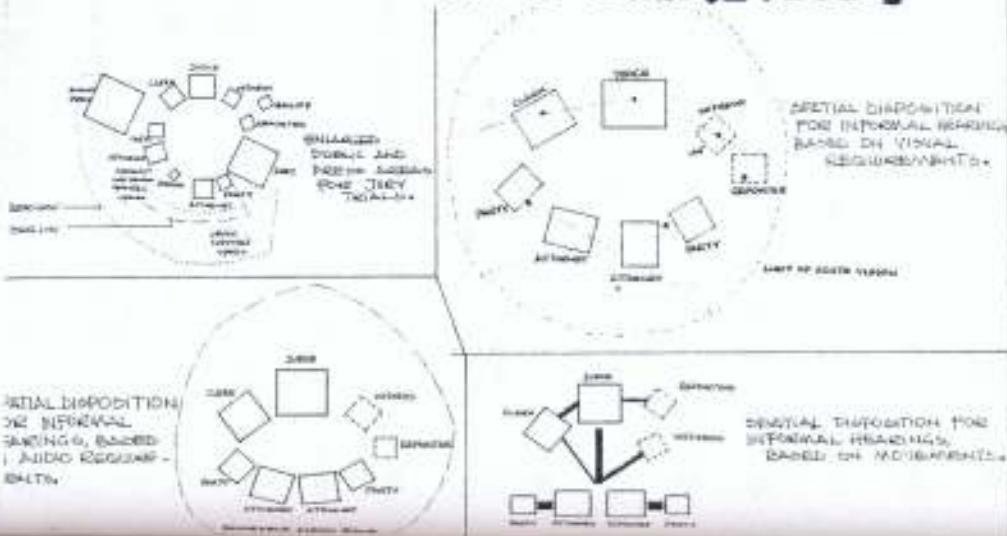
CIRCULATION INTO COURTROOM .



TYPICAL COURTROOM ARRANGEMENT .



COURTROOM SPATIAL ANALYSIS.



5.2.7 COURTROOM AS AN ELEMENT WITHIN THE COURTHOUSE

The courtroom is the primary work place in a court house, which is developed around it. It must be as environmentally perfect as possible for the purpose they serve and not impressive, awe-inspiring edifices as in the past. They should be comfortable, quite and dignified but bland and not distracting in finish and detail. Movement should be easy between different parts of the courtroom without changes in level except where necessary to ensure good sight lines. Lighting levels and colours must be such as to ensure that there is correct colour rendering, that all participants, exhibits and written evidence can be seen clearly without strain or dazzle. Elsewhere lighting should be of a lower intensity. The acoustics and noise levels should ensure that the proceedings can be heard in all parts of the courtroom without amplification (except for nervous witnesses) while at the same time ensuring that movement by the public, press and others does not distract or annoy the participants, and also so that tape recordings of the proceeding can be made.

5.2.8 RELATIONSHIPS WITHIN THE COURTROOM

There are four main elements in court cases; judge, jury, witnesses and counsel (Barristers and solicitors). The defendant does not take part except as a witness. There must be direct relationship between the jury and the witness; judge, jury, witness and counsel, they must be able to see and hear each other clearly at all times without mechanical aids and without excessive turning from side to side.

The theory behind the relationships can be summarized thus;

- ❖ The judge presides over the courtroom and should be able to observe the whole courtroom and to be able to see clearly the principal participants as well as the defendant in the dock and when called, the antecedents and probation officers.

- ❖ The court clerk administers the case and needs to keep a watching eye over the court. He often advises the judge and he should be able to stand up and speak to the judge without being overheard.
- ❖ The exhibits tables are in the centre area of the court and are used to display exhibits put forward for evidences.
- ❖ Counsels are barristers and solicitors, who represent the defendant or prosecution. They should be able to see the jury, judge, and witnesses to whom they address their remarks. The barrister at each end of the front bench should be able to keep every jury member and the witness on the stand within about a 90^o angle to obviate too much turning from side to side and to ensure that the judge, the other main party, shall have at least a part face view. The counsel benches are wide enough to hold the large and numerous, documents and books that are often in use.
- ❖ The defendant is assumed to be innocent until proved guilty and current practice is to reduce the prisoner appearances of the dock, by lowering the barriers enclosing it as much as possible compatible with security. Defendants sit in separate fixed seats and if they are thought to be a security risk a prison officer will sit on a seat immediately behind, or at each side of him. Each defendant must have a writing surface and the dock is controlled by a dock officer. The dock is situated behind and near to the counsel benches.
- ❖ The witness waits outside the courtroom and when called gives evidence from a stand near to the judges' bench. The stand faces the jury who must be able to observe the face of the witness. The witness is questioned by the barristers and occasionally by the judge.

- ❖ The shorthand writer keeps a transcript of the trial and consequently must be able to see and hear everyone who speaks. The shorthand writer's table should be moveable to enable it to be moved to the other side of the courtroom if required.
- ❖ The press are not party to the proceedings but they should be so situated as to allow them to see the participants.
- ❖ The public comprise every other person in the courtroom including the press and those dismissed from the case, who are not participants and are allowed in courtrooms to see that justice is done. They are placed to one side of the body of the court.

5.2.9 ACCESS AND EGRESS TO A COURTROOM

There are four basic entrances to a courtroom and these should be kept separate. Segregation can be achieved through vertical or horizontal circulation. The segregation should take account of the following;

- a) The judge should enter the courtroom from circulation, which is restricted to judge's use. Leading off this circulation will be his returning room where he goes to consider the evidence, confer with counsel and prepare his summing up.
- b) The jury should enter the courtroom directly from a waiting area outside the room. This waiting area will have access to jury restricted circulation off which will be located in jury retiring rooms, and the same circulation will give access to the jury during room and assembly area which is entered off the public circulation.
- c) Defendants in custody enter the courtroom directly into the dock from a defendant's waiting area. Access to the waiting area is from segregated

circulation, via stairs or lifts, which leads into custody or cell accommodation.

Defendants not in custody enter by public entrance.

- d) The public (in this context everyone except those on the judge's benches, the jury benches and in the dock) will enter the courtroom from a public concourse off this concourse will be access to:

- Public dining, lounge and toilet facilities.
- Barristers' and solicitors' suites.
- Witness waiting rooms.
- Press room.
- Staff offices.
- Court offices.

This requirement to segregate courtroom users is of prime importance. Fire escape from a courtroom can be via any of the doors, except the dock door, but attention has to be given to the aisle widths, length of seat room, emergency lighting, exit signs etc.

5.2.10 THE ENVIRONMENT WITHIN THE COURTHOUSE

VENTILATION

To assist in the smooth running of the court, help keep participants interested and comfortable and to avoid the distractions of the outside it is recommended that the courtrooms are internal rooms with air-conditioning. The air-conditioning should be fed from the ceiling but the plant should be placed remote from the room to prevent the noise of the plant from entering the courtroom.

LIGHTING

Lighting should be bland and should not cause distraction. Fittings should preferably be fully recessed and spotlights should never be used. Lights should be

SPACE REQUIREMENT.

SPACES	UNITS	DIMENSION-AREA-CAPACITY	SPACES	UNITS	DIMENSION-AREA-CAP-
HAMBERS	7	10,000 x 2,000, 11,700 x 2,200	580 m ²	ADMINISTRATIVE SECTION	
DINING / BAR				GENERAL LIBRARY	2,000 x 10,000
GATE LIBRARY				ACCOUNTS DEPARTMENT	10,000 x 2,000
TOILETS	6	4,100 x 4,500	18,450 m ²	AUDITING DEPARTMENT	6,000 x 6,000
TOILETS	7	1,200 x 1,800	15,120 m ²	LITIGATION DEPARTMENT	
TOILETS	5	800 x 2,000	16,000 m ²	FINANCE DEPARTMENT	10,000 x 6,000
JRHALL	8	5,000 x 2,900	14,500 m ²	REGISTRY	
CONFERENCE ROOM		12,000 x 10,000	120,000 m ²	OPENED REGISTRY	6,000 x 15,000
TOILETS				CONFIDENTIAL REGISTRY	4,500 x 14,000
TOILETS		1,200 x 1,800	2,160 m ²	GENERAL ADMINISTRATIVE ROOM	
TOILETS		1,400 x 2,100	2,940 m ²	REGISTRAR'S OFFICES	5,000 x 12,000
TOILETS		10,000 x 10,000	100,000 m ²	ARCHIVES	
TOILETS		12,000 x 12,000	144,000 m ²	DATA ROOM	3,000 x 1,800
TOILETS		24,000 x 24,000	576,000 m ²	VAULTS	
PRE-TRIAL COURT		18,000 x 11,000	198,000 m ²	TECHNICAL SECTION	
HEARING COURT		18,000 x 11,000	198,000 m ²	MAINTENANCE YARD	
WAITING ROOM		10,000 x 7,000	70,000 m ²	TRANSPORT UNIT	
WAITING ROOM		10,000 x 7,000	70,000 m ²	ELECTRICAL ROOM	4,500 x 4,000
WAITING ROOM		15,000 x 14,000	210,000 m ²	MECHANICAL ROOM	4,500 x 5,000
WAITING ROOM	2	4,000 x 6,000	24,000 m ²	POWER HOUSE	
WAITING ROOM	1	9,000 x 9,000	81,000 m ²	GATE HOUSE	
WAITING ROOM		5,000 x 5,000	25,000 m ²	WATER TANK	
WAITING ROOM		7,000 x 10,000	70,000 m ²	JUDGE'S REST HOUSE	
GENERAL CONFERENCE ROOM		11,000 x 11,000	121,000 m ²	ROOMS	4,500 x 4,500
OTHER OFFICES				TOILETS / DRESSING ROOM	1,500 x 1,500
TOILETS		4,000 x 12,000	48,000 m ²	CONFERENCE ROOM	6,000 x 7,500
TOILETS		1,200 x 1,200	1,440 m ²	STUDY ROOM	4,500 x 6,000
TOILETS		2,000 x 1,400	2,800 m ²	GENERAL LOUNGE	4,500 x 4,500
WORKING FOR JUDGES				RESTAURANT	8,000 x 2,100
GENERAL RECEPTION ROOM		15,000 x 15,000	225,000 m ²	KITCHEN	4,500 x 4,500
LOSS PREVENTION MONITORING ROOM		7,000 x 10,000	70,000 m ²	BARR	
COURTYARDS	4	10,000 x 4,000, 12,000 x 4,000	172,000 m ²	PARKING	
CHIEF REGISTRAR'S SUITE		15,000 x 2,000	30,000 m ²	GENERAL PARKING	
DEPUTY CHIEF REGISTRAR'S SUITE		7,000 x 1,500	10,500 m ²	STAFF PARKING	
ENQUIRIES		6,000 x 2,000	12,000 m ²	JUDGE'S PARKING	
OTHER OFFICES					
COMPUTER ROOM		1,000 x 1,500	1,500 m ²		
TYPING POOL		6,000 x 6,000	36,000 m ²		
MILLER'S ROOM					
CHIEF SECURITY OFFICER					
SHIFT ROOM	2	5,000 x 5,000	50,000 m ²		
HOLDING ROOM					
KITCHEN		5,000 x 5,000	25,000 m ²		
TOILETS		5,000 x 5,000	25,000 m ²		
SECURITY ROOM	2	7,500 x 4,000	30,000 m ²		

