



LAW HUB DEVELOPMENT
AND ADVOCACY CENTRE



On the effective implementation of the
Administration of Criminal Justice Laws in
Six States and their SWOT analysis

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Acronyms

ACJA	-	Administration of Criminal Justice Act
ACJL	-	Administration of Criminal Justice Law
ACJMC	-	Administration of Criminal Justice Monitoring Committee
AG	-	Attorney General
CCTV	-	Closed Circuit Television
CSLS	-	Centre for Socio Legal Studies
CP	-	Commissioner of Police
DNA	-	Deoxyribonucleic Acid
DPP	-	Director of Public Prosecution
DSS	-	Department of State Services
EFCC	-	Economic and Financial Crimes Commission
FRN	-	Federal Republic of Nigeria
NMS	-	National Minimum Standards
NWLR	-	Nigerian Weekly Report
SWOT	-	Strengths, Weaknesses, Opportunities and Threats

INTRODUCTION

With the enactment of the Administration of Criminal Justice Act 2015 (ACJA) and subsequent adoption by states, a number of reforms are being introduced to the criminal justice system such as arrest protocol, prohibition of: lay prosecution, stay of proceedings, and interlocutory appeals; establishment of criminal records registry; magistracy supervision of arresting agencies; gender sensitivity and social inclusion; witness protection; non-custodial measures; bondsperson; automated court proceeding, guidelines on plea bargain and establishment of monitoring committee among others.

Prior to ACJA and the Administration of Criminal Justice Law (ACJL) of various states, different laws were applied by the states – Criminal Procedure Code Act/Laws in northern states, and the Criminal Procedure Act/Laws in the southern states. From one state to another, there were significant variations in the procedures, which left gaps in efficient and effective prosecution of crimes, however the enactment of ACJA 2015 and ACJL has led to the harmonization and uniformity in the application of criminal procedure laws across the states, including the Federal Capital Territory, Abuja.

However, since the enactment, implementation of the primary objective of the law, which is speedy dispensation of justice has been slow. To this end, the National Minimum Standards (NMS) was developed for the criminal justice agencies, championed by the Centre for Socio-Legal Studies (CSLS) to ensure equitable criminal justice systems.

The objective of the National Minimum Standards (NMS) project is to create a national scheme for evaluating the implementation of the ACJA/ACJLs. The NMS are basic core elements which ensures that the content and operations of ACJA, and its adoption in states as ACJL, comply with the NMS in a uniform and harmonized way.

The minimum standards under ACJA include the following:

- S. 5 -14 – Arrest Protocols
- S. 7 – Prohibition of arrest in lieu of suspect
- S.14 – Electronic recording of court proceedings
- S. 15 – Mandatory inventory of data of arrested persons
- S. 16 – Updated statistics/data on arrests, trials, and judgement
- S. 17 – legal support to arrested person, access to lawyers, legal aid or civil society
- S. 17(2), 110(7) – Engagement with National Human Rights Commission, Civil society and the public
- S. 34 – Magistrate’s oversight of police stations
- S. 106 – Abolition of lay prosecutions
- S. 110 – Timeframe to commence and complete
- S. 187 – Bondsmen engagement in bail management
- S. 232 – Use of virtual tools e.g., video links, screens/masks to protect witnesses during trial
- S. 246-254 – Mandatory attendance of witnesses in court and sanction for default
- S. 270 – Effective use plea bargain
- S. 293 - 294 – Remand protocol
- S. 306 – Abolition of stay of criminal proceedings on account of interlocutory appeal
- S. 376(2) – Timeline to issue legal advice/filing of information by Attorney General
- S. 395 – Mandatory legal aid/free legal representation for defendants in capital cases
- S. 396(2) – Ruling of preliminary objections to charges deferred till judgment
- S. 396(3) – Day to day trial

- S. 396(4) & (5) – Restricted intervals of adjournments
- S. 396(6) – Award of cost against prosecution and defence
- S. 396(7) – Dispensation to elevated appellate justice to complete part-heard matters
- S. 469 – Functioning of Administration of Criminal Justice Monitoring Committee
- S. 494 – Powers of heads of court to make supplementary rules and guidelines

The above standards are used to evaluate the implementation levels of the ACJLs in states. Therefore, this factsheet indicates the level of implementation of the ACJL in the state using the NMS as a guide. Also embedded is a SWOT analysis which gives an assessment of the strengths, weakness, opportunities, and threats of each ACJL.

**FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF
ADAMAWA STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW, 2018**

SECTION IMPLEMENTATION ANALYSIS	
S.108	<p>Abolition of lay prosecutions</p> <p>Lay prosecution is still practiced in Adamawa State. However, the State has put to ensure quality control to check abuse. This it does by providing training to the lay prosecutor to ensure compliance with the ACJL. However, S.66 Police Act, lay police prosecutors can no longer prosecute in Nigeria.</p> <p>There is need for legislative review to align with the minimum standard and abolish lay prosecution.</p>
S.9	<p>Prohibition of arrest in lieu of suspect</p> <p>No data</p>
S.7	<p>No unnecessary restraint</p> <p>No data</p>
S.8	<p>Notification of reason of arrest</p> <p>No data</p>
S.10	<p>Humane Treatment of suspect</p> <p>No data</p>
S.11	<p>Decency in search of persons and search by same sex</p> <p>No data</p>
S.12	<p>Mandatory inventory of properties of arrested person</p> <p>No data</p>
S.17	<p>Electronic recording of confessional statement</p> <p>Police stations and law enforcement agencies have and use dedicated statement taking room, video recorder, CCTV camera and mobile phones for recording of confessional statements.</p>
S.18	<p>Mandatory record of arrest and data of arrested persons, availability of Criminal Records Registry at the state</p> <p>No physical building exists in Adamawa designated as Criminal Records Registry.</p>
S.19	<p>Provision of legal support to indigent suspect and access to lawyers, legal aid or civil society organization</p> <p>From a survey conducted, Adamawa State has 5 Legal Aid officers, however, it was stated that indigent suspects in the state are <i>rarely</i> provided legal aid before their matter is taken to court.</p>
S.35	<p>Police report to supervising magistrates</p> <p>No report is made to supervising magistrate.</p>
S.36	<p>Magistrate's oversight of police stations</p> <p>Magistrates conduct periodic visits to police stations and other places of detention and such inspection visits are <i>often</i> conducted.</p>
S.294-S.295	<p>Remand protocol</p> <p>No data</p>
S.19(2), 112(7)	<p>Engagement with National Human Rights Commission, Civil society organizations, and the public</p> <p>No data</p>
S.188	<p>Bondsmen engagement in bail management</p> <p>No bondsperson Regulation or management in existence.</p>

There is need for bondspersons regulation to be made by the Chief Judge of the State.

