

From the Sea to the Courtroom: Developing an Effective Legal Framework for the Investigation and Prosecution of Piracy and Maritime Offences in Nigeria

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Military

Received: 01.08.2026 | Accepted: 12.09.2026 | Published: 16.09.2026

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DOI: [10.5281/zenodo.22788216](https://doi.org/10.5281/zenodo.22788216)

Abstract

Original Research Article

Piracy and other maritime offences constitute a significant threat to maritime security, freedom of navigation, maritime commerce and the sustainable development of Nigeria's blue economy. Although Nigeria has strengthened its maritime-security architecture through enhanced naval operations, maritime domain awareness, inter-agency cooperation and the enactment of the Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO Act), the effectiveness of maritime law enforcement ultimately depends upon the ability of the State to translate maritime interdiction into successful criminal prosecution.

The enactment of SPOMO represented a significant development in Nigeria's legal response to piracy. It established specific offences and penalties, provided jurisdictional rules and created a statutory basis for investigation, prosecution and punishment of piracy and other maritime offences.¹ The Act must, however, operate alongside the Constitution of the Federal Republic of Nigeria 1999 (as amended), the Administration of Criminal Justice Act 2015, the Evidence Act 2011 as amended, the United Nations Convention on the Law of the Sea 1982 (UNCLOS), and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988 (SUA Convention).²

Despite this framework, maritime prosecutions present distinctive difficulties. These include preservation of evidence at sea, identification of suspects, and chain of custody, electronic evidence, jurisdictional questions, availability of witnesses, inter-agency coordination and prosecutorial capacity. This article argues that these challenges require an integrated approach in which legal and evidentiary considerations are incorporated into maritime operations from the earliest stage.

The article proposes a comprehensive “sea-to-courtroom” strategy based on the concept of an effective legal finish. It argues that maritime-security operations should not be assessed solely by the number of vessels intercepted or suspects arrested, but also by whether the resulting evidence is sufficient to sustain prosecution, conviction and appropriate punishment.

Keywords: Piracy, Maritime Offences, SPOMO Act, Nigerian Navy, Maritime Security, Prosecution, Evidence, Gulf of Guinea, UNCLOS.

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Citation: Udogu, G. N.-M. (2026). From the sea to the courtroom: Developing an effective legal framework for the investigation and prosecution of piracy and maritime offences in Nigeria. *Global Academic and Scientific Journal of Multidisciplinary Studies (GASJMS)*, 4(9), 18-38.

Introduction

Nigeria is fundamentally a maritime nation. Its coastline, territorial waters, Exclusive Economic Zone (EEZ), ports, offshore petroleum infrastructure, fishing grounds and commercial shipping routes make the maritime domain indispensable to national economic development and security. At the same time, these characteristics expose the country to piracy, armed robbery against ships, kidnapping, unlawful boarding, illegal possession of firearms, vessel hijacking and other maritime crimes. Piracy has consequences beyond the immediate victim. Attacks against ships may result in death, injury, hostage-taking, disruption of maritime commerce, increased insurance and security costs and damage to confidence in maritime transportation. The United Nations recognises piracy as a threat to seafarers, navigation and international commerce.³ The international legal framework is principally contained in UNCLOS. Article 100 imposes a duty on States to cooperate to the fullest possible extent in repressing piracy, while article 101 defines piracy and article 105 provides for seizure of pirate ships and arrest of persons on board in the circumstances specified by the Convention.⁴

Nigeria's domestic response was significantly strengthened by the enactment of the SPOMO Act in 2019. The Act was intended to provide a comprehensive legal framework for the suppression of piracy and other maritime offences and to give domestic effect to relevant international obligations.⁵ However, the existence of legislation does not automatically guarantee successful prosecution. A maritime operation may result in the arrest of suspected pirates but still fail in court because the prosecution cannot establish the identity of the accused, prove the location of the alleged offence, authenticate electronic evidence, establish the chain of custody of exhibits or produce witnesses.

The central challenge is therefore how to move effectively from the sea to the courtroom. This article argues that Nigeria should develop an integrated maritime criminal-justice system in which operational planning, intelligence collection, investigation, evidence preservation and prosecution are treated as interconnected elements of one

process.

2. The Concept of Piracy and Maritime Offences

The accurate identification and legal classification of an incident at sea constitute the first important step in the investigation and prosecution of piracy and other maritime offences. Legal classification determines the applicable law, the jurisdiction of the investigating and prosecuting authorities, the elements that must be established by the prosecution and, ultimately, the nature of the evidence required to sustain a conviction. A failure to properly classify an incident may therefore result in the application of an inappropriate legal framework, jurisdictional difficulties or failure to establish the essential elements of the offence before the court.

At the international level, piracy is principally defined by the United Nations Convention on the Law of the Sea (UNCLOS). Article 101 provides that piracy consists of any illegal act of violence, detention or depredation committed for private ends by the crew or passengers of a private ship or aircraft, directed against another ship or aircraft, or against persons or property on board such ship or aircraft, on the high seas or in a place outside the jurisdiction of any State. The provision also covers voluntary participation in the operation of a pirate ship or aircraft and acts of inciting or intentionally facilitating piracy.⁶ The definition consequently identifies several constituent elements, including the nature of the prohibited conduct, the private-end requirement, the involvement of a private ship or aircraft, the involvement of two ships or aircraft in the classic case of ship-to-ship piracy, and the geographical requirement that the act occur on the high seas or in a place beyond the jurisdiction of a State.

The geographical element is particularly significant to the Nigerian context. Under the traditional international-law definition, piracy is an offence committed outside the territorial jurisdiction of a State. Consequently, an attack occurring within the territorial sea of Nigeria would ordinarily fall outside the definition of piracy contained in article 101 of UNCLOS. This does not mean, however, that the

conduct is lawful or beyond criminal jurisdiction. Rather, the incident is generally characterised as armed robbery against ships or another maritime offence subject to the jurisdiction and domestic law of the coastal State.

This distinction is recognised in international maritime practice. The International Maritime Organization (IMO) distinguishes between piracy and armed robbery against ships, principally on the basis of location. While piracy concerns acts occurring on the high seas or in places beyond the jurisdiction of a State, armed robbery against ships refers to unlawful acts of violence, detention or depredation, or threats thereof, other than piracy, directed against a ship or persons or property on board within a State's internal waters, archipelagic waters and territorial sea.⁷ The distinction is not merely semantic. It determines which State or States have primary jurisdiction and influences the powers available for arrest, investigation and prosecution.

The international legal regime also imposes responsibilities on States in relation to piracy. Article 100 of UNCLOS requires States to cooperate to the fullest possible extent in the repression of piracy on the high seas or in any other place outside the jurisdiction of any State.⁸ This obligation reflects the traditional characterisation of piracy as a crime of international concern and provides a legal basis for international cooperation in preventing and suppressing piratical activities. Articles 105 and 110 of UNCLOS further establish important rules concerning the seizure of pirate ships and the right of visit in specified circumstances. These provisions demonstrate that the international framework is not limited to defining piracy but also establishes mechanisms through which States may respond to piratical activities.