positioned and selected to give good illumination on bench tops and not produce glare. The centre well of the courtroom should have the most intense level of lighting with a lower level over the public and dock. The light source should be carefully selected to give reasonable facial modelling and accurate colour rendering. In order to reduce glare and contrast, bench tops and furniture generally should be of high reflectance i.e. light colours likewise for the walls and ceiling.

ACOUSTIC

Good acoustic are vital to enable the participants to hear clearly, without strain. There should be reflective surface on the ceiling over the main well of the room, on the sidewalls and behind the judge and there should be absorbent surfaces around the edges of the ceiling and behind the public area. The floor should be carpeted all over and the entrances doors from the public concourses should be lobbied to keep out extraneous noise. An NR of rating of 25+2 dB is recommended and a reverberation period of not more than 0.5 to 0.75 seconds should be achieved.

FINISHES

Floors should be carpeted and soft upholstery used for all seating. Bench tops must be hard wearing surfaces suitable for writing on. Furniture should be hard finishes, easy to maintain and not easily damaged. Walls can be plastered with suitable sound absorbent panel type finishes where required. The ceiling can be tiled in a manner suited to meet acoustic requirements.

5.3 DESIGN BRIEF AND ITS DEVELOPMENT

In the brief design development consideration is given to the following:

1. Finance
2. Construction Method
3. Level of Technology

5.3.1 FINANCE

The community court of justice will be financed by the contribution of all the 16 countries that makes up the ECOWAS.

5.3.2 CONSTRUCTION METHOD

The design is to be executed by precast method and by in-situ construction. This will dictate the kind of structural, finishing, roofing, and space planning to be considered.

5.3.3 LEVEL OF TECHNOLOGY

As a result of the advancement in technology and the need to make the community court of justice of international standard, a reputable construction firm of international standard will be engaged for its construction.

In the design of the court, ease of distribution and circulation must be achieved for the following users groups;

- i. The justice, their secretaries, orderlies and other staffs.
- ii. Defendants.
- iii. Auxiliary workers within the court premises.
- iv. Litigants, witnesses, advocates, pressmen.
- v. Members of the public.
- vi. The technical staffs of the court premises.

The design can be divided into the following sections with their subsidiary facilities.

5.4 MAIN COURT

The main court is the largest of the 3 proposed courtrooms for the community court of justice. It is more of a ceremonial court than a case handling court. However, important court cases will be handled in this court, but more importantly it will handle ceremonial events like the swearing-in of the officials of ECOWAS and other important organ enactment.

5.4.1 THE PRE-TRIAL COURT

The pre-trial court, will be smaller in volume and area compared to the main court and it handle every preliminary activities necessary in the establishment of a case and handle all necessary confirmation and investigation necessary to establish if the proper hearing of the case is necessary or perhaps, "no case" can be established. These sessions are handled by selected members of the community court of justices' judges, which might not necessarily include the president of the court.

5.4.2 THE HEARING COURT

The hearing court is of same size and arrangement with the pre-trial court and it sits the proper hearing of cases that have been investigated by the pre-trial court and it is always presided over by the community court of justices' president.

5.4.3 THE JUSTICES COMPLEX

The justice's complex includes the following facilities;

- i. A reception hall.
- ii. Restaurant.
- iii. General justices' library.
- iv. Judges chambers/suite, which will include the following facilities;
 - a) Justice suite.

- b) Personal library.
- c) Secretary's room.
- d) Personal assistant's room.
- e) Toilets.
- f) Lounge.
- g) Changing room/dressing room.

V) Conference room.

5.4.4 ADMINISTRATIVE COMPLEX.

This complex accommodates the various auxiliary spaces needed in a normal court setting of international magnitude and it includes the following facilities and departments;

- ii. Reception.
- iii. Conference room.
- iv. Registers suites.
- v. Secretary's office.
- vi. Personal assistant's office.
- vii. Counsel's lounge.
- viii. Typing pool.
- ix. Computer room.
- x. General library/library staff room.
- xi. Archives.
- xii. Opened registry.
- xiii. Closed or confidential registry.
- xiv. Canteen (junior/senior), kitchen.
- xv. Bailiff's room.

- xvi. Litigation department.
- xvii. General administrative room.
- xviii. Exhibit room.
- xix. Toilets.

Others include;

- i. Security post.
- ii. Maintenance department: mechanical/ electrical.
- iii. Chalets.
- iv. Gatehouse.
- v. Powerhouse.
- vi. Car park- public and private.
- vii. Vaults.
- viii. Accounts department.
- ix. Finance department.
- x. Audit department.
- xi. Electronic monitoring room.
- xii. Exhibit room.
- xiii. Holding room.
- xiv. Lifts.
- xv. Lobbies.
- xvi. General waiting room.
- xvii. Foyers.
- xviii. Staircases.
- xix. Public toilets.

5.5 SCHEDULE OF ACCOMODATION

SPACE	AREA (m ²)
JUSTICE CHAMBERS	
6 Offices	81.0
Dressing Room	6.0
Toilet	4.5
Bath	4.5
Waiting/Secretary's Office	20.3
Judges' Lounge	108.0
PRESIDENT'S CHAMBER	
Office	130.0
Personal Assistance/Secretary's Office	75.0
Waiting Room	27.0
Bar	19.2
Utility Room	49.0
Judges' Meeting/Relaxation Room	130.0
Security Personnel's Office	27.0
Vault	9.0
OTHER FACILITIES	
Judges' Library	225.0
Conference Room	144.0
Judges' Reception Room	75.0
Lift	4.41
Library Office	27.0
Main Court	576.0

Pre – Trial Court	360.0
Hearing Court	360.0
Jury Room	108.0
Judges' Room	108.0
2 Exhibit/Security Room	27.0
Vault	8.1
Gallery	120.0
Defendant's Waiting Room	27.0
2 Witness Room	54.0
2 Counsel Room	60.0
General Conference Room	196.0
General Waiting Room	225.0

ADMINISTRATIVE DEPARTMENT

16 Registrar's Office	54.0
Secretary/Waiting Room	18.0
Toilet	2.7
Deputy Chief Registrar's Office	94.5
Secretary	31.0
Personal Assistance's Room	27.0
Registrar Lounge/Meeting Room	195.0
Chief Registrar's Office	130.0
Personal Assistance's Office	36.0
Secretary	36.0
Auditor's Office	45.0
Typing Pool	45.0

Computer/Data Room	90.0
General Canteen	108.0
Kitchen	27.0
Waiting/Reception	168.0
Enquiries	36.0
General Law Library	220.5
Store	20.25
Office	27.0
Finance Office	90.0
Account's Office	90.0
Opened Registry	84.0
Confidential Registry	63.0
Public Toilet	1.44

JUDGES' REST HOUSE

7 Rest Rooms	23.0
2 Lounge	23.0
Conference Room	81.0
Reception	23.0
Kitchen	18.0
Restaurant	81.0

OTHER FACILITIES

Mechanical Room	27.0
Electrical Room	27.0
2 Security Offices	54.0

General Car Park (72 Cars)	2400.0
Staff's Car Park (36 Cars)	300.0
Judges' Rest House Car Park (12 Cars)	120.0
Maintenance Yard	108.0
2 Gate House	20.3
Power House	54.0
Video Monitoring Room (CCTV)	63.0
Telephone Exchange Room	54.0
2 Court Yards (A)	63.0
2 Court Yards (B)	126.0

5.6 SERVICES

The community court of justice will also incorporate the following supporting services for effective operation of the agency.