S.271

Effective use of plea bargain

Adamawa has in existence Plea Bargain Guideline and Committee on Plea Bargain.

NB: The Court of Appeal in *Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)* struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.

The court further stated that section 270 (18) ACJA also ousts the general power vested in the Court of Appeal by Section 240 of the 1999 Constitution to hear and determine appeals from the trial court by providing that no appeal shall lie in any court against plea bargain judgment except where fraud is alleged.

This section just like section 396 ACJA above was inserted by the drafters of the ACJA to ensure speedy and fair trial of criminal cases, with no room to prolong cases based on technicalities and unnecessary appeals. This is another setback for the reforms introduced in the ACJA 2015 as continuous appeals on plea bargain procedure will end up stalling criminal cases and hamper the speedy dispensation of justice.

S.307

Abolition of stay of criminal trial proceedings on account of interlocutory appeal.

It was indicated that criminal proceedings are *rarely* stayed on account of interlocutory applications.

S. 395(6)

Dispensation to elevated appellate justice to complete part-heard matters

The ACJL is a better law, though it made no specific reference to a judge elevated to the Court of Appeal rather it is used in a general form.

The ACJA provision on dispensation has been struck down by the Supreme Court decision in *Ude Jones Udeogu v. FRN & Ors*. However, there is a possibility it will be restored by Legislative action.

The Supreme court in the judgment delivered on 8 May 2020 nullified section 396(7) of the Administration of Criminal Justice Act (ACJA) 2015 which permits a judge who has been elevated to the Court of Appeal to go back to the High court for the purpose of concluding a part heard criminal matter in the High Court.

The Supreme Court held that it was unconstitutional for a judge to appear to be wearing the caps of two courts of different hierarchies at the same time.

Therefore, the court nullified the trial and conviction of a former Governor of Abia State, Orji Kalu, and others for N7.1bn fraud, on the ground that the judge that delivered the ruling has been elevated to the Court of Appeal and therefore had no power to precede over a matter pending at the High court.

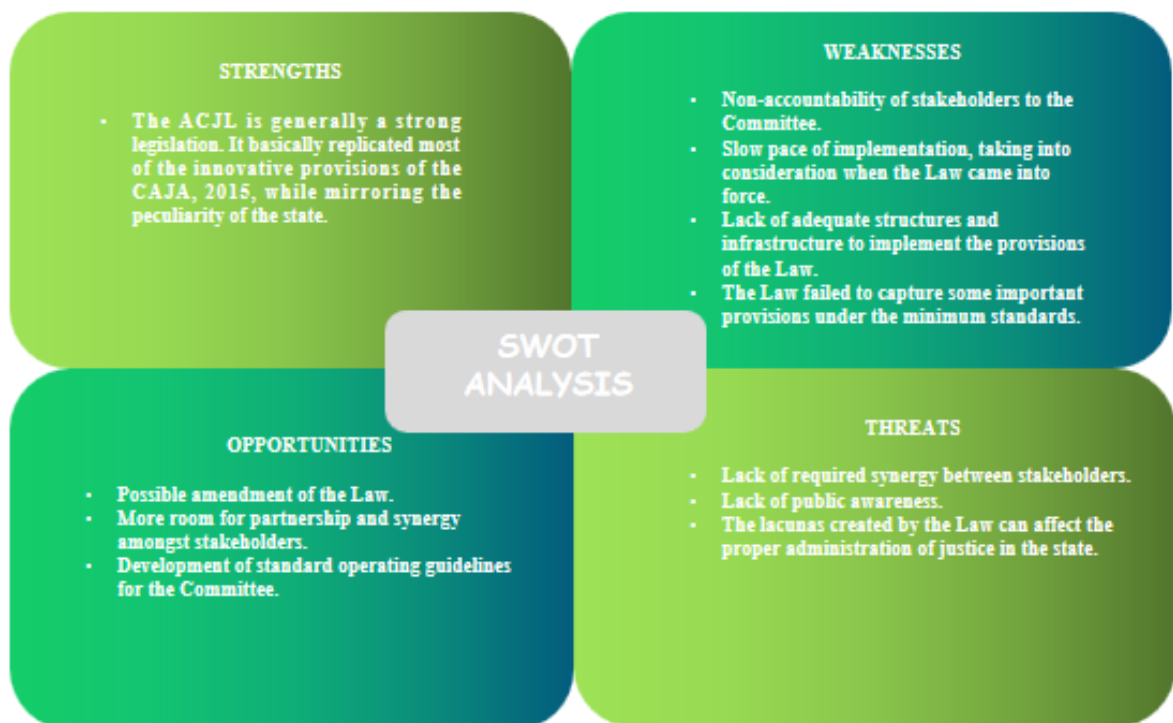
Some senior lawyers in Nigeria have criticized the Supreme court judgement as a setback to the reforms for speedy trial in criminal justice administration as provided in ACJA.

According to these lawyers, this judgment negates the provisions of Section 22 of the Supreme Court Act and Section 16 of the Court of Appeal Act, which give appellate courts the powers of a trial court as if the proceedings had been instituted in the appellate courts as courts of first instance.