The Nigerian legal position must, however, be considered separately from the narrower international-law definition. Nigeria, as a coastal State with extensive maritime interests in the Gulf of Guinea, requires a domestic legal framework capable of addressing unlawful conduct occurring not only on the high seas but also within its territorial waters and other maritime zones. This is particularly important because a significant proportion of maritime criminality affecting Nigerian interests

may occur within areas subject to Nigerian jurisdiction.

The Suppression of Piracy and Other Maritime Offences Act 2019 (SPOMO Act) was enacted to provide a specific domestic legal framework for the suppression, prevention and prosecution of piracy and other maritime offences in Nigeria.⁹ The legislation is significant because it enables Nigeria to address conduct that may not satisfy the technical requirements of piracy under article 101 of UNCLOS but nevertheless constitutes serious maritime criminality under Nigerian law. In this respect, domestic legislation complements rather than simply reproduces the international definition.

The importance of the SPOMO Act becomes clearer when the concept of piracy is considered alongside the broader category of maritime offences. Maritime offences encompass a range of unlawful activities connected with ships, maritime navigation, persons or property at sea. These may include piracy, armed robbery against ships, unlawful boarding, unlawful possession or use of firearms in connection with maritime activities, kidnapping associated with maritime operations and other conduct specifically criminalised under Nigerian law. The broader category is necessary because maritime insecurity is not confined to conduct that satisfies the technical international definition of piracy.

For purposes of investigation and prosecution, therefore, the distinction between piracy and other maritime offences should be maintained without creating unnecessary legal fragmentation. An incident initially reported as a "piracy attack" must be subjected to proper legal assessment to determine the location of the incident, the persons involved, the nature of the conduct, the purpose or motive of the offenders and the applicable jurisdiction. This assessment should occur at the earliest stage of the investigative process.

The issue of location is particularly important. Investigators must establish whether an alleged offence occurred in internal waters, the territorial sea, the contiguous zone, the exclusive economic zone or on the high seas. The location may determine whether the conduct falls within the international-law concept of piracy, constitutes an offence under

Nigerian domestic law, or potentially engages the jurisdiction of another State. Accurate determination of the vessel's position at the time of the alleged offence may therefore become an important evidential issue at trial. Information from Automatic Identification Systems (AIS), vessel tracking systems, radar records, satellite information, Global Positioning System (GPS) data, naval operational records and other contemporaneous sources may be relevant in establishing the location of an incident.

Legal classification also affects the investigative strategy. Where an incident is classified as piracy, investigators may need to establish the elements required under the applicable statutory provision, including the conduct of the accused persons, their participation, the circumstances of the attack and the connection between the accused and the vessel or persons involved. Where the incident constitutes another maritime offence, different statutory elements may have to be established. Investigators and prosecutors must therefore identify the precise offence at an early stage rather than relying on the general description of an incident as a "piracy case."

This is particularly important because criminal liability is ultimately determined by the specific elements of an offence, rather than by the general description given to an incident. The prosecution must establish every essential element of the offence beyond reasonable doubt. Consequently, an investigation that merely establishes that an attack occurred at sea may be insufficient. It must also establish the identity and participation of the accused persons, the circumstances in which the offence was committed and the facts necessary to satisfy the statutory requirements of the particular charge.

The distinction between piracy and maritime offences also has implications for jurisdiction and institutional responsibility. The Nigerian Navy, Nigerian Maritime Administration and Safety Agency (NIMASA), Nigeria Police Force and other relevant agencies may become involved at different stages of maritime law enforcement. Where the legal nature and jurisdictional basis of an incident are unclear, overlapping institutional responsibilities may create delays in investigation, evidence collection and case preparation. Clear classification at the initial stage can therefore assist in determining

the appropriate investigative authority and prosecutorial pathway.

Furthermore, the concept of piracy should not be examined solely from the perspective of the offence committed against a vessel. Modern maritime criminality may involve complex networks extending from the sea to locations ashore. Persons who finance, organise, facilitate or knowingly participate in maritime criminal enterprises may occupy different positions within the criminal structure. The investigation must therefore extend beyond the immediate perpetrators apprehended at sea to determine the existence of organisers, financiers, facilitators and other participants where the applicable law permits their prosecution. This approach is particularly relevant to the objective of developing an effective legal framework, since successful prosecution should not be limited to those physically apprehended during an attack.

The classification of maritime offences must equally take account of the relationship between international law and Nigerian domestic law. UNCLOS provides the international legal framework within which piracy is understood, while Nigerian legislation provides the basis for criminal liability and prosecution before Nigerian courts. The two frameworks should therefore be interpreted in a complementary manner. International law provides the broader jurisdictional and conceptual context, while domestic legislation determines the specific offences, procedures and sanctions applicable before Nigerian courts.

In this regard, the SPOMO Act represents an important development in Nigeria's response to maritime criminality. Prior to the enactment of dedicated legislation, reliance on general criminal laws created difficulties in addressing the peculiar nature of piracy and maritime offences. The SPOMO Act provides a more specialised framework and demonstrates Nigeria's recognition that maritime criminality requires legal provisions tailored to the operational realities of the maritime environment.

Nevertheless, the existence of a specific statute does not by itself guarantee successful prosecution. The effectiveness of the legal framework ultimately depends on whether the relevant agencies can

translate incidents detected at sea into legally admissible and sufficiently reliable evidence for presentation before the courts. The classification of the offence must therefore be followed by proper evidence gathering, preservation, documentation and presentation. This reinforces the central argument of this research that the legal framework for maritime security must be considered as a continuous chain from detection and interception at sea to investigation, charging and adjudication in the courtroom.

Accordingly, the concept of piracy and maritime offences should be understood as more than a question of terminology. It is a foundational component of the entire maritime criminal justice process. Correct classification determines the applicable law, jurisdiction, investigative powers, evidential requirements and prosecutorial strategy. For Nigeria, the challenge is therefore not merely to define piracy consistently with international law, but to ensure that the domestic framework provides clear and effective mechanisms for dealing with the broader spectrum of maritime criminality occurring within and beyond Nigerian maritime jurisdiction.

This conceptual distinction provides the foundation for examining the subsequent stages of the maritime criminal justice process—particularly arrest, investigation, evidence collection and preservation, charging and prosecution. The effectiveness of Nigeria's response to piracy will ultimately depend on the ability of its legal and institutional framework to ensure that conduct detected and intercepted at sea can be properly classified, investigated and successfully translated into sustainable criminal proceedings before the courts.

The first requirement for effective prosecution is correct legal classification. Article 101 of UNCLOS defines piracy as certain illegal acts of violence, detention or depredation committed for private ends by the crew or passengers of a private ship or aircraft and directed against another ship, aircraft, persons or property on the high seas or in a place outside the jurisdiction of any State.⁶ The definition also encompasses voluntary participation in the operation of a pirate ship and intentional facilitation or

incitement of piracy. Article 100 further establishes the international obligation of States to cooperate in repressing piracy.⁷

This definition is important because international law distinguishes piracy from armed robbery against ships occurring within the territorial jurisdiction of a coastal State. The International Maritime Organization has consistently maintained the distinction between piracy and armed robbery against ships for reporting and legal purposes.⁸

For Nigeria, this distinction has practical consequences. An incident occurring within Nigerian territorial waters may not technically constitute piracy under article 101 of UNCLOS, but the conduct may constitute an offence under Nigerian domestic law. The SPOMO Act therefore serves an important purpose by establishing a domestic framework broader than the narrow international-law definition of piracy.⁹

3. Nigeria's Legal Framework

The Constitution

The Constitution remains the foundation of all criminal proceedings in Nigeria. Section 36 guarantees fundamental fair-hearing rights and provides, among other things, for the presumption of innocence and other procedural safeguards. Section 36(12) provides that a person shall not be convicted of a criminal offence unless the offence and its penalty are prescribed in a written law.¹⁰ The implication is significant for maritime enforcement. Operational effectiveness cannot justify departure from lawful procedure.