1. Electrical services
2. Air Conditioning
3. Water supply
4. Drainage
5. Fire Protection
6. Telephone Services
7. Sewage Disposal
8. Fire protection equipment to fight fire out break in case of fire incident
9. Smoke detector, Smoke extractor, Sprinkler will be installed in all the spaces and fire alarms

5.7 STRUCTURAL SYSTEM

The structural system for the community court of justice will make use of the bulk active structural system, where short rigid elements, monolithically connected, can span spaces by redirecting loads by means of their bulk e.g. columns and beams.

5.7.1 WALLS

The walling material use will depend on the function of the space. The external walls will consist of curtain walls and sandcrete block walls. Some of the internal walls will be made up of sandcrete blocks and steel partitioning

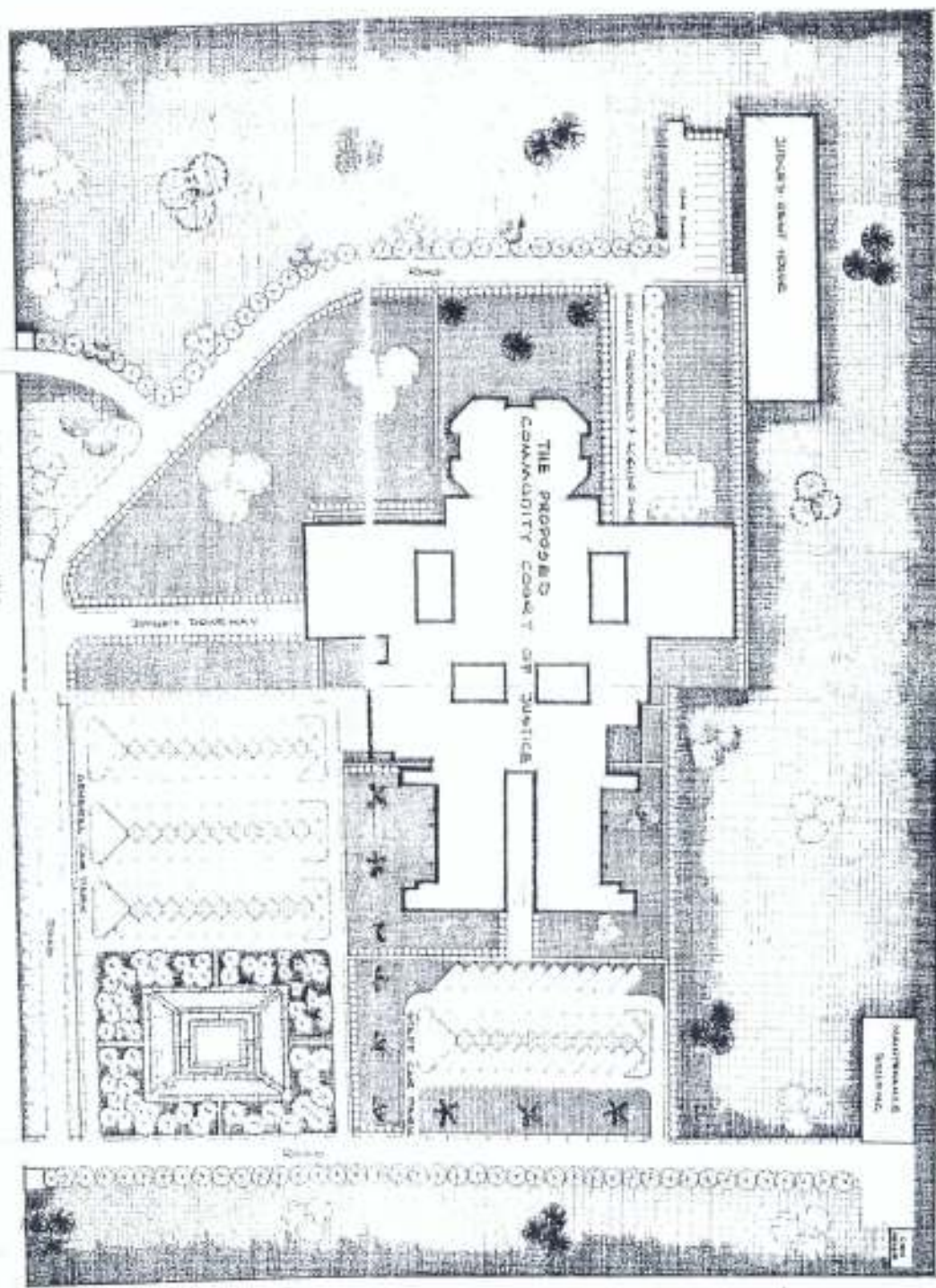
5.7.2 FLOOR SLAB

The floor shall be made up of waffle floor slab laid over 400mm diameter circular columns at a span natural of 6.0metres between columns and inbuilt beams running along its grid.

5.7.3 ROOF STRUCTURE

The complexes will make use of steel roofs because of the long span of spaces to be enclosed, while the main court will be concrete slab.