The judgement by the Supreme court as the final court now represents the present position of the law until the Supreme court overrules itself or a more recent legislation is enacted.

	<p>There is need for legislative review to address trial <i>de novo</i>. Future drafts are suggested below: <u>“Where it is impracticable for an elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.</u> <u>Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.</u></p>
S.377(2)	<p>Timeliness for issuance of legal advice It takes the DPP 14days to forward legal advice.</p>
S.397(3)	<p>Day to day trials It was indicated that courts in the state do conduct individual cases on a day-to-day basis.</p>
S.395(4-5)	<p>Restricted intervals of adjournments No data</p>
S.112	<p>Timeframe to commence and complete trials No data</p>
S.383	<p>Assignment of cases to court within 15 days of filing It takes an average of 2 weeks to assign a criminal case to court.</p>
S.247-256	<p>Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses No data</p>
S.396	<p>Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment Provision is enforced by the court in most cases there is court appointed counsel for indigent defendant.</p>
S.320	<p>Compensation to victims of crime No data</p>
S.397(6)	<p>Award of costs against defense and prosecution No data</p>
S.492	<p>Misconduct proceedings for violating the Law No data</p>
S.365	<p>Electronic recording of court proceedings No electronic recording of proceedings because the facilities are not available for such recording.</p>
S.233	<p>Protection of witnesses Screen are Mask are the only facilities in place for witness protection in the state</p>
S.113	<p>Return by Controller General of Correctional Services to AG The Correctional Service in the state remits quarterly reports of persons awaiting trial to the AG</p>
S.397(2)	<p>Ruling on preliminary objections to charges deferred till judgment Objections to charges are taken but rulings are deferred to the time of judgment.</p>

S.470	Functional Administration of Criminal Justice Monitoring Committee Adamawa State has a functional ACJMC, however, there is no operational guidelines that governs the operation of the committee, no specific budget provision for the committee and the Committee does not submit quarterly report to any supervising authority such as the Chief Judge or AG.
S.188(1) and 458(2)	Exercise of powers of heads of court to make supplementary rules and guidelines There is in existence Sentencing Guidelines and it is used by the courts
S.150	Search of private premises occupied by a woman No data
S.168(3)	Women standing sureties for bail No data
S.192	Married woman rights over her personal properties including against her spouse of customary marriage No data
S.405	Sentence of death of a pregnant woman to be suspended <u>Adamawa ACJL deviates from the ACJA. It provides for the conversion of the death sentence of a pregnant woman to a sentence of life imprisonment which is a better law.</u> <u>The ACJL is commendable because it is in tune with trend internationally where death penalty is abolished.</u>
S.233	Use of virtual court hearing tools such as video conference in trials No virtual court hearing tools available in Adamawa State at the moment.



**FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF AKWA
IBOM STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW, 2017**

SECTION IMPLEMENTATION ANALYSIS	
S.106	Abolition of lay prosecutions Lay prosecution has been abolished in Akwa Ibom State.
S.7	Prohibition of arrest in lieu of suspect No data
S.5	No unnecessary restraint No data
S.6	Notification of reason of arrest No data
S.8	Humane Treatment of suspect No data
S.9	Decency in search of persons and search by same sex No data
S.10	Mandatory inventory of properties of arrested person No data
S.15	Electronic recording of confessional statement Officers use video recorders and mobile phones especially at the police stations and other law enforcement agencies in the state.
S.16	Mandatory record of arrest and data of arrested persons and availability of central criminal records at the state The data of suspect are recorded; however, it is not collated electronically in the registry and the registry does not remit records of arrests to the Attorney-General and other oversight body as required by the law.
S.17	Provision of legal support to suspect and access to lawyers, legal aid or civil society organization Akwa State has 4 Legal Aid officers, and indigent suspects in the state are <i>often</i> provided legal aid before their matter is taken to court. Lawyers performing their national in the mandatory Youth Service assist the Legal Aid to provide legal assistance to indigents.
S.33	Police report to supervising magistrates No data
S.34	Magistrate's oversight of police stations Magistrates <i>often</i> conduct periodic visits to police stations and other places of detention.
S.292-293 -	Remand protocol No data
S.17(4)& 110(7)	Engagement with National Human Rights Commission, Civil society organizations, and the public No data
S.187	Bondsmen engagement in bail management Not in existence There is need for Bondsperson Regulation to kick start the provision of the ACJL.
S.269	Effective use of plea bargain No data

Need for Plea Bargain Guidelines.

NB: The Court of Appeal in ***Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)*** struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.

The court further stated that section 270 (18) ACJA also ousts the general power vested in the Court of Appeal by Section 240 of the 1999 Constitution to hear and determine appeals from the trial court by providing that no appeal shall lie in any court against plea bargain judgment except where fraud is alleged.

This section just like section 396 ACJA above was inserted by the drafters of the ACJA to ensure speedy and fair trial of criminal cases, with no room to prolong cases based on technicalities and unnecessary appeals. This is another setback for the reforms introduced in the ACJA 2015 as continuous appeals on plea bargain procedure will end up stalling criminal cases and hamper the speedy dispensation of justice.

S.304

Abolition of stay of criminal trial proceedings on account of interlocutory appeal

Criminal proceedings in the state are *rarely* stayed on account of interlocutory applications.

S.394(4)

Dispensation to elevated appellate justice to complete part-heard matters

No data

This provision of the ACJA has been struck down by the Supreme Court decision in ***Ude Jones Udeogu v. FRN & Ors.***

The Supreme court in the judgment delivered on 8 May 2020 nullified section 396(7) of the Administration of Criminal Justice Act (ACJA) 2015 which permits a judge who has been elevated to the Court of Appeal to go back to the High court for the purpose of concluding a part heard criminal matter in the High Court.

The Supreme Court held that it was unconstitutional for a judge to appear to be wearing the caps of two courts of different hierarchies at the same time.