The prosecution must be able to demonstrate that:

- the offence is established by law;
- the accused committed the prohibited act;
- the evidence is admissible;
- the accused's constitutional rights have been respected; and
- the prosecution has discharged the applicable burden of proof.

The SPOMO Act 2019

The SPOMO Act represents the centerpiece of Nigeria's domestic anti-piracy legislation. The Act establishes offences relating to piracy and other maritime conduct and contains provisions dealing with jurisdiction, arrest, custody, seizure, evidence preservation, incident reporting and punishment.¹¹ Importantly, the Act provides for the Federal High Court to exercise jurisdiction over matters arising under it.¹²

The creation of a specific statutory framework and specialised jurisdiction is important because maritime offences frequently involve complex questions of international law, vessel nationality, territorial jurisdiction and evidence originating outside Nigeria.

The Administration of Criminal Justice Act 2015

The Administration of Criminal Justice Act 2015 (ACJA) seeks to promote the efficient administration of criminal justice, speedy trial and protection of the rights of suspects, defendants and victims.¹³ Maritime investigations must therefore be conducted with the eventual criminal proceedings in mind. The arresting agency must recognise that the manner in which a suspect is arrested, detained, interviewed and transferred can subsequently become relevant during trial.

Evidence Act 2011

The Evidence Act 2011, as amended, constitutes the general evidentiary framework for Nigerian courts.¹⁴ Its relevance to maritime prosecution has increased substantially because maritime investigations now generate significant quantities of electronic evidence. Such evidence may include:

Automatic Identification System (AIS) data, GPS information, radar records, satellite imagery, radio communications, mobile-phone records, CCTV, photographs and videos, electronic vessel logs and digital communications.

Investigators must therefore understand not only how to obtain such evidence but also how to preserve

its authenticity and integrity.

4. Maritime Interdiction as the Beginning of Investigation

Maritime interdiction should be understood not merely as an operational activity aimed at stopping, boarding or apprehending a suspected vessel, but as the **initial stage of the criminal investigation and eventual prosecution**. This represents an important conceptual shift in maritime law enforcement. The successful interception of a suspect vessel does not, by itself, guarantee a successful prosecution. Rather, the actions taken immediately before, during and after interdiction may determine whether the evidence required to sustain a prosecution is properly obtained, preserved and presented before the court.

In the Nigerian context, this distinction is particularly important because maritime offences are often detected and responded to by personnel operating in challenging environments far from conventional investigative facilities. Naval personnel may be the first, and sometimes the only, government officials to interact directly with suspects, witnesses, vessels and physical evidence. Consequently, the manner in which an interdiction is conducted and documented can have a direct bearing on the subsequent investigation and prosecution.

When a suspect vessel is intercepted, operational personnel should, subject to the requirements of safety, applicable law and the circumstances of the operation, begin documenting facts that may subsequently become relevant to criminal proceedings. The documentation should establish a clear and chronological account of the incident, beginning with the circumstances that led to the interception and continuing through the boarding, search, recovery of exhibits, arrest and transfer of suspects and evidence to the appropriate investigative authorities.

One of the first matters requiring documentation is the **precise location of the interception**. The geographical coordinates, date and time of interception should be accurately recorded. This information may become significant in determining the applicable legal framework and jurisdiction. It

may also assist the prosecution in establishing where the alleged offence occurred. Where the legal classification of the conduct depends upon whether the incident occurred within Nigerian territorial waters or beyond the jurisdiction of a State, reliable evidence of the vessel's position becomes particularly important.

The **identity and registration details of the vessel** should also be properly documented. This should include, where available, the vessel's name, registration number, flag, call sign, IMO number and other identifying characteristics. Any discrepancy between the vessel's declared identity and the identity established during inspection should be recorded. Such discrepancies may themselves become relevant to the investigation, particularly where a vessel is suspected of operating under false documentation or attempting to conceal its identity.

The circumstances leading to the interdiction should equally be recorded. Officers should document the conduct observed before interception, including unusual movements, attempts to evade the naval vessel, suspicious activities, alteration of course, absence or manipulation of Automatic Identification System signals and any other circumstances that gave rise to suspicion. The purpose is not merely to record the fact that the vessel was intercepted but to preserve the factual basis upon which the interception was undertaken.

The **identities and status of persons found on board** should be properly established and documented. This should include the names, nationalities, identification documents and roles of persons on board, where obtainable. The location of individuals on the vessel at the time of boarding and their conduct during the interdiction may also be relevant. Proper documentation at this stage can assist investigators in subsequently establishing individual responsibility rather than treating all persons found on board as automatically having participated in the alleged offence.

Particular attention should be given to the **recovery and preservation of physical evidence**. Where weapons, ammunition, communication devices, navigational equipment, tools, documents or other suspected exhibits are recovered, details of the

circumstances and location of each recovery should be recorded. Photographs and video recordings should, where operationally practicable and legally permissible, be taken to document the condition and location of relevant exhibits before they are moved. This can help establish the connection between an exhibit and the suspect or the vessel and may reduce disputes concerning how and where the evidence was recovered.

The use of **photographic and video evidence** is particularly valuable in maritime investigations. Images may capture the condition of the vessel, the location of persons on board, weapons or other objects recovered, damage to a vessel, evidence of boarding or attack and other relevant circumstances. Where such evidence is collected, appropriate procedures should be followed to preserve its authenticity and integrity and to establish how, when and by whom it was obtained.

The **communications equipment** found on board should also receive appropriate attention. Radios, mobile phones, satellite phones, computers, storage devices and other communication equipment may contain information relevant to establishing communications between suspects, the planning of an offence or the movement of vessels. However, the handling and examination of such devices should be undertaken in accordance with applicable law and appropriate digital-evidence procedures to prevent alteration, loss or contamination of information.

Similarly, **vessel documents and other documentary evidence** should be properly identified, secured and recorded. These may include registration documents, cargo documents, crew lists, logbooks, voyage records, navigational records, invoices, receipts and other documents relevant to establishing the activities of the vessel and its occupants. Such materials may assist in reconstructing the vessel's movements and establishing the circumstances surrounding the alleged offence.

Where evidence of an **attack, boarding, violence or unlawful detention** exists, officers should document the physical condition of the vessel and relevant persons, including visible damage, injuries, restraints or other indications of criminal conduct. Statements

from victims, witnesses or suspects may also be obtained where legally permissible and in accordance with applicable procedural safeguards. Such statements should be properly recorded, authenticated and transmitted to the appropriate investigative authorities.

An equally important aspect of maritime interdiction is the establishment of a **proper chain of custody for recovered exhibits**. The fact that an item was recovered from a suspect vessel does not automatically establish its evidential value. It must be possible to demonstrate what was recovered, where it was recovered, who recovered it, who took custody of it, how it was preserved and the persons to whom it was subsequently transferred. Proper documentation from the point of recovery can therefore become essential to the admissibility and weight of evidence during trial.