5 7 7 5
 0 1 6 2

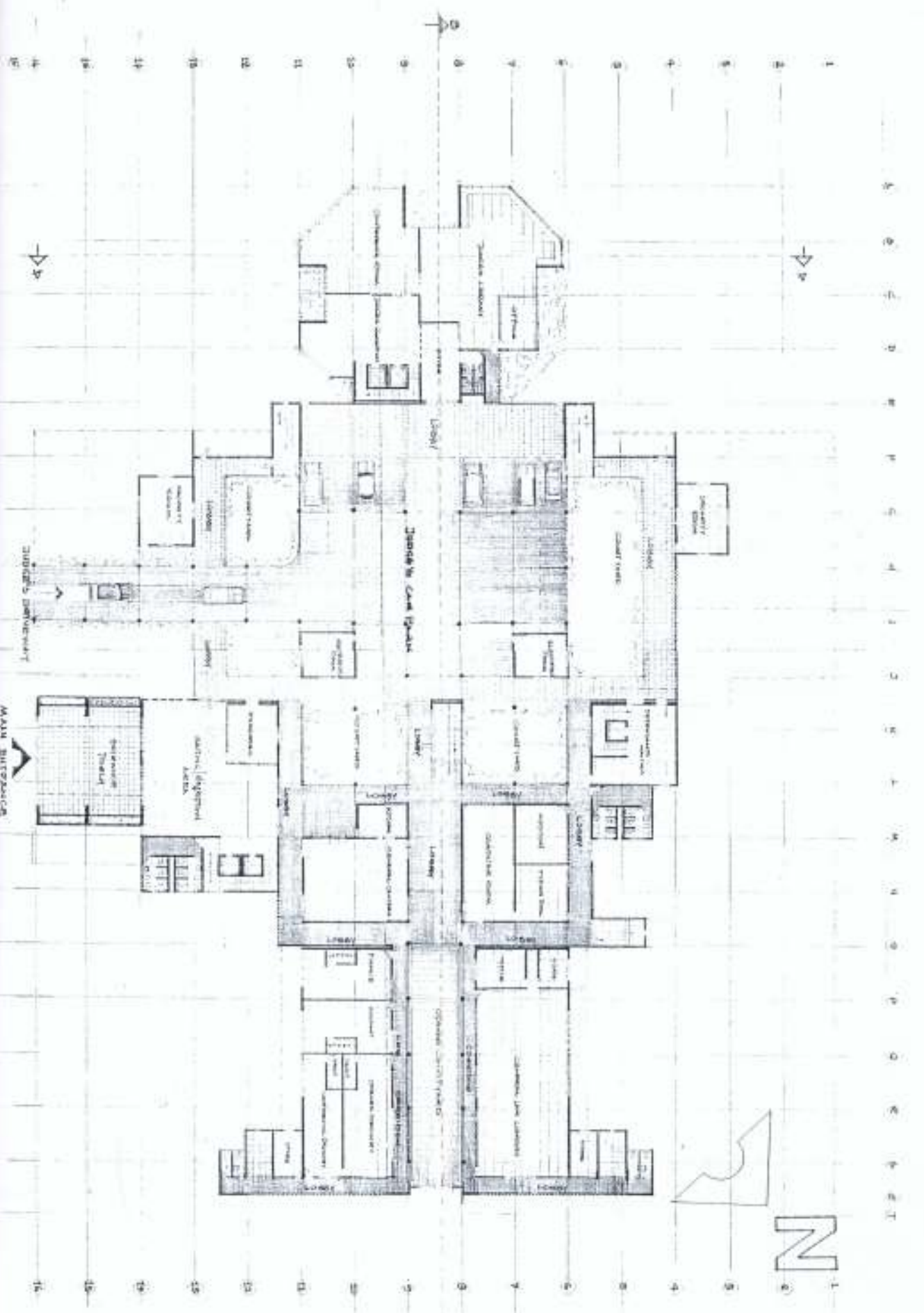


APPROXIMATE TREES AND LANDSCAPING INDICATED

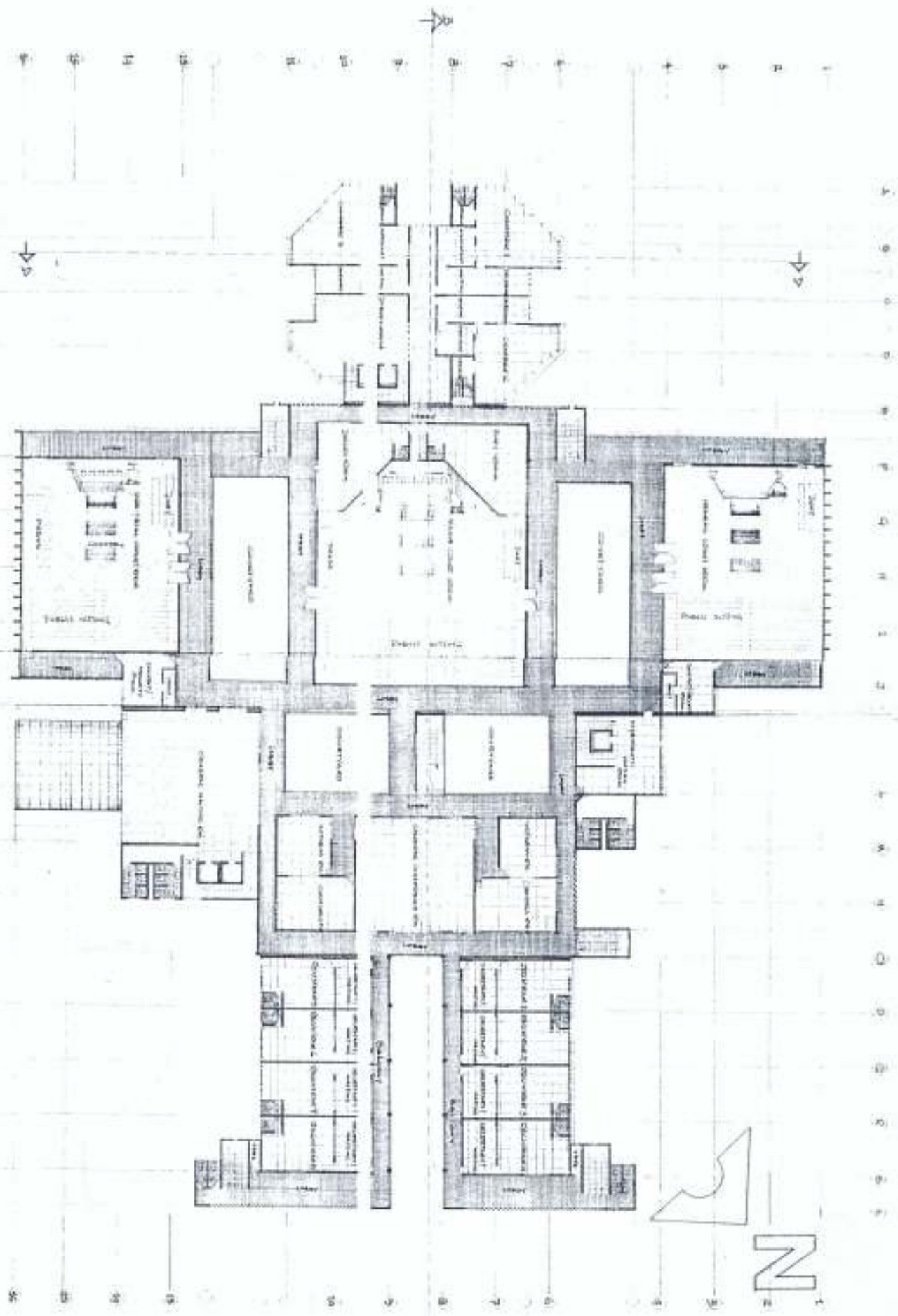