Therefore, the court nullified the trial and conviction of a former Governor of Abia State, Orji Kalu, and others for N7.1bn fraud, on the ground that the judge that delivered the ruling has been elevated to the Court of Appeal and therefore had no power to precede over a matter pending at the High court.

Some senior lawyers in Nigeria have criticized the Supreme court judgement as a setback to the reforms for speedy trial in criminal justice administration as provided in ACJA.

According to these lawyers, this judgment negates the provisions of Section 22 of the Supreme Court Act and Section 16 of the Court of Appeal Act, which give appellate courts the powers of a trial court as if the proceedings had been instituted in the appellate courts as courts of first instance.

The judgement by the Supreme court as the final court now represents the present position of the law until the Supreme court overrules itself or a more recent legislation is enacted.

However, there is a possibility it will be restored by Legislative action. There is need for legislative review to address trial *de novol*. Future drafts are suggested below while awaiting constitutional review:

	<p><u>“Where it is impracticable for an elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.</u></p> <p><u>Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.</u></p>
S.374(2)	<p>Timeliness for issuance of DPP legal advice/filing of information The time limit for issuance of legal advice in Akwa Ibom is 90 days however, in practice, the DPP’s legal advice is between <i>7-14 days</i>.</p>
S.396(3)	<p>Day to day trials Day-to-day trial is not provided in the ACJL. However, S. 394(3) Akwa Ibom ACJL provides that upon arraignment, the trial of the Defendant shall proceed within a reasonable time.</p>
	<p>Restricted intervals of adjournments <u>NIL</u> There is need for legislative review to prescribe the intervals between one adjournment o the next.</p>
S.110	<p>Timeframe to commence and complete trials No data</p>
S.380	<p>Assignment of cases to court within 15days of filing It takes an average of <i>7 days</i> to assign a criminal case to court in Akwa Ibom State. The timeline under the ACJL is shorter and it is commendable.</p>
S.246-254	<p>Mandatory attendance of witnesses in court and sanction for default and payment of witness expenses There is a slight difference. S 253 is not same as ACJA. While ACJA in the section provides for granting of adjournment subject to witnesses costs, the ACJL only provides for the ascertainment of witnesses’ expenses. The law does not provide for granting of adjournment subject to witnesses’ costs. No data is available to ascertain payment of witness expenses. There is need for legislative review to address the lacuna identify above.</p>
S.393	<p>Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment Provision is enforced by the court in most cases there is court appointed counsel for indigent defendant.</p>
S.317	<p>Compensation to victims of crime No data</p>
	<p>Award of costs against defense and prosecution <u>NIL</u> Need for legislative review to provide for a presiding judge to award cost against erring counsel in criminal matter.</p>
S.489 -	<p>Misconduct proceedings for violating the Law No data</p>
S.362	<p>Electronic recording of court proceedings Akwa State do not have facilities available for electronic recording of proceedings</p>

S.232	Protection of witnesses Screen and Mask are the only facilities in place for witness protection in the State and written deposition of witness
S.111	Return by Controller General of Correctional Services to AG The Correctional Service in the state do not remit quarterly reports of persons awaiting trial to the Attorney-General and other oversight offices.
S.394(2)	Ruling of preliminary objections to charges deferred till judgment Ruling on objection is delivered after it is heard. It is not deferred to the time of judgment.
S.467	Functional Administration of Criminal Justice Monitoring Committee Akwa Ibom State is yet to set up the Administration of Criminal Justice Monitoring Committee.
488	Exercise of powers of heads of court to make supplementary rules and guidelines No data
S.12(3)	Search of private premises occupied by a woman No data
S.167(3)	Women standing sureties for bail No data
S.191	Married woman rights over her personal properties including against her spouse of customary marriage No data
S.402 and S.413	Sentence of death of a pregnant woman to be suspended No data
S.232	Use of virtual court hearing tools such as video conference in trials No virtual court hearing tools available in Akwa Ibom State at the moment.



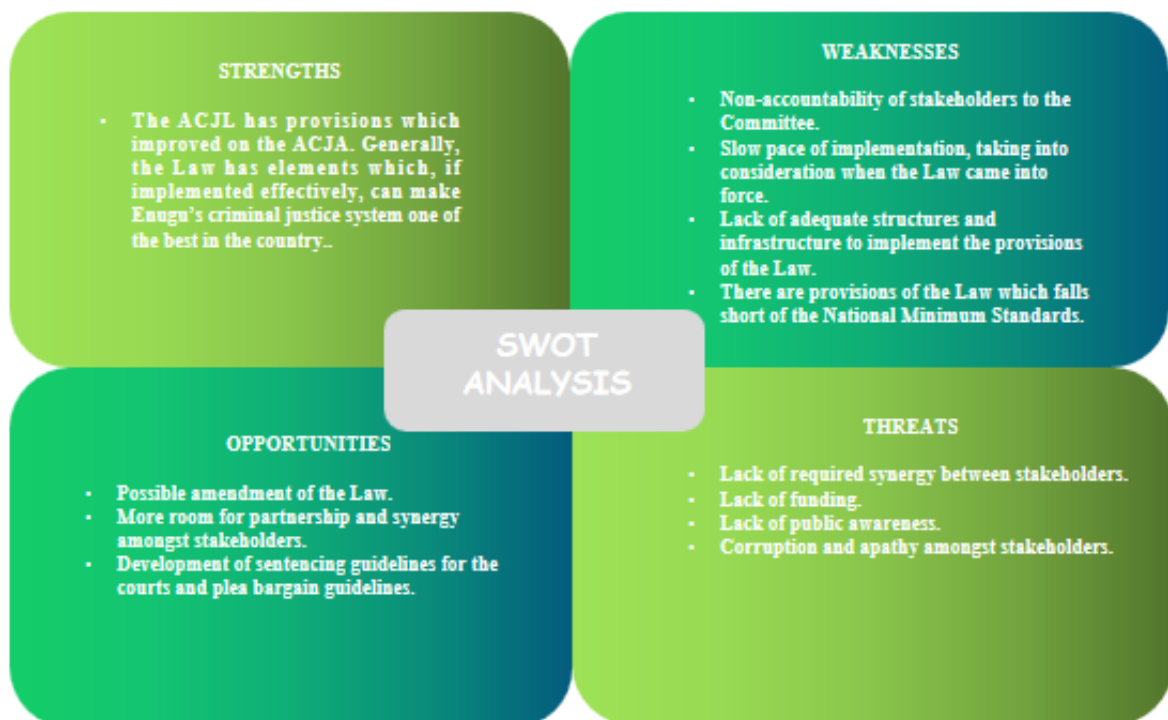
**FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF ENUGU
STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW, 2017**