The operational personnel should also prepare a comprehensive **interdiction report** immediately after the operation or as soon as operational circumstances permit. The report should provide a chronological account of the incident and identify the personnel involved, the circumstances leading to the interception, the actions taken, persons arrested, exhibits recovered and subsequent disposition of suspects and evidence. Where different officers participated in the operation, their individual observations should be appropriately documented to facilitate consistency and accuracy.

This approach requires a closer relationship between **operational personnel and investigators**. Naval personnel conducting interdiction operations may possess important first-hand evidence, but they may not necessarily have specialised training in criminal investigation or evidential requirements. Conversely, investigators and prosecutors may understand the requirements of a criminal trial but may not have been present when the interdiction occurred. The two functions should therefore complement each other.

A structured mechanism for the early involvement of investigators and legal personnel in significant maritime interdictions could assist in addressing this gap. Where circumstances permit, investigative or legal personnel could provide guidance on evidence preservation and documentation, while naval

personnel could ensure that operational realities are properly communicated to those responsible for preparing the case for prosecution.

The **sea-to-courtroom approach** therefore requires a change in institutional mindset. Maritime personnel should understand that their actions during interdiction may subsequently be scrutinised in court. Questions may arise concerning the circumstances of the interception, the authority for the boarding, the manner in which suspects were treated, the location and condition of exhibits, the identity of persons who recovered particular items and the manner in which evidence was preserved. Proper documentation at the operational stage can provide answers to these questions and strengthen the credibility of the prosecution's case.

There is also a need for **standardisation**. Different naval units or personnel should not adopt substantially different approaches to documenting similar maritime incidents. The Nigerian Navy could develop a standard maritime interdiction and evidence-preservation checklist containing the essential information that should be captured during and immediately after an interception. Such a checklist could cover vessel identification, coordinates, time, persons on board, observed conduct, exhibits recovered, photographs, video recordings, statements, documents, communications equipment and transfer of suspects and exhibits.

Training should accompany the introduction of such a system. Personnel involved in maritime interdiction should receive periodic training on the basic principles of evidence identification, preservation, documentation, chain of custody and preparation of operational reports. This would not turn naval personnel into investigators or prosecutors but would equip them with the knowledge necessary to preserve evidence until it reaches the appropriate investigative and prosecutorial authorities.

Ultimately, the effectiveness of maritime interdiction should not be measured solely by the number of vessels intercepted or suspects arrested. A more meaningful measure is whether the operation produces **lawfully obtained, properly documented and sufficiently reliable evidence capable of**

supporting prosecution. An arrest at sea that is not supported by properly preserved evidence may have limited value in court.

Maritime interdiction must therefore be regarded as the **first evidential link in the prosecution process**. From the moment a suspect vessel is detected, every relevant action should, where legally and operationally practicable, be undertaken with an awareness that the circumstances may eventually have to be explained before a court. This approach creates a direct evidential bridge between the operational environment at sea and the judicial environment in the courtroom. It is this bridge that lies at the heart of an effective **sea-to-courtroom legal and investigative framework for combating piracy and maritime offences in Nigeria**.

5. Evidentiary Challenges

The successful investigation and prosecution of piracy and other maritime offences depend substantially on the quality, reliability and admissibility of the evidence presented before the court. Unlike many conventional criminal offences, maritime offences present particular evidentiary difficulties because the initial investigation frequently takes place at sea, sometimes under difficult operational conditions, while the eventual prosecution occurs in a courtroom on land. There may therefore be a considerable physical, temporal and institutional distance between the point at which evidence is discovered and the point at which it is eventually presented to the court.

This creates what may be described as an **evidential gap between the sea and the courtroom**. Evidence obtained during maritime interdiction may lose its value if it is improperly collected, inadequately documented, contaminated, altered or transferred without appropriate records. Consequently, an effective legal framework must address not only the types of evidence that may be admissible but also the procedures through which evidence is identified, collected, preserved, transferred and ultimately presented at trial.

Chain of Custody

Chain of custody is fundamental to establishing the integrity and credibility of physical exhibits recovered during maritime operations. Where weapons, ammunition, communication equipment, clothing, documents, navigational devices or other objects are recovered from a suspect vessel, investigators should maintain a continuous and verifiable record of the possession and handling of each exhibit from the moment of recovery until its production before the court. The record should ordinarily identify the person who recovered the exhibit, the precise location where it was recovered, the date and time of recovery, the condition in which it was found, the method used to package and secure it, the person to whom it was transferred, the location where it was stored and the person responsible for producing it before the court.¹⁵ The purpose is to establish that the exhibit produced at trial is substantially the same item that was recovered during the maritime operation and that it has not been substituted, tampered with or materially altered.

The importance of chain of custody becomes particularly pronounced in maritime investigations because several institutions and individuals may handle an exhibit between the point of recovery and the commencement of judicial proceedings. For example, an item recovered by naval personnel during boarding may subsequently be handed over to an investigative agency, transferred to a police or military evidence store, submitted to a forensic laboratory and eventually produced by a witness during trial. Each transfer creates another stage at which the integrity of the exhibit must be accounted for.

A weakness at any stage of this process can provide an accused person with an opportunity to challenge the authenticity, integrity or reliability of the evidence. It may become difficult for the prosecution to establish whether an item produced in court is the same item recovered from the suspect vessel. This is particularly significant where the exhibit forms an essential part of the prosecution's case.

The Evidence Act provides the broader statutory framework governing the admissibility and evidential value of evidence in Nigeria.¹⁶ However,

the practical effectiveness of the law depends substantially on the procedures adopted by investigators and law enforcement personnel from the moment evidence comes into their possession. The legal admissibility of an exhibit should therefore not be treated as an issue that arises only when the matter reaches court. Rather, evidentiary integrity must be considered from the point of recovery.

In maritime operations, this requires naval personnel and other first responders to appreciate that their handling of exhibits may subsequently become relevant during trial. Officers who recover an exhibit may be required to explain where and how it was found, the condition in which it was found, how it was secured and to whom it was subsequently handed over. Proper contemporaneous documentation can substantially strengthen the credibility of such testimony.

The Nigerian Navy could therefore consider developing a **standard maritime evidence recovery and chain-of-custody procedure** for piracy and other maritime offences. The procedure could contain standard forms for recording the recovery, identification, packaging, transfer and storage of exhibits. Each exhibit could also be assigned a unique identification number from the point of recovery, which would remain associated with the exhibit throughout the investigative and prosecutorial process.

Such a system would reduce uncertainty regarding the movement of exhibits and create an evidential trail that can readily be reconstructed when the matter comes before the court. It would also improve coordination between naval personnel, investigators, forensic personnel, prosecutors and other agencies involved in the case.

The issue is particularly important in relation to **weapons and ammunition** recovered from suspect vessels. Where the prosecution alleges that particular weapons were found in the possession or control of an accused person, it must be capable of demonstrating the circumstances of the recovery and the connection between the accused and the weapon. The mere production of a weapon in court, without sufficient evidence establishing its source and connection to the accused, may not adequately

establish the prosecution's case.