TRUCK AND COMPACTOR WHEELS INDICATED

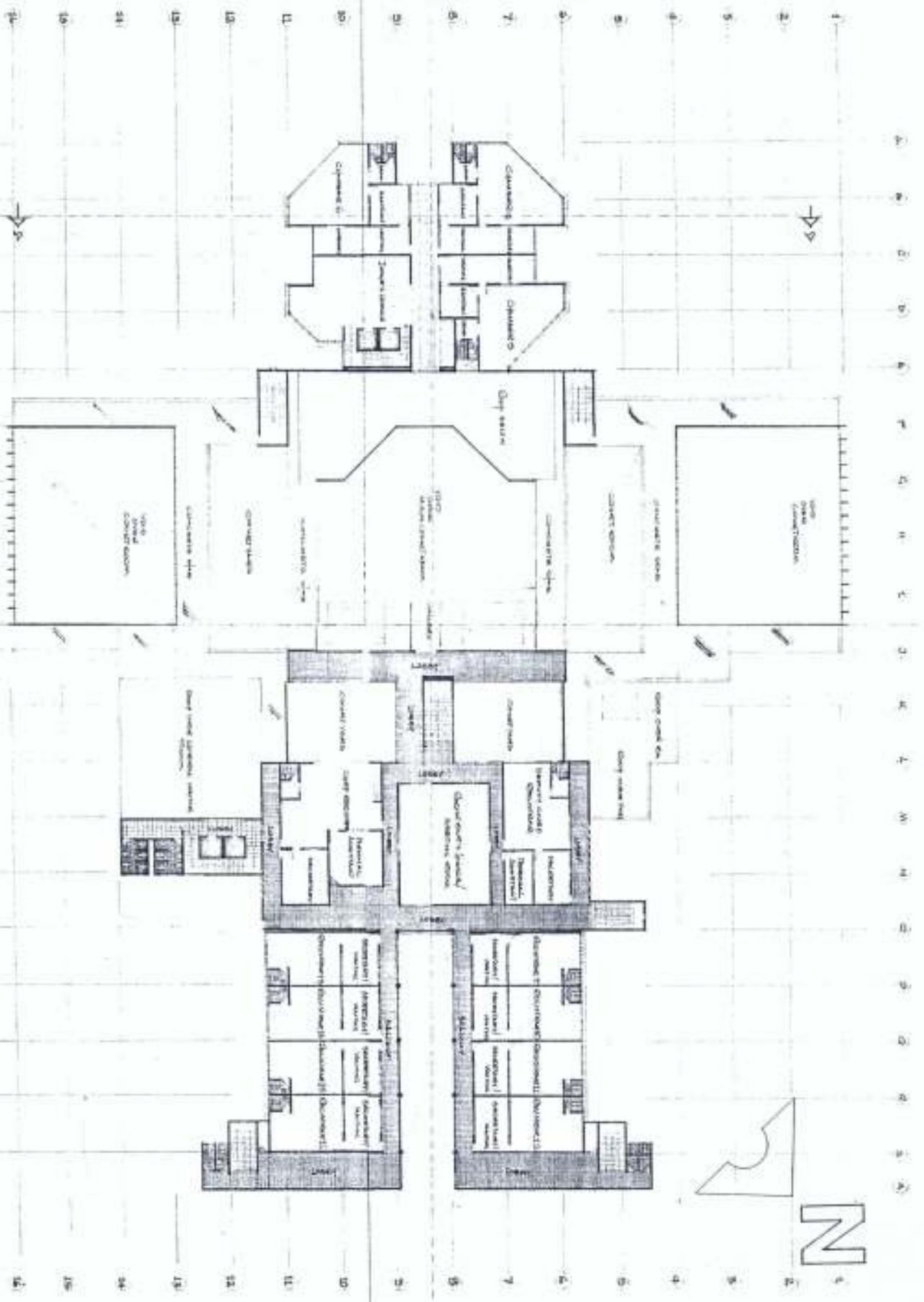


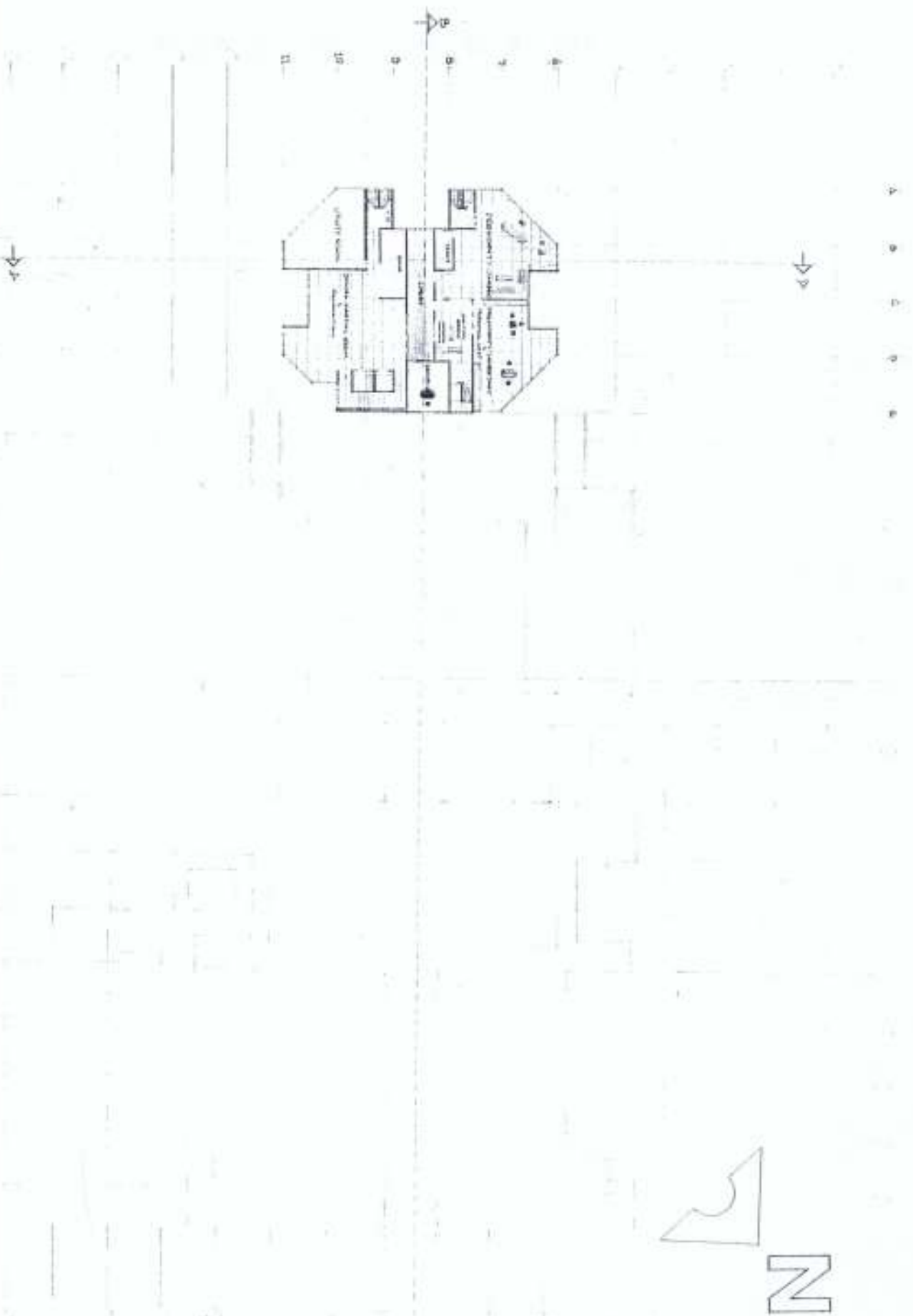
GROUND FLOOR



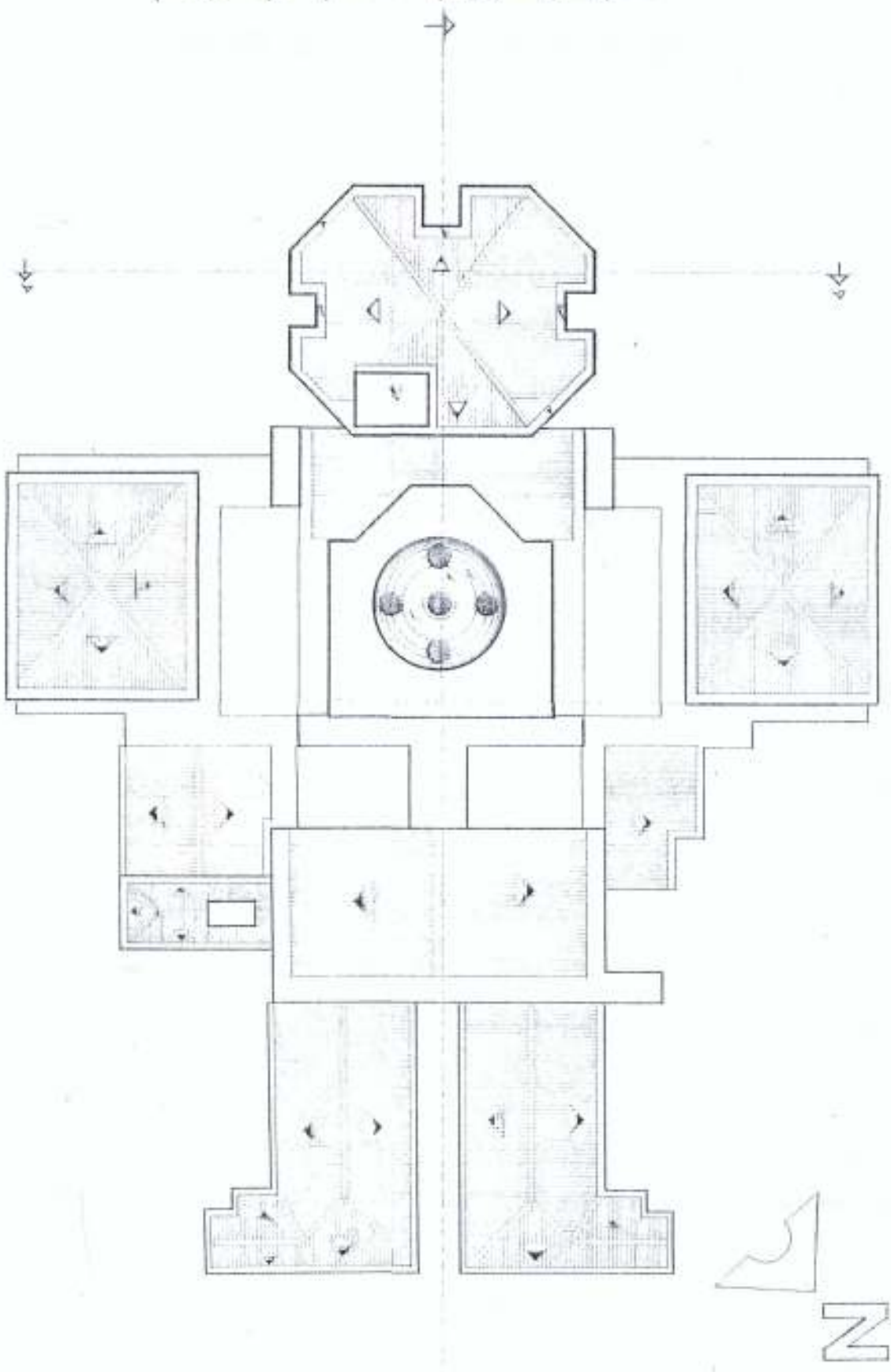