SECTION IMPLEMENTATION ANALYSIS	
S.181	<p>Abolition of lay prosecutions</p> <p>The ACJL allows lay prosecution and it is still practiced in Enugu State. Control measures are now in place to check abuse and to ensure quality and compliance with the ACJL. By S.66 Police Act, lay police prosecutors can no longer prosecute in Nigeria. There is need for legislative review to align with the National Minimum Standard.</p>
S.8	<p>Prohibition of arrest in lieu of suspect</p> <p>No data</p>
S.9	<p>No unnecessary restraint</p> <p>No data</p>
S.10	<p>Notification of reason of arrest</p> <p>No data</p> <p>Enugu ACJL is more detailed -</p> <p>10(5) prohibits arrest of persons related to the suspect through consanguinity or affinity or association with the person alleged to have committed an offence.</p> <p><u>S.10(6) & (7) of the ACJL makes provisions for a person whose arrest is in violation of the ACJL or the Constitution to be entitled to compensation and damages as may be determined by a court.</u></p> <p>In summary, Section 10 of the Enugu ACJL is more elaborate and improves on Section 6 of the ACJA.</p>
S.10(2) & (3)	<p>Humane treatment of suspect</p> <p>No data</p>
S.11	<p>Decency in search of persons and search by same sex</p> <p>Enugu ACJL makes it compulsory for the search of a suspect to be made decently by a person of the same sex, unlike S.9 of the ACJA. It does not make any exception for situations of urgency or impracticability.</p> <p>No data in support of its implementation.</p>
S.12	<p>Mandatory inventory of properties of suspect</p> <p>The ACJL does not include the proviso to S 10(2) of ACJA which states that failure of the suspect to sign an inventory shall not invalidate it.</p> <p>There is need for legislative review to incorporate the proviso to fill the lacuna where a suspect refuses to sign the inventory.</p> <p>No data of its implementation.</p>
S.16(5)&17 (2)	<p>Electronic recording of facilities for recording of interrogation process and confessional statements</p> <p>Enugu ACJL in S. 16 (1)(d)(iv) included the recording of DNA (whenever possible) and such other means of identification of a suspect.</p> <p>S 17(2) of the Enugu ACJL also includes a proviso that where electronic or video recording is not available, the statement shall be in writing and in the presence of a legal practitioner who shall witness and endorse his full particulars.</p> <p>The police stations and Law enforcement agencies have and use use mobile phone, video recorder and dedicated statement taking room in 38 police divisions and 16 police formations the state.</p>

S.18	<p>Mandatory record of arrest, data of suspect and availability of central criminal records at the state</p> <p>There is nothing to show that the Criminal Record Registry exist, records of arrest are not remitted to the AG and other oversight body as required by the ACJL</p>
S.17(4)	<p>Provision of legal support to suspect and access to lawyers, legal aid or civil society organization</p> <p>Enugu State has sufficient Legal Aid officers, and indigent suspects in the state are <i>very often</i> provided legal aid before their matter is taken to court.</p>
S.34	<p>Police report to supervising magistrates</p> <p>No data</p>
S.35	<p>Magistrate's oversight of police stations</p> <p>This provision is not implemented in Enugu State.</p>
S.223-224	<p>Remand protocol</p> <p><u>The ACJL adds a safeguard to check abuse of remand proceedings by the police who in its usual practice obtain remand orders and dump suspects in custodial centers without taking steps to charge the suspects to court. The ACJL provides that no application for remand shall be entertained if it is not accompanied by the original case file which will be transmitted by the Magistrate to the Director of Public Prosecutions for legal advice.</u></p> <p>This is innovative provisions of the ACJL it is worthy of being introduced into the ACJA.</p> <p>No data</p>
S.118	<p>Bondsmen engagement in bail management</p> <p>No data</p>
S.367	<p>Effective use of plea bargain</p> <p>The section excludes plea bargain cases of murder, kidnapping, armed robbery, rape, defilement, sexual assault or terrorism.</p> <p>No data.</p> <p>NB: The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p> <p>The court further stated that section 270 (18) ACJA also ousts the general power vested in the Court of Appeal by Section 240 of the 1999 Constitution to hear and determine appeals from the trial court by providing that no appeal shall lie in any court against plea bargain judgment except where fraud is alleged.</p> <p>This section just like section 396 ACJA above was inserted by the drafters of the ACJA to ensure speedy and fair trial of criminal cases, with no room to prolong cases based on technicalities and unnecessary appeals. This is another setback for the reforms introduced in the ACJA 2015 as continuous appeals on plea bargain procedure will end up stalling criminal cases and hamper the speedy dispensation of justice.</p>
S.383	<p>Abolition of stay of criminal trial proceedings on account of interlocutory appeal</p> <p>Criminal proceedings in the State are <i>rarely</i> stayed on account of interlocutory applications.</p>
	<p>Dispensation to elevated appellate justices to complete part-heard cases</p> <p>Nil.</p> <p>No equivalent provision in the ACJL, although the ACJA provision has been voided by the Supreme Court.</p>