The same principle applies to documentary evidence. Vessel registration documents, crew lists, logbooks, cargo documents, navigational records and other papers recovered during a maritime operation may become important in establishing the identity of a vessel, its movements or the activities of persons on board. Such documents should therefore be properly identified, secured and documented at the point of recovery.

There is consequently a need to move from a predominantly **operational approach to evidence collection towards an evidence-conscious operational culture**. Naval personnel involved in interdiction should be trained to recognise potentially relevant evidence and to preserve it without compromising its integrity. This does not mean that naval personnel should assume the functions of investigators or prosecutors. Rather, they should understand the evidentiary consequences of their actions and ensure that evidence is preserved until it can be formally processed by the appropriate investigative authority.

Digital Evidence

Digital evidence presents both significant opportunities and challenges for the investigation and prosecution of maritime offences. Modern maritime operations generate substantial quantities of electronic information capable of assisting investigators in reconstructing events and establishing the movements and activities of vessels and individuals. Such evidence may include Automatic Identification System (AIS) data, radar information, satellite imagery, GPS records, mobile-phone records, photographs, video footage, emails, electronic communications and information obtained from other digital devices.

The importance of digital evidence is likely to increase as maritime operations become increasingly dependent on technology. AIS data, for example, may assist in establishing the location, movement and identity of a vessel at a particular time. GPS information may similarly assist in determining the location of a vessel or individual device. Video

recordings from naval platforms, body-worn cameras, vessel surveillance systems or other sources may provide contemporaneous evidence of an interception, boarding or recovery of exhibits.

However, the existence of digital information does not automatically make it reliable or admissible evidence. Investigators must establish the **origin, authenticity, integrity and relevance** of the information. Questions may arise as to who generated the data, how it was obtained, whether the original data was preserved, whether it has been altered or manipulated, whether its metadata remains intact and whether the system from which it originated was functioning properly at the relevant time.

The Evidence Act recognises the evidentiary significance of electronic and computer-generated records and provides the legal framework for their admission in appropriate circumstances.¹⁷ This development is particularly relevant to maritime prosecutions because many of the most important facts concerning a maritime incident may exist primarily in electronic form.

The prosecution must nevertheless establish an adequate connection between the digital evidence and the accused person. For instance, establishing that a mobile telephone was present in the vicinity of an alleged maritime incident does not necessarily establish that the accused committed the offence. Similarly, evidence showing that a vessel was present at a particular location does not, without more, establish who was responsible for the alleged criminal conduct. Digital evidence must therefore be analysed together with other evidence capable of establishing identity, participation and the circumstances of the offence.

The handling of mobile phones and other electronic devices recovered during maritime interdiction also presents particular challenges. Investigators should avoid unnecessary manipulation of devices that could alter or destroy potentially relevant information. Where forensic examination is required, appropriate procedures should be followed to preserve the original data and maintain the integrity of any forensic copies made for examination.

There is therefore a strong case for strengthening

digital forensic capacity within Nigeria's maritime law-enforcement framework. Personnel involved in maritime investigations should receive appropriate training in the identification, preservation and initial handling of digital evidence. Specialist forensic personnel should subsequently undertake technical extraction and analysis where required.

Another important issue is the preservation of data generated by third parties. Maritime investigations may require access to information held by telecommunications companies, satellite operators, port authorities, vessel-management companies and other private or public entities. Such evidence may be crucial in establishing communications, movements or relationships between suspects. Appropriate mechanisms for the lawful and timely preservation and retrieval of such information would therefore strengthen maritime investigations.

The increasing use of electronic evidence also requires closer cooperation between **operational personnel, investigators, digital forensic specialists and prosecutors.** Prosecutors should understand the nature and limitations of digital evidence, while investigators should understand the evidential requirements necessary for such information to be effectively presented before the court. Early prosecutorial guidance may therefore assist investigators in identifying which categories of electronic evidence are likely to be important to the case.

The Sea-to-Courtroom Evidentiary Chain

The challenges associated with physical and digital evidence demonstrate that successful maritime prosecution requires a continuous evidentiary chain extending from the point of interdiction to the courtroom. This chain involves several interconnected stages: **identification, recovery, documentation, preservation, examination, storage, transfer and presentation.** A failure at any of these stages may weaken the prosecution's case.

The sea-to-courtroom approach therefore requires the development of standard procedures that integrate operational activities with investigative and

prosecutorial requirements. Maritime personnel should understand what evidence needs to be preserved; investigators should ensure that such evidence is properly processed; forensic personnel should maintain its integrity during examination; and prosecutors should ensure that the evidence is presented in accordance with applicable evidentiary rules.

A further challenge is the **timeliness of evidence processing**. Delays in transferring exhibits, obtaining forensic reports or retrieving electronic information may affect the quality of an investigation. Digital data may be overwritten or become inaccessible, while physical exhibits may deteriorate if they are not appropriately stored. Establishing clear timelines and responsibilities for evidence transfer and processing would therefore improve the reliability of maritime prosecutions.

The legal framework should consequently be supported by **institutional protocols rather than legislation alone**. A statute may establish the offence and provide the legal basis for prosecution, but operational guidelines are required to translate those provisions into effective investigative practice. The Nigerian Navy, investigative agencies, prosecutors and other relevant institutions should therefore develop coordinated procedures for the handling of evidence recovered during maritime interdiction.

Ultimately, the evidentiary challenge in piracy and maritime prosecutions is not simply the absence of evidence. In many instances, considerable evidence may be available but its **collection, preservation, authentication and linkage to the accused** may be inadequate. The objective should therefore be to ensure that evidence obtained at sea remains reliable and legally useful when it eventually reaches the courtroom.

The central principle is straightforward: **every important exhibit should have an identifiable evidentiary journey from the sea to the courtroom**. Establishing this journey through clear procedures, proper documentation, trained personnel and effective institutional coordination would significantly strengthen the capacity of Nigerian law-enforcement agencies to convert successful maritime interdictions into sustainable criminal prosecutions.

6. Jurisdictional Challenges

Piracy is inherently transnational. A single incident may involve a Nigerian national, foreign-flagged vessel, foreign crew, an incident occurring outside Nigerian territorial waters, a Nigerian naval interception, evidence located abroad and proceeds transferred through another jurisdiction. UNCLOS addresses several aspects of this problem. Article 105 provides that on the high seas or in another place outside the jurisdiction of any State, a State may seize a pirate ship or aircraft and arrest persons and seize property on board, subject to the Convention.¹⁷ However, article 106 also provides protection against seizure without adequate grounds.¹⁸ This reinforces the importance of accurate operational documentation. Before prosecution, investigators and prosecutors should establish: where the offence occurred, the status of the relevant waters, the nationality of the vessel, the nationality of the accused, the nationality of the victims, the applicable Nigerian offence, the basis of Nigerian jurisdiction and whether international cooperation is required. Jurisdiction should therefore be addressed at the investigation stage rather than after the charge has been filed.

7. Inter-Agency Cooperation

Effective prosecution requires cooperation among several institutions. The Nigerian Navy has a central operational role in maritime security. NIMASA has important maritime regulatory responsibilities. The Nigeria Police Force, intelligence agencies, prosecutors and forensic institutions may also become involved depending on the circumstances of the case. The SPOMO Act itself recognises the importance of coordination in maritime activities.¹⁹ The appropriate model should therefore be a multidisciplinary maritime prosecution structure involving: operational personnel + investigators + intelligence officers + forensic specialists + legal officers + prosecutors.