FIRST FLOOR



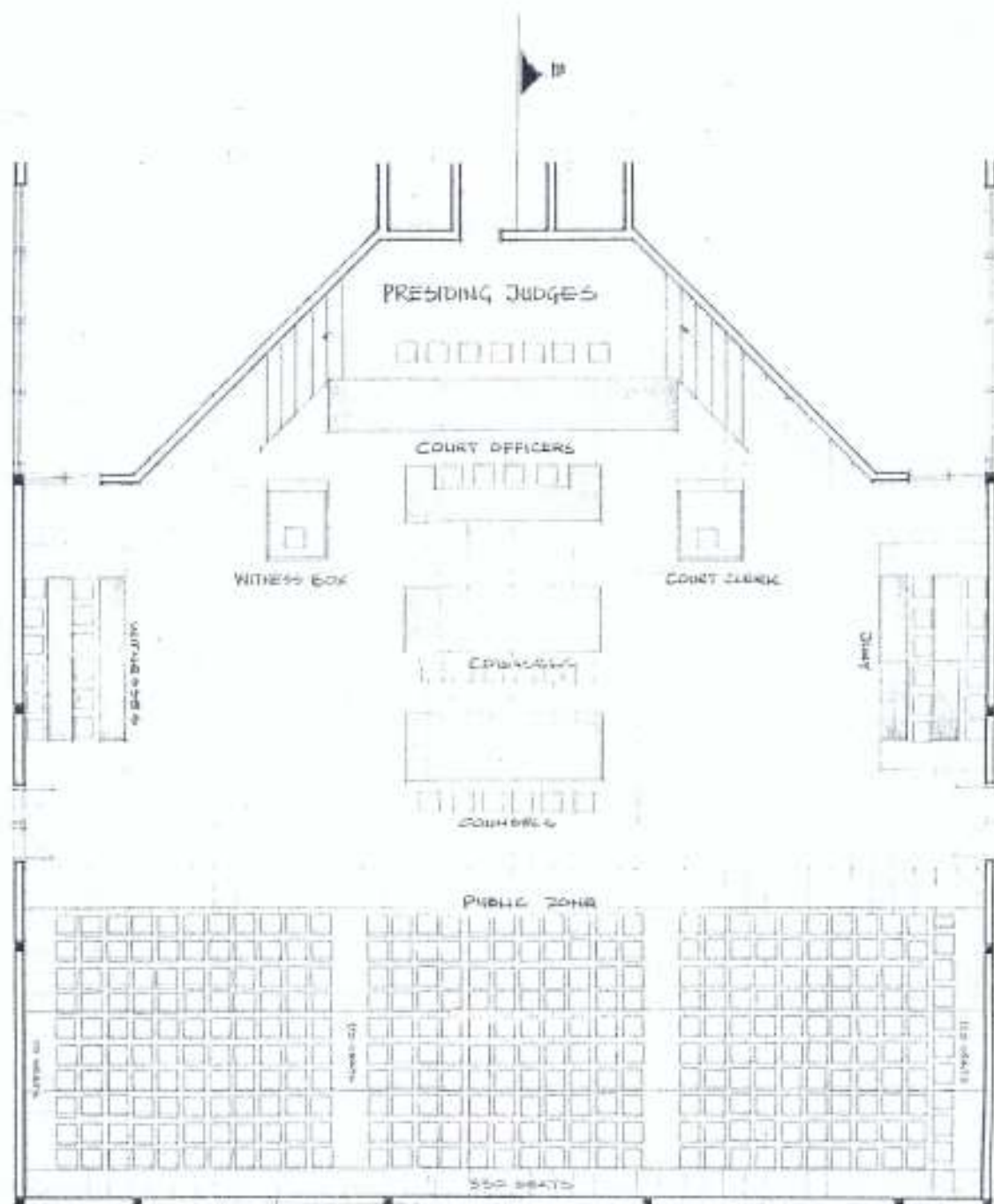




2570 1002



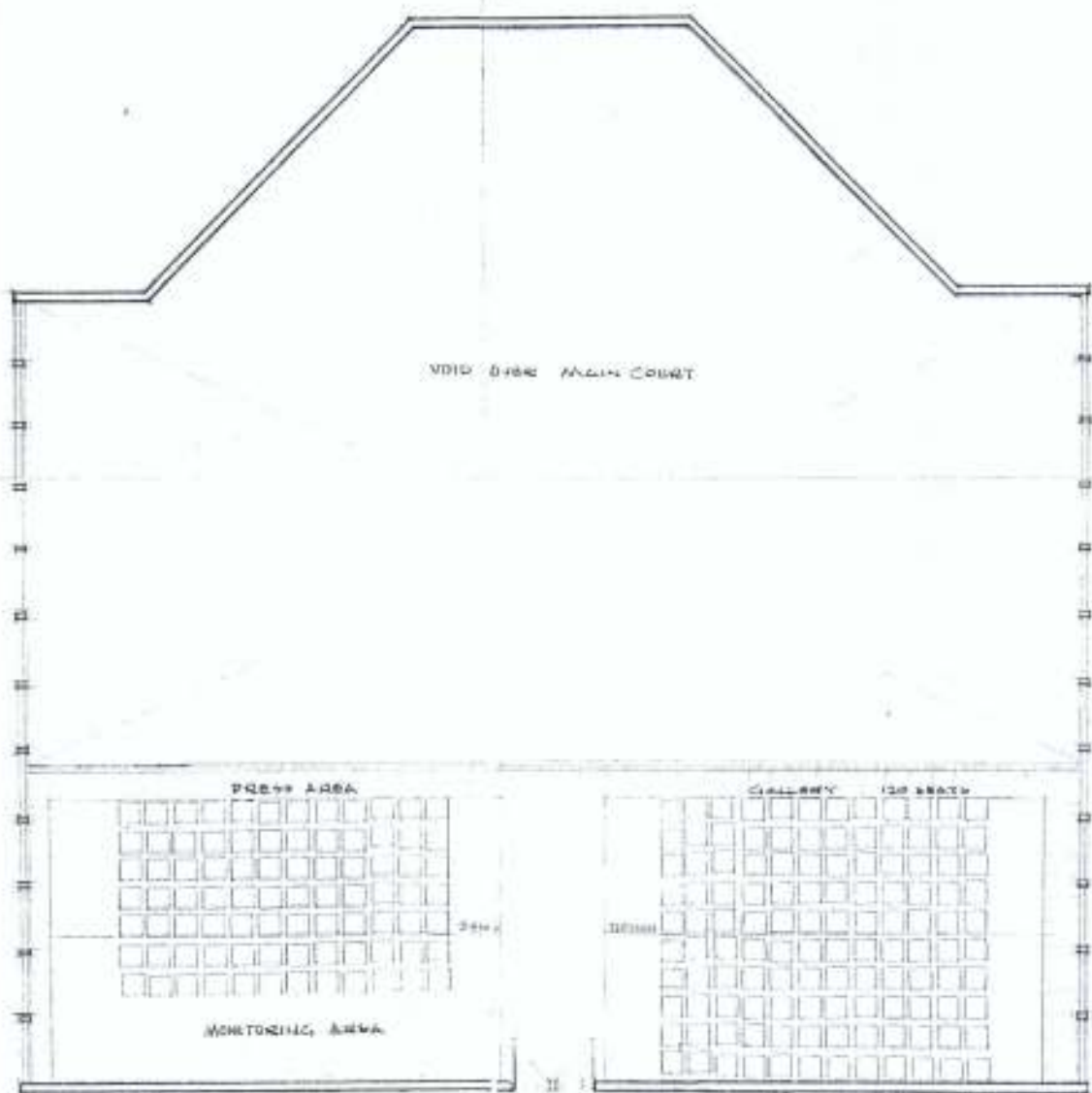
MAIN COURT



С 0 П 1 1 2 3