	<p>There is need for legislative review to address the issue the issue of <i>de novo</i> trial. Some future drafts are suggested below while awaiting constitutional review:</p> <p><u>“Where it is impracticable for an elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.</u></p> <p><u>Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.</u></p>
S.280	<p>Timeliness for issuance of legal advice DPP’s legal advice is mostly ready within 14days</p>
S.258(2) (a)	<p>Day to day trials Courts in the State conduct individual cases on a day-to-day basis.</p>
S.179(1)	<p>S. Timeframe to commence and complete trials No data</p>
S.239(3)	<p>Assignment of cases to court within 15days of filing The ACJL provides for 7 days. It takes 7days to assign a criminal case to court in Enugu State.</p>
S.145-156	<p>Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses The ACJL improves on ACJA by establishing a Witness Support Unit and Witness Expenses Fund. This is commendable and should be adopted by other states. No proof was however provided that the said Unit has been established in Enugu State.</p>
S.257	<p>Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment No data</p>
S.440	<p>Compensation to victims of crime No data</p>
S.258(2)(c)	<p>Award of costs against defense and prosecution No data</p>
	<p>Misconduct proceedings for violating the Law NIL No identical or equivalent provision in the ACJL. There is need for legislative review to incorporate sanction for non-compliance with the ACJL.</p>
S.207	<p>Electronic recording of court proceedings Courts in Enugu State do not record proceedings electronically because of lack of facility.</p>
S.335	<p>Protection of witnesses Only written deposition of witness No facility in the State for witness protection in the state</p>
S.182	<p>Return by Controller General of Correctional Services to AG Unlike ACJA, the ACJL does not have a subsection (3) of the ACJA which provides that the recipient of the returns shall take necessary steps to address the issues raised in the return.</p>

	A legislative review is therefore necessary. The Controller-General of the State Correctional Centre makes returns to the AG of Enugu State.
S.258	Ruling of preliminary objections to charges deferred till judgment This provision is implemented in the State.
S.538	Functional Administration of Criminal Justice Monitoring Committee It is known in Enugu State Justice Sector Reform Team (ESJRT) . The ESJRT is inaugurated with functional secretariat, however, it does not submit quarterly report to the Chief Judge.
S.118(1)&4 62(2)	Exercise of powers of heads of court to make supplementary rules and guidelines No data
S.12(3)	Search of private premises occupied by a woman NIL
S.96(3)	Women standing sureties for bail No data
S.345	Married woman rights over her personal properties including against her spouse of customary marriage. No data
S.397 & S.410	Sentence of death of a pregnant woman to be suspended. No data
S.335	Use of virtual court hearing tools such as video conference in trials. No virtual court hearing tools available in Enugu State at the moment.



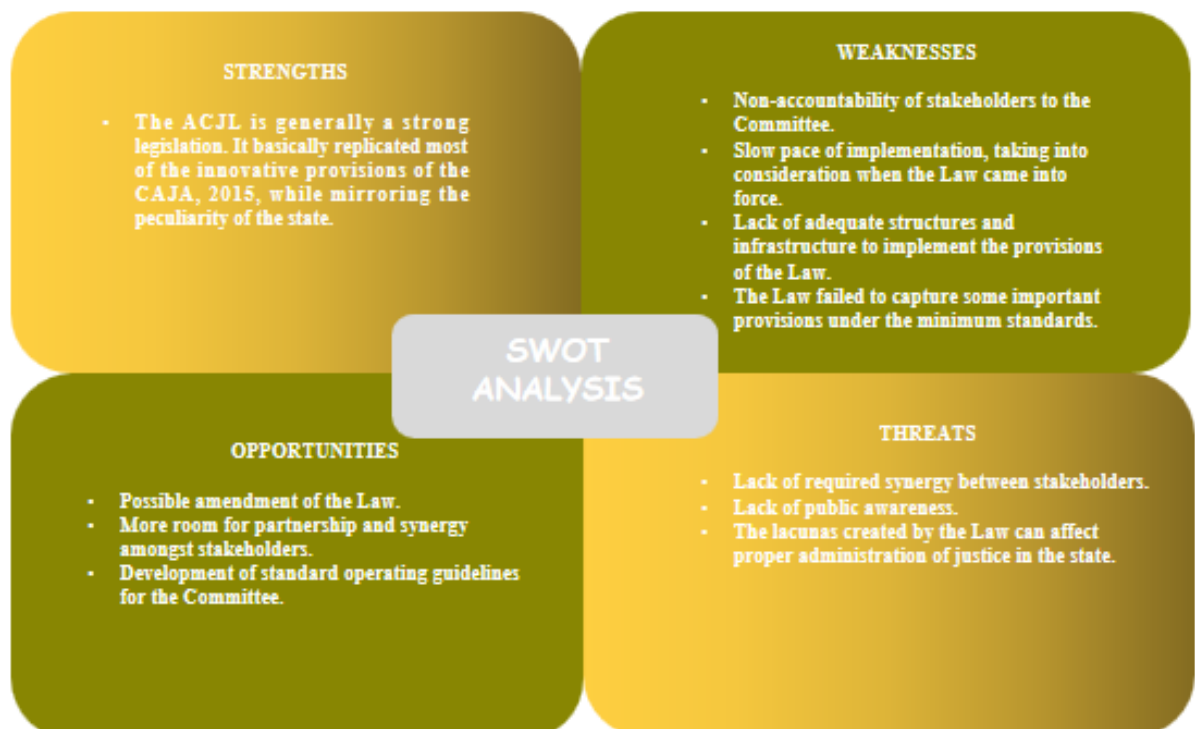
FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF KANO STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW, 2019