Such integration would enable evidentiary requirements to be identified before critical evidence is lost. The international framework similarly recognises the importance of cooperation. The IMO has promoted regional cooperation and

implementation of maritime-security legislation in West and Central Africa through the Yaoundé Architecture and related mechanisms.²⁰

8. Intelligence and Maritime Prosecution

Intelligence occupies a central position in the prevention, detection and disruption of piracy and other maritime offences. In the maritime environment, intelligence enables security agencies to identify emerging threats, monitor suspicious vessels and persons, anticipate criminal activities and support operational decision-making. However, an important distinction must be maintained between **intelligence and evidence**. Although intelligence may initiate or guide an investigation, it should not automatically be treated as proof of criminal responsibility.

Intelligence may provide information concerning suspected pirates, facilitators, financiers, vessels associated with criminal activities, communication networks, weapons suppliers and previous attacks. It may also provide indications of planned attacks, suspicious movements of vessels or relationships between individuals suspected of involvement in maritime criminality. Such information is particularly valuable to the Nigerian Navy and other security agencies because it enables them to deploy resources proactively rather than responding only after an offence has occurred.

The distinction between intelligence and evidence becomes particularly important when a maritime security operation progresses from the **operational environment to the criminal justice system**. Intelligence is primarily concerned with understanding threats and supporting decision-making, whereas criminal investigation is concerned with establishing facts capable of being relied upon in legal proceedings. Information may therefore be sufficiently reliable to justify surveillance, interdiction or further investigation without necessarily being sufficient to prove an accused person's guilt beyond reasonable doubt.

For example, intelligence may indicate that a particular vessel is suspected of being involved in piracy or other maritime criminal activities. Such

intelligence may provide sufficient grounds for increased surveillance or an operational response, subject to the applicable legal requirements. However, for a subsequent prosecution, investigators may need to establish through admissible evidence the identity of the persons involved, their specific conduct, their connection with the vessel, the circumstances of the alleged offence and the particular elements of the offence charged.

This distinction does not diminish the value of intelligence. Rather, it demonstrates the need for a **structured transition from intelligence collection to criminal investigation**. Intelligence should provide the starting point and direction for investigation, while investigators should independently collect and preserve evidence capable of establishing the facts of the case. The objective should be to transform relevant intelligence leads, through lawful investigative processes, into evidence that satisfies the requirements of criminal proceedings.

The process may involve several stages. Intelligence personnel may first identify a suspicious vessel or individual. Operational personnel may then conduct surveillance or maritime interdiction in accordance with the law. During the operation, evidence may be recovered, including weapons, communication devices, documents, photographs, video recordings and other materials. Investigators can subsequently examine these materials, obtain statements from relevant persons, conduct forensic examinations and establish the relationship between the evidence and the accused. Prosecutors may then assess the available evidence and determine the appropriate charges and prosecutorial strategy.

The distinction is particularly important where intelligence is derived from **confidential sources or sensitive intelligence-gathering methods**. Information obtained from intelligence sources may be operationally valuable but may not be suitable for direct disclosure in criminal proceedings. There may be legitimate reasons for protecting the identity of sources, intelligence methods or sensitive capabilities. Consequently, the existence of intelligence connecting an individual to maritime criminality does not necessarily mean that the underlying intelligence can simply be presented to

the court as evidence of guilt.

This creates an important challenge for maritime law enforcement. If intelligence is not appropriately converted into admissible evidence, an operation may successfully identify and apprehend suspects but still result in an unsuccessful prosecution. This is one of the central issues addressed by the **sea-to-courtroom approach**. The ultimate objective of intelligence-led maritime operations should not end with the identification or apprehension of suspects. It should also facilitate the lawful collection of evidence capable of supporting judicial proceedings.

There is therefore a need for stronger cooperation between **intelligence personnel, naval operational personnel, investigators, legal officers and prosecutors**. Each performs a different function, but the functions are interconnected. Intelligence personnel provide information and threat assessments; operational personnel respond to and secure the maritime environment; investigators establish the facts and collect evidence; legal officers provide advice on applicable legal requirements; prosecutors determine how the available evidence should be presented; and the court ultimately determines whether the prosecution has established the accused person's guilt in accordance with law.

Early interaction between these actors may significantly improve the quality of maritime prosecutions. For instance, where intelligence identifies a vessel or group suspected of piracy, investigators and legal personnel could provide guidance on the types of evidence that should be sought during subsequent surveillance or interdiction. This could ensure that operational activities are undertaken with appropriate consideration of the evidentiary requirements that may arise during prosecution.

There is also a need to strengthen the **documentation of intelligence-to-evidence conversion**. Where intelligence leads to an operational action, the subsequent investigation should clearly document how the investigation was initiated and what independent evidence was obtained. This does not necessarily require disclosure of sensitive intelligence sources or methods. Rather, it provides an institutional record demonstrating the transition

from an intelligence lead to a lawful investigative process.

The distinction is equally relevant to the training of personnel. Intelligence officers should understand that information collected for intelligence purposes may have limitations when used in criminal proceedings. Similarly, investigators and prosecutors should understand how intelligence products are developed, their limitations and the distinction between intelligence assessments and evidence. Operational personnel should also be trained to recognise that information and materials encountered during maritime interdiction may subsequently become important evidence.

The Nigerian Navy could therefore consider developing **joint intelligence-investigation-prosecution training programmes** for personnel involved in maritime security. Such training could focus on intelligence handling, evidence identification, preservation of physical and digital evidence, documentation of maritime interdictions, witness handling, chain of custody and the requirements for presenting evidence before the courts.

The development of such a framework would also promote better intelligence exploitation. Intelligence should not be viewed as terminating once an operational decision has been made. Where appropriate, information obtained during an investigation and subsequent prosecution can also contribute to the intelligence cycle by revealing criminal networks, methods of operation, communication patterns, financial relationships and other indicators that can assist in preventing future attacks. This creates a **two-way relationship between intelligence and prosecution**, in which intelligence supports investigation while properly obtained investigative information can contribute to future intelligence assessments.

The relationship can therefore be conceptualised as follows:

Intelligence identifies the threat → operational action responds to the threat → investigation establishes the facts → evidence proves the case → prosecution presents the evidence → the court determines guilt or innocence.

Each stage serves a distinct purpose, and the effectiveness of the overall maritime security framework depends on the successful connection between them. A weakness at one stage may undermine the effectiveness of the others. In particular, the failure to convert intelligence into legally admissible evidence can create a situation in which security agencies possess substantial information about suspected criminal activity but are unable to establish the case to the required legal standard.

For Nigeria, strengthening this relationship is particularly important because the Nigerian Navy remains a major actor in detecting and responding to maritime security threats. Personnel operating at sea may be the first to encounter suspects and potential evidence. Their ability to recognise, preserve and properly document relevant information can therefore significantly influence the subsequent investigation and prosecution.

Ultimately, intelligence should be regarded as the **foundation rather than the substitute for evidence**. Its value in maritime criminal justice lies in its ability to direct attention towards threats, identify investigative leads and support the efficient deployment of security resources. The legal system, however, requires the prosecution to establish criminal responsibility through evidence that satisfies the applicable rules and standard of proof.