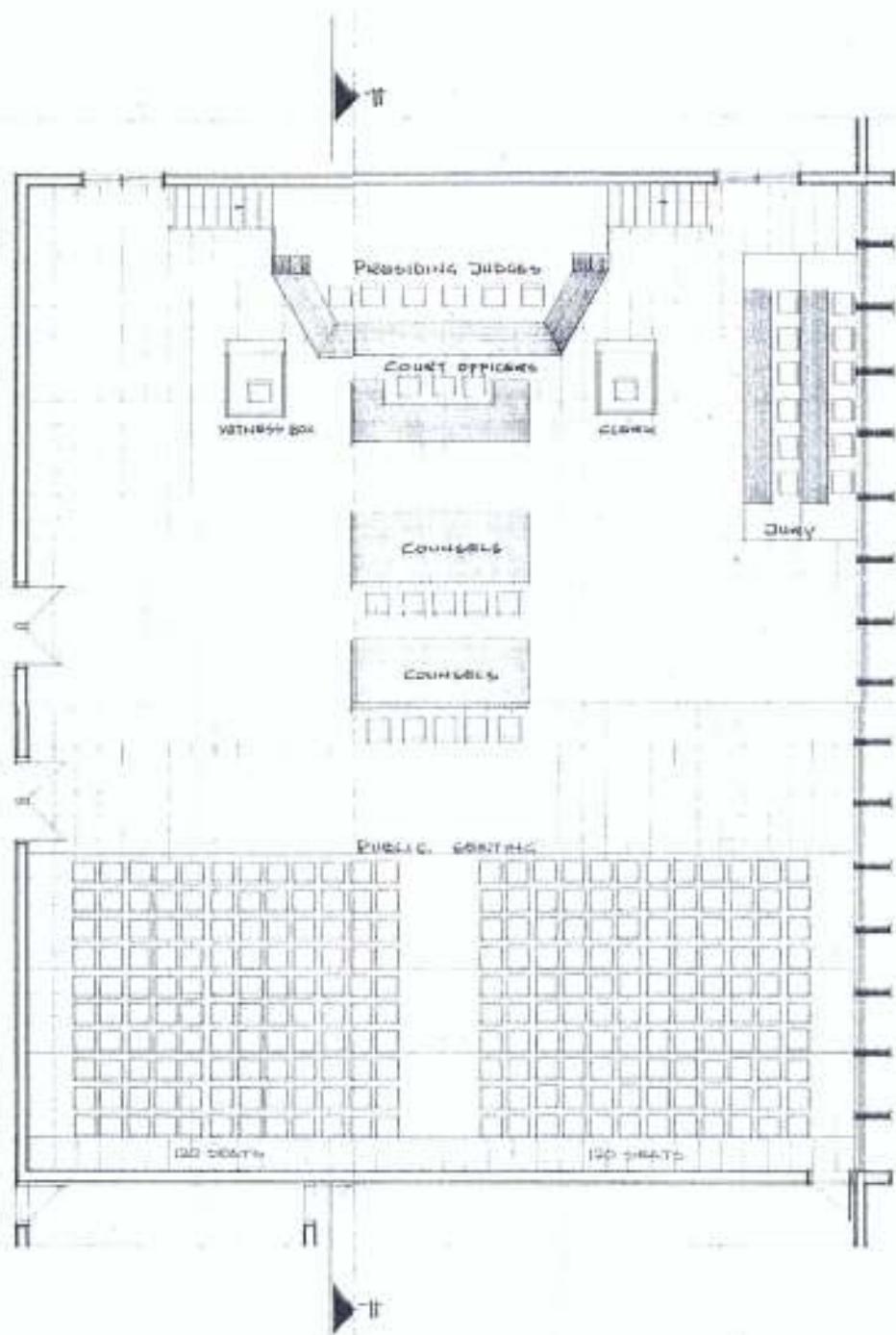
1 0 5 0 0 0

2 1 2 3

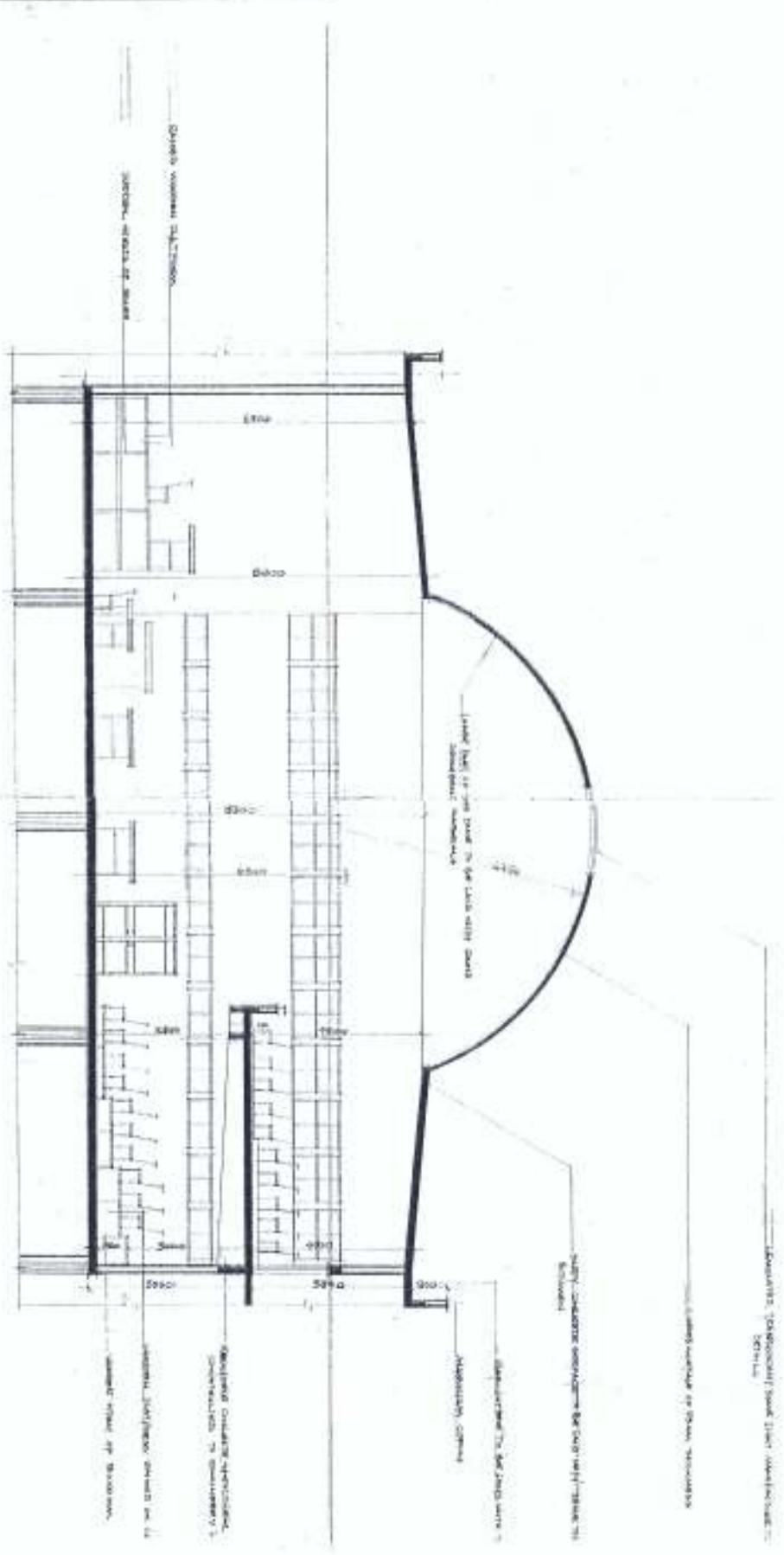


C O D E

H E A R I N G



SECTION E.E.