SECTION IMPLEMENTATION ANALYSIS	
S.123	<p>Abolition of lay prosecutions</p> <p>S.123(2) Kano ACJL permits lay prosecution at the Magistrate Court. However, the police prosecutors are trained on ACJL to ensure quality control measures.</p> <p>The permission of lay prosecution at the Magistrate court falls short of the National Minimum Standard and with S.66 Police Act, which abolished lay police prosecution, there is need for legislative review to make the ACJL conform to the National Minimum Standards.</p>
S.30	<p>Prohibition of arrest in lieu of suspect</p> <p>No data</p>
S.28	<p>No unnecessary restraint</p> <p>No data</p>
S.29	<p>Notification of reason of arrest</p> <p>No data</p>
S.31	<p>Humane Treatment of suspect</p> <p>No data</p>
S.32	<p>Decency in search of persons and properties including search by same sex.</p> <p>It is mandatory for search of a suspect to be conducted decently by person of the same sex of the suspect at all time, unlike S.9 of the ACJA which makes exception for situations of urgency or impracticability.</p> <p>No data</p>
S.33	<p>Mandatory inventory of properties of arrested person</p> <p>No data</p>
S.38	<p>Video recording of facilities for recording interrogation process, confessional statements and mandatory inventory of data of arrested persons.</p> <p>S. 38(6) & (7) Kano ACJL improves on ACJA. The additional subsection provides that <u>‘a prosecutor who seeks to rely on a confessional statement shall show proof that it was made voluntarily’ and ‘objection to the admissibility of a confessional statement shall be recorded and ruled upon during Judgment.</u> This is innovative other state should adopt same to addresses trial-with-trial.</p> <p>No data.</p>
S.39	<p>Mandatory record of arrest and data of arrested persons and availability of central criminal records.</p> <p>S. 39(2) Kano ACJL provides for manual record and electronic record. This is a welcome development as the ACJA is silent on the nature of the record.</p> <p>No data.</p>
S.40	<p>Provision of legal support to arrested person, access to lawyers, legal aid or civil society organization</p> <p>From a survey conducted, Kano State has 7 Legal Aid officers, and indigent suspects in the state are <i>very often</i> provided legal aid before their matter is taken to court.</p>

S.52	<p>Police report to supervising magistrates No data</p>
S.53	<p>Magistrate’s oversight of police stations Magistrates’ inspection visits to police stations and other places of detention are <i>very often</i> conducted.</p>
S.295	<p>Remand protocol No data</p>
S.40(2), & 127	<p>Engagement with National Human Rights Commission, Civil society organizations, and the public. No data</p>
	<p>Bondsmen engagement in bail management Nil This is a setback in the ACJL, hence the need for legislative review to incorporate bondspersons into the ACJL.</p>
S.272	<p>Effective use of plea bargain. The Kano State ACJL provisions on plea bargaining are slightly different from ACJA. Kano ACJL excludes some offence from being plea bargained such as offences relating to culpable homicide punishable with death, rape and other sexual offences, terrorism, unnatural offences, acts of gross indecency, thuggery, robbery, theft, drinking alcohol and related offences. No data</p>
S.307	<p>Abolition of stay of criminal trial proceedings on account of interlocutory appeal It was indicated that criminal proceedings are <i>never</i> stayed on account of interlocutory applications.</p>
S.390(7)	<p>Dispensation to elevated appellate justice to complete part-heard matters The ACJA provision on dispensation has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action. The Supreme court in the judgment delivered on 8 May 2020 nullified section 396(7) of the Administration of Criminal Justice Act (ACJA) 2015 which permits a judge who has been elevated to the Court of Appeal to go back to the High court for the purpose of concluding a part heard criminal matter in the High Court. The Supreme Court held that it was unconstitutional for a judge to appear to be wearing the caps of two courts of different hierarchies at the same time. Therefore, the court nullified the trial and conviction of a former Governor of Abia State, Orji Kalu, and others for N7.1bn fraud, on the ground that the judge that delivered the ruling had been elevated to the Court of Appeal and therefore had no power to precede over a matter pending at the High court. Some senior lawyers in Nigeria have criticized the Supreme court judgement as a setback to the reforms for speedy trial in criminal justice administration as provided in ACJA. According to these lawyers, this judgment negates the provisions of Section 22 of the Supreme Court Act and Section 16 of the Court of Appeal Act, which give appellate courts the powers of a trial court as if the proceedings had been instituted in the appellate courts as courts of first instance.</p>

	<p>The judgement by the Supreme court as the final court now represents the present position of the law until the Supreme court overrules itself or a more recent legislation is enacted. <u>Kano ACJL is more detailed on this subject, it extends to where either the judge retires, dies, dismissed or in any way incapacitated, a Judge or Magistrate assigned to take over the case, may continue with the case from where the former stopped subject to the provision of the Evidence Act.</u> The provision of the ACJL is commendable. ACJA and other ACJLs should incorporate same.</p> <p>No data</p>
S.376(2)	<p>Timeliness for issuance of legal advice</p> <p>It takes the DPP in Kano State <i>two weeks</i> to send his legal advice.</p>
S.390(3)	<p>Day to day trials</p> <p>It was indicated that courts in the state do conduct individual cases on a day-to-day basis.</p>
S.390(4)	<p>Restricted intervals of adjournments.</p> <p>No data.</p>
S.127	<p>Timeframe to commence and complete trials.</p> <p>No data,</p>
S.378	<p>Assignment of cases to court within 15days of filing</p> <p>It was indicated that criminal cases are assigned to court <i>a day after it is filed in the state.</i></p>
S.252-256	<p>Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses.</p> <p>There is no payment of witness expenses in the ACJL.</p> <p>This reduces the quality of the Kano Law, hence the need for a legislative review to incorporate payment of witness expenses.</p>
S.389	<p>Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment</p> <p>No data</p>
S.320	<p>Compensation to victims of crime</p> <p>No data</p>
S.390(6)	<p>Award of costs against defense and prosecution</p> <p>No data</p>
	<p>Misconduct proceedings for violating the Act or Law</p> <p>Nil</p> <p>There is need for legislative review to incorporate S. 491 of ACJA.</p>
S.364	<p>Electronic recording of court proceedings</p> <p>Kano courts are not automated because the facilities are not available for such recording.</p>
S.239	<p>Protection of witnesses</p> <p>Kano State do not have facilities in place for witness protection.</p>
S.128	<p>Return by Controller General of Correctional Services to AG</p> <p>the Correctional Service in the state remits quarterly reports of persons awaiting trial for more than 180 days to the Attorney-General and other oversight offices.</p>
S.390(2)	<p>Ruling of preliminary objections to charges deferred till judgment</p> <p>Courts in the State rule on objections immediately they are moved. They do not defer their rulings to the time of judgment.</p>
	<p>Functional Administration of Criminal Justice Monitoring Committee</p> <p>Nil</p>