The effectiveness of Nigeria's maritime criminal justice framework will therefore depend not only on the quality of intelligence available to security agencies but also on their capacity to create a seamless transition from intelligence collection to lawful investigation and, ultimately, successful prosecution. The central objective should be to ensure that **intelligence identifies the threat, investigation develops the facts, evidence establishes the case, and the courtroom provides the lawful determination of guilt or innocence**.

9. Lessons from Nigerian Prosecutions

Nigeria has demonstrated that prosecution under SPOMO is achievable. The prosecution arising from the hijacking of the fishing vessel FV Hailufeng II

became one of the most significant early applications of the SPOMO framework. Ten defendants were prosecuted and convicted under the Act in 2021.²¹ The case demonstrated the practical value of having a dedicated statutory framework for piracy and the ability of Nigerian institutions to pursue prosecution arising from conduct outside ordinary territorial boundaries.

Additionally, the MT Maximus proceedings also demonstrated the use of Nigerian criminal law to address maritime hijacking and associated criminal conduct.²² These cases should, however, be treated as part of a broader institutional learning process. The objective should not simply be to achieve occasional convictions but to develop a repeatable system capable of consistently converting maritime arrests into legally sustainable cases.

10. Developing an Effective Legal Conclusion Strategy

This can be developed as a central reform proposal in your research. I would also suggest using “**legal-finish strategy**” consistently, because it captures the idea that an operation at sea should be planned with the eventual courtroom outcome in mind.

Developing an Effective Legal-Finish Strategy

The effectiveness of Nigeria's response to piracy and other maritime offences should not be measured solely by the ability of security agencies to detect, intercept and arrest suspected offenders. The ultimate measure of success should include the ability to convert maritime security operations into sustainable criminal proceedings resulting in appropriate judicial outcomes. This requires a deliberate **legal-finish strategy** that connects operational activities at sea with investigation, prosecution and adjudication before the courts.

A legal-finish strategy may be understood as an institutional approach in which legal and prosecutorial considerations are incorporated into maritime security operations from the planning stage rather than introduced only after suspects have been arrested. The underlying principle is that every

significant maritime interdiction should be conducted with an understanding that the actions taken at sea may subsequently have to be justified and proved before a court.

The strategy should operate through five interconnected stages.

Stage One: Pre-Operation Legal Preparation

The first stage should commence before a maritime operation is undertaken. Operational commanders should have access to appropriate legal advice concerning the applicable legal framework and the powers available to personnel involved in the operation. This is particularly important where an operation involves suspected piracy, illegal boarding, kidnapping, unlawful possession of firearms or other maritime offences.

Legal personnel should advise commanders on issues including **applicable law, jurisdiction, arrest powers, boarding procedures, search and seizure, treatment of suspects, preservation of evidence and documentation requirements**. The advice should take account of the location of the proposed operation and whether the conduct falls within Nigerian territorial jurisdiction or involves areas beyond it.

Pre-operation legal preparation should also identify potential evidentiary requirements. Where intelligence indicates that particular exhibits, documents or digital information may be relevant, personnel should be appropriately prepared to identify and preserve such material during the operation. This would help prevent situations in which potentially important evidence is overlooked or improperly handled during the initial response.

The involvement of legal personnel at this stage should not be regarded as an interference with operational command. Rather, it should provide commanders with the legal parameters within which operational decisions can be taken. Such an approach would help reduce the possibility of subsequent challenges to the legality of boarding, arrest, search, seizure or detention.

Stage Two: Operational Evidence Collection

The second stage occurs during the actual maritime operation. Once an operational response has commenced, designated personnel should ensure that relevant events and activities are systematically documented.

The documentation should cover the sequence of events from **detection, surveillance and interception to boarding, arrest, seizure and transfer**. Where operationally practicable, the precise location, date and time of significant events should be recorded. Information relating to the identity of the vessel, persons on board, observed conduct and circumstances leading to the interdiction should also be preserved.

Particular attention should be given to physical and digital evidence recovered during the operation. Weapons, ammunition, communication devices, documents and other relevant materials should be properly identified, secured and recorded. Photographs and video recordings may also assist in documenting the condition of the vessel, the location of exhibits and the circumstances surrounding the arrest.

The objective is to create a reliable operational record capable of allowing investigators and prosecutors to reconstruct the events when the case subsequently reaches court. Personnel involved in the operation should therefore understand that their operational records, statements and observations may eventually constitute important evidence.

A standardised **Maritime Interdiction Evidence Checklist** could assist in achieving this objective. Such a checklist would provide personnel with a practical guide to the information that should be captured during maritime interdiction without unnecessarily interfering with operational requirements.

Stage Three: Immediate Investigation

The third stage begins immediately following the arrest or interdiction. The transition from operational activity to formal criminal investigation should be prompt and properly coordinated. Delays at this

stage may result in the loss, deterioration or alteration of evidence and may make it more difficult to establish the circumstances surrounding the alleged offence.

Investigators should promptly secure physical, documentary and digital evidence and ensure that appropriate chain-of-custody procedures are commenced. Particular attention should be given to communication devices, mobile phones, computers, navigational equipment and other digital materials that may contain information relevant to the investigation.

Investigators should also conduct interviews of suspects, victims and witnesses in accordance with applicable law and procedural safeguards. The circumstances of the arrest and the statements obtained should be properly documented. Where naval personnel were involved in the interdiction, their statements should be obtained while their recollection of events remains fresh.

At this stage, investigators should move beyond merely confirming that an incident occurred. The investigation should seek to establish the **identity, participation and individual responsibility** of each suspect. This is particularly important where several persons are arrested on board the same vessel. Mere presence on a vessel should not automatically be equated with participation in a criminal offence. The investigation should establish the specific conduct attributable to each accused person.

The investigation should also examine whether the incident forms part of a wider criminal network. Where appropriate, investigators should explore the identity of organisers, facilitators, financiers, suppliers and other persons involved in the criminal enterprise. This would allow maritime law enforcement to move beyond the apprehension of immediate perpetrators towards dismantling the broader structures supporting maritime criminality.

Stage Four: Prosecutorial Review

The fourth stage involves prosecutorial assessment of the investigation before charges are filed. Prosecutorial involvement should not necessarily begin only after an investigation has been completed.

Where appropriate, early engagement between investigators and prosecutors can assist in ensuring that investigations are directed towards establishing the facts and evidence required for the proposed charges.

Before charges are filed, the prosecutor should carefully examine whether the available evidence establishes **every essential ingredient of the proposed offence**. The assessment should include the legality of the arrest and seizure, the identity of the suspects, the circumstances of the alleged offence, the admissibility and integrity of exhibits, witness availability and the connection between each accused person and the alleged criminal conduct.

This stage provides an important quality-control mechanism. It can identify evidentiary weaknesses before the case is presented in court and allow investigators to undertake further lawful investigation where necessary. It may also prevent inappropriate or unsupported charges from being filed merely because suspects have been successfully apprehended.

Prosecutorial review should therefore be regarded as an integral component of the investigative process rather than simply an administrative step preceding the filing of a charge. The prosecutor's responsibility is to determine whether the evidence provides a reasonable and legally sustainable basis for prosecution and whether the proposed charges accurately reflect the facts established by the investigation.