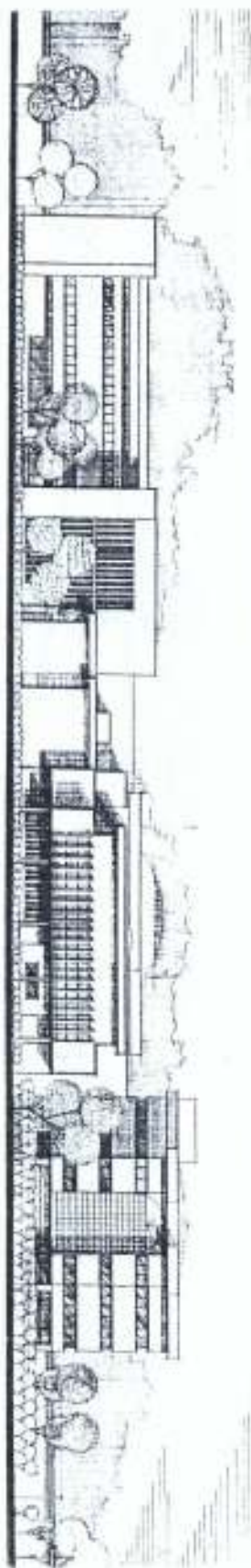
COMMUNITY COURT OF JUSTICE AREA

DATE: ACABA ADK G.
 08/22/16
 08/22/16

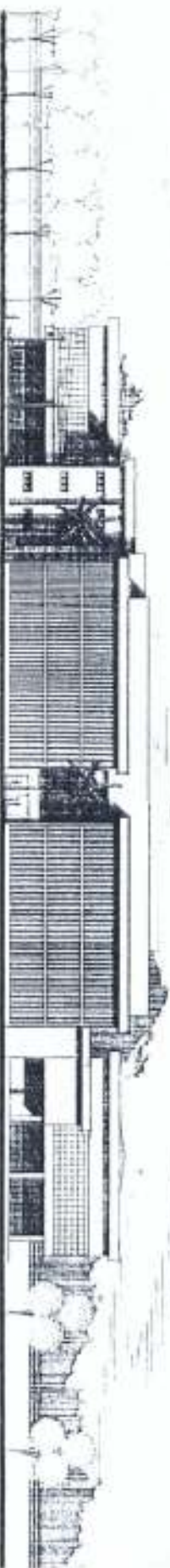
APPROACH ELEVATION



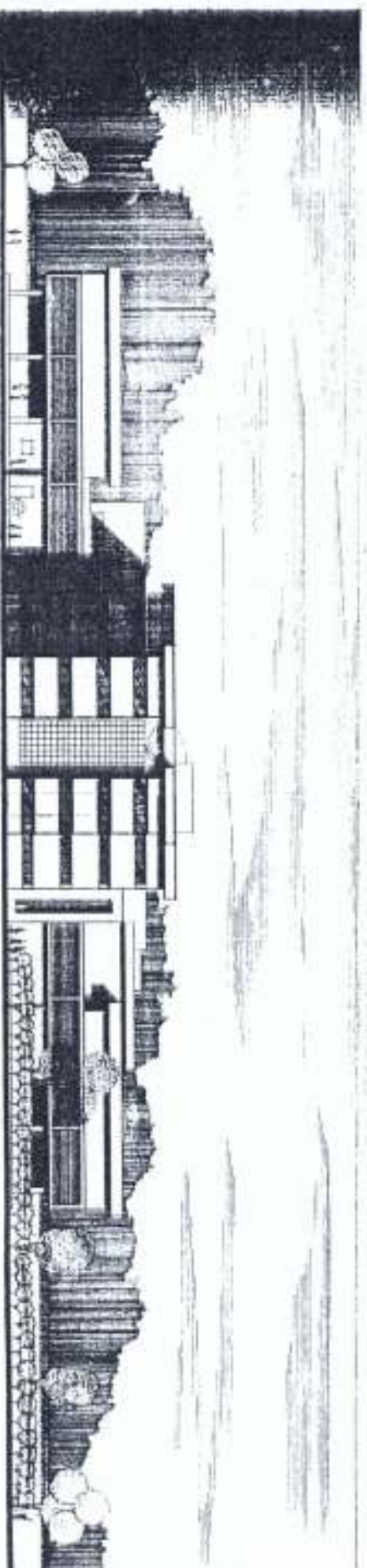
BACK ELEVATION



ALPHA ARCHITECTS
1000 N. 10TH ST. SUITE 100
DENVER, CO 80202
TEL: 303.733.1111
WWW.ALPHAARCHITECTS.COM



RIGHT SIDE ELEVATION



LEFT SIDE ELEVATION

UNIVERSITY REST HOUSE

GROUND FLOOR PLAN

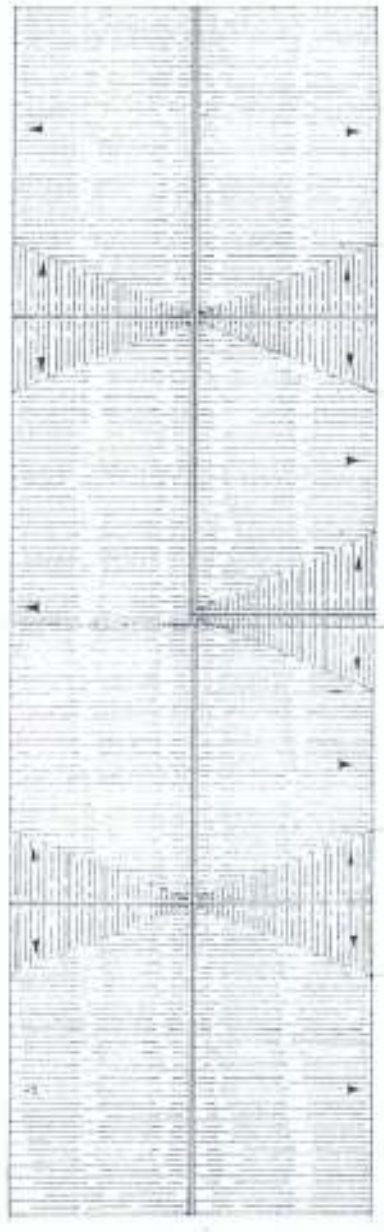




SECTION A-A



SECTION B-B



FLOOR PLAN

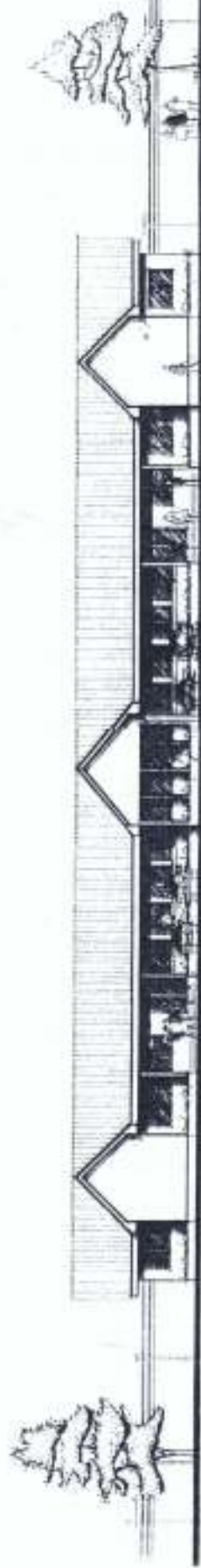


COMMUNITY COURT OF JUSTICE, ABUJA

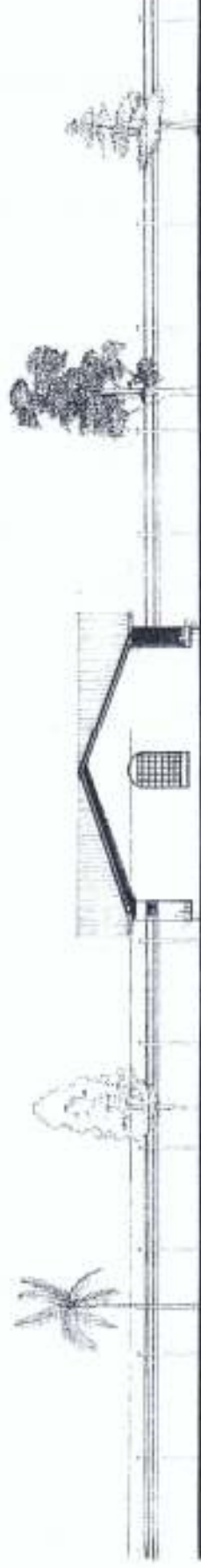
DIAL PROMPTNESS



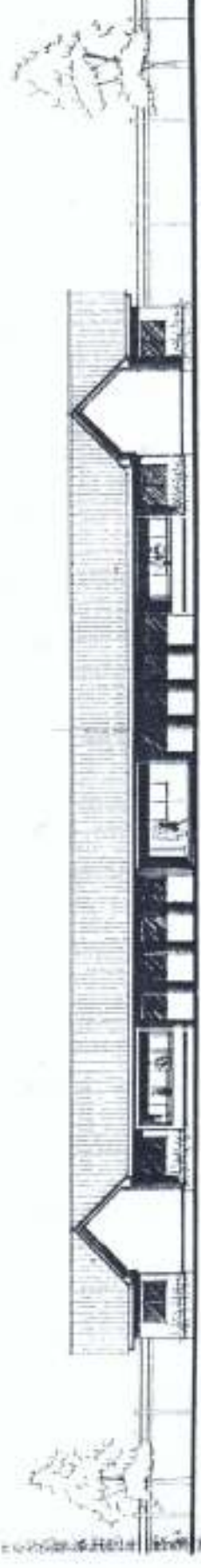
NAME ALAKA ADEKUN
 DATE APR 02-3754
 PROJECT DWTECH ARCHIT
 SCALE 1:100
 SHEET NO. 1/10



APPROACH ELEVATION



TYPICAL SIDE ELEVATION



BACK ELEVATION



COMMUNITY COURT OF JUSTICE, ABUJA.

ICIAL PROMPTNE 4.5

ALABA ADEPOLE
A/C 22 5754
M-TECH ARCHITECTS
P.O. BOX 10000 ABUJA, NIGERIA



CHAPTER SIX

6.1 SUMMARY

The world is fast becoming a global village owing to the advancement in technological development. This in turn has its high and low points, weapons of mass destruction are daily being invented, the world economy is in distress, there is population explosion which in turn leads to country to country explosion and infringement on each other's territories, these and more are all volatile points of conflict that could set countries against each other and spark off global war.

The need for regional conflict resolution cannot be over emphasised. The community court of justice is therefore carefully planned to facilitate easy resolution of conflicts in the West African sub region, putting into consideration the various complexity of the West Africans, by making available a courthouse which has been so designed to facilitate easy and comfortable resolution of cases due to its functional arrangement and easy circulation.

6.2 RECOMMENDATIONS

1. In the planning of a courthouse, the Architect should be involved right from the inception stage, and made to realise the intricacies of a court necessities.
2. The need to present a courthouse as a symbolic, sacred and official edifice must be emphasised in the design.
3. Arrangement of similar activities together in the design is very important as well as the strict adherence to restrictive circulatory channelling of the various court personnel.
4. The flexibility and adaptability of the design to all the West African sub region cannot but be emphasised.

5. The need to adapt the design for other activities other than court proceedings is also necessary.

6.3 LEGAL TERMS

- **Armistice:** An agreement by which fighting is suspended in order to pursue peaceful resolution.
- **Asylum:** A place affording safety from attack.
- **Contraband:** Illegal goods, smuggling or could also mean goods on their way to the enemy during war.
- **Genocide:** The deliberate extermination of a race of people.
- **High-Seas:** The oceans outside the territorial waters of any country.
- **Mutiny:** Open revolt against lawful authority.
- **Neutrality:** The status of a state declaring non participation in a war between other states.
- **Piracy:** Robbery on seas.
- **Prisoner of War:** A member of an armed forces captured during war.
- **Sequestration:** To isolate or keep away from.
- **Convention:** A body of delegate assembled for a common purpose.
- **Affidavit:** A written statement sworn on oath to be true.
- **Appeal:** To call upon a higher authority to review the decision of a lower authority.
- **Arraignment:** To call before a court to answer for a charge.
- **Attachment:** The legal seizure of persons or property.
- **Assize:** A judicial session held regularly.
- **Accomplice:** An active partner in a crime.
- **Arson:** The crime of maliciously burning of somebody else's buildings or properties.
- **Assault battery:** An attack on a person accompanied by blows and use of force.

- **Equity:** Fairness and justice.
- **Evidence:** Anything that provides information on which a proof might be based.
- **Extradition:** The handing over of a criminal by state to another state where there is jurisdiction for the trial of the accuse.
- **Extermination:** Completely wipe out.
- **Petition:** In equity, an application for a court order giving the circumstances.
- **Jurisdiction:** The authority whereby a court can render a valid judgement.
- **Feud:** A grant of land to be held by a form of feudal tenure.
- **Warrant:** Judicial writ authorizing the arrest of a person or the seizure of property authorization for a policeman to search the premises of a private citizen, to defend, to guarantee.
- **Custom:** A rule of conduct which has been followed for an appreciable time and which has become compulsory.
- **Brief:** A written statement of points of law made by parties upon an appeal.
- **Bailiff:** Keeper, protector, guardian, sheriff's deputy.
- **Subpoena:** Under penalty, writ, process or mandate requiring a person to appear in court to testify in certain case.
- **Appeal:** Complaint to a superior court of an injustice or error committed by an inferior court.
- **Belligerent:** A nation, power or state engaged in war.
- **Consummés:** Clean.
- **Witness:** One called to give testimony under oath. One who attests the genuineness of a document by offering his signature thereto, one present at a transaction.

- **Judgement:** An opinion, the court decision.
- **Demurrer:** A denial by the defendant that the allegations of the declaration even if true would legally constitute a cause for action.
- **Suit:** An action of any kind in law or equity prosecution of a claim or right in a court of law.
- **Indictment:** Formal accusation made by grand jury charging a person with a crime.
- **War:** Mutual hostility between two nations carried on by armed forces.
- **Conspiracy:** An agreement between two or more persons to do an unlawful deed.
- **Contempt:** Disregard or disobedience of a public authority.
- **Sentence:** Judgement passed by the court on a convicted criminal.
- **Writ:** Mandatory precept issued by a court of justice, a court order directing a party to do a specific act usually to appear in or report to court.
- **Fine:** Financial penalty.
- **Deposition:** An affidavit (see affidavit).
- **Injunctions:** A restraining order.
- **Felony:** A capital crime or one of graver nature than those designated as misdemeanours.
- **Mandamus:** We command, a writ issuing from a court of higher jurisdiction commanding the performance of a public duty.
- **Summons:** To notify a defendant that an action has been instituted against him, to notify to appear in court.
- **Statute:** Law passed by legislature.
- **Hijacking:** Robbery.

- **Hand Cider:** Fermented cider.
- **Oath:** Statement by a witness at a trial, with God as his witness, that he will tell the truth.
- **Aggression:** Unprovoked attack by one country against another.

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