Stage Five: Trial and Case Management

The fifth stage concerns the management of the case after charges have been filed. The connection between the original maritime operation and the prosecution should not be lost once the case enters the courtroom. Effective case management requires continued coordination among investigators, prosecutors, witnesses, experts and other relevant institutions.

Several issues require particular attention at this stage. These include **witness management, exhibit tracking, expert evidence, digital evidence, international requests, disclosure, court**

appearances and appeals.

Witness management is particularly important in maritime cases because some witnesses may be naval personnel, foreign crew members or persons who are subsequently required to travel from another jurisdiction. Appropriate arrangements should be made to ensure their availability and continued cooperation with the prosecution.

Exhibit tracking should also continue throughout the proceedings. The prosecution should be able to account for the location and condition of physical and digital exhibits from the time of recovery until their production before the court. This reinforces the chain of custody and assists in addressing challenges to the integrity of evidence.

Expert evidence may be necessary where the case involves specialised matters such as forensic examination of weapons, digital analysis, navigation data, vessel identification or other technical issues. Experts should be identified and engaged sufficiently early to ensure that their reports and testimony are properly integrated into the prosecution's case.

Digital evidence requires particular attention because of the increasing importance of electronic records in maritime investigations. AIS data, GPS information, mobile-phone records, video footage and electronic communications may provide important evidence, but their authenticity, source and integrity must be properly established.

Where the investigation or prosecution involves persons, vessels, evidence or transactions outside Nigeria, **international cooperation** may also become necessary. Requests for evidence, witness statements, vessel information, telecommunications records or other investigative assistance should be initiated promptly and through the appropriate legal channels. Delays in obtaining foreign evidence may significantly affect the progress of proceedings.

Disclosure is another important component of effective case management. Relevant evidence should be handled in accordance with applicable legal requirements, ensuring that the prosecution's obligations concerning disclosure are properly addressed. Proper organisation of the case file from the beginning of the investigation will facilitate this

process.

Finally, the legal-finish strategy should extend beyond the judgment at first instance. Where appropriate, mechanisms should exist for monitoring appeals and ensuring continuity of the case through the appellate process. Important evidence, records and legal analysis should therefore be maintained throughout the life of the case.

Institutionalising the Legal-Finish Strategy

For the strategy to be effective, it should not depend solely on the initiative of individual commanders, investigators or prosecutors. It should be incorporated into the institutional procedures governing maritime interdiction and prosecution.

The Nigerian Navy, in conjunction with relevant investigative, legal and prosecutorial institutions, could develop a **Maritime Legal-Finish Standard Operating Procedure (SOP)**. The SOP could establish clear responsibilities for commanders, intelligence personnel, boarding teams, investigators, legal officers and prosecutors at each stage of a maritime security operation.

The procedure could also provide standard templates for operational reports, evidence-recovery records, exhibit registers, witness statements, handover documentation and other relevant records. This would promote uniformity among different naval commands and reduce evidentiary gaps arising from inconsistent practices.

Regular joint exercises involving **naval personnel, investigators, legal officers and prosecutors** would further strengthen the system. Such exercises could simulate a maritime interdiction from initial intelligence through arrest, evidence collection, investigation, charging and trial preparation. This would enable personnel to understand how decisions made at sea can affect the eventual prosecution of a case.

The legal-finish strategy should also be supported by appropriate technological infrastructure. Electronic evidence management systems could facilitate the secure storage and tracking of exhibits, operational records and investigative materials. Where

practicable, digital systems could also provide an auditable record of when evidence was collected, transferred, examined and accessed.

The fundamental principle underlying the strategy is that **the courtroom should be considered before the operation begins**. This does not mean that operational decisions should be subordinated to litigation considerations. Rather, it means that lawful operational effectiveness and prosecutorial effectiveness should be treated as complementary objectives.

An operation in which a suspect vessel is intercepted, suspects are arrested and exhibits are recovered may be considered operationally successful. However, if the circumstances of the interception cannot subsequently be established, the exhibits cannot be properly accounted for, witnesses cannot be located or the evidence cannot establish the elements of the offence, the operation may ultimately fail to achieve its broader criminal justice objective.

The legal-finish strategy therefore seeks to close the gap between **maritime enforcement and judicial enforcement**. It creates a structured continuum in which legal preparation precedes the operation, evidence collection accompanies interdiction, investigation immediately follows arrest, prosecutors assess the evidential sufficiency of the case and case management continues through trial and appeal.

In this sense, the strategy provides a practical framework for achieving the central objective of this research: **moving effectively from the sea to the courtroom**. The success of Nigeria's response to piracy and maritime offences should ultimately be measured not only by the number of vessels intercepted and suspects arrested, but by the extent to which those operations result in lawful, evidence-based and sustainable prosecutions before competent courts.

14. Recommendations

1. Establish a National Maritime Crime Investigation and Prosecution Protocol. Nigeria should develop a unified protocol covering the entire process from detection and interception through investigation, prosecution and final judgment.

2. Establish Dedicated Maritime Prosecution Teams. Specialist teams comprising prosecutors, investigators, intelligence personnel, legal officers and forensic specialists should handle complex maritime cases.

3. Integrate Legal Officers into Major Maritime Operations. Legal advisers should participate in operational planning and provide advice concerning jurisdiction, arrest, evidence and applicable offences.

4. Standardise Evidence Collection

A national evidence checklist should be developed for maritime interdiction operations.

5. Strengthen Digital-Forensics Capability. Specialist capability should be developed for AIS, GPS, satellite, mobile-phone, CCTV and other electronic evidence.

6. Establish a Maritime Crime Database. A central database should record suspects, vessels, incidents, evidence, prosecutions, convictions and appeals.

7. Target Financiers and Facilitators. Investigations should pursue the organisers and financial networks behind piracy rather than concentrating exclusively on low-level operatives.

15. Conclusion

Nigeria has developed an important legal foundation for combating piracy and maritime crime. The SPOMO Act has substantially strengthened the domestic framework by providing specific offences, jurisdictional provisions and mechanisms for prosecution and punishment.²⁷ UNCLOS and the SUA Convention provide the broader international framework within which Nigeria's domestic response operates.²⁸ The central challenge now is implementation.

An effective legal strategy is essential to bridging the gap between maritime interdiction and successful prosecution of piracy and other maritime offences in Nigeria. The strategy requires legal considerations to be integrated into operations from the planning stage, followed by proper evidence collection, prompt investigation, prosecutorial review and effective case management through trial and appeal. This ensures

that arrests and seizures made at sea are supported by evidence capable of withstanding judicial scrutiny.

Maritime security cannot be separated from criminal justice. A successful naval interception that produces no sustainable prosecution represents only a partial security outcome. Conversely, a properly conducted operation that produces reliable evidence, a successful prosecution and appropriate punishment contributes to long-term deterrence.

The ultimate objective should therefore be to institutionalise a coordinated **sea-to-courtroom process** in which operational, intelligence, investigative, legal and prosecutorial functions operate as interconnected stages rather than isolated activities. By adopting standard procedures, strengthening inter-agency coordination and improving the evidential capacity of personnel, Nigeria can enhance the likelihood that successful maritime operations will translate into sustainable prosecutions and appropriate judicial outcomes.

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