	No equivalent provision in Kano ACJL. This is a huge challenge to monitoring the enforcement of the ACJL, however, an ACJMC has been setup but there is no standing rules or operational guidelines that govern the operation of the committee, no specific budget provision for the committee, the committee has no secretariat and the committee does not submit quarterly report to the Chief Judge. There is need for legislative review to incorporate the ACJMC into the ACJL.
S.467	Exercise of powers of heads of court to make supplementary rules and guidelines. No equivalent of 187(1) is found in the in the Kano ACJL. Kano state has in existence Sentencing Guidelines
S.35(3)	Search of private premises occupied by a woman No data
S.177(3)	Women standing sureties for bail No data
S.199	Married woman rights over her personal properties including against her spouse of customary marriage. The ACJL did not incorporate the provision of ACJA which allows a married woman to enjoy legal remedies against her husband as she would any other man for the protection of her property. No data. Need for amendment of the ACJL to incorporate ACJA provision.
S.398, S.208	Sentence of death of a pregnant woman to be suspended No data
S.239	Use of virtual court hearing tools such as video conference in trials No virtual court hearing tools available in Kano State at the moment.



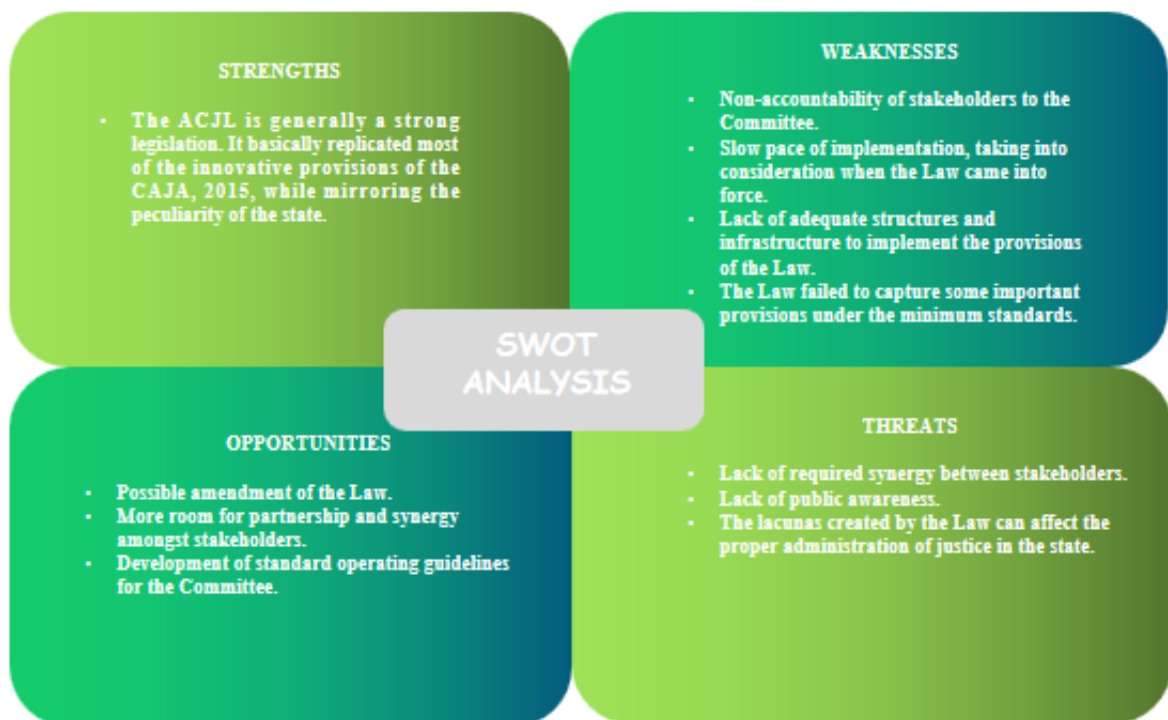
**FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF
NASARAWA STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW,
2018**

SECTION IMPLEMENTATION ANALYSIS	
S.106	<p>Abolition of lay prosecution</p> <p>The ACJL has abolished lay prosecution but it is not implemented. The State, however, adopted quality control measures to check abuse. Lay prosecutors are often trained on the ACJL.</p> <p>By S.66 Police Act, lay police prosecutors can no longer prosecute in Nigeria.</p> <p>There is need for legislative review to align with the National Minimum Standards.</p>
S.7	<p>Prohibition of arrest in lieu of suspect.</p> <p>No data</p>
S.5	<p>No unnecessary restraint</p> <p>No data</p>
S.6	<p>Notification of reason of arrest</p> <p>No data</p>
S.8	<p>Humane Treatment of suspect</p> <p>No data</p>
S.9	<p>Decency in search of persons and search by same sex.</p> <p>No data</p>
S.10	<p>Mandatory inventory of properties of arrested person.</p> <p>No data</p>
S.15	<p>Video recording of facilities for recording interrogation process and confessional statements, mandatory inventory of data of arrested persons.</p> <p>The police stations and Law enforcement agencies have and use dedicated statement taking room, CCTV camera, mobile phone in 8 police commands and video recorder for recording of confessional statements.</p>
S.16	<p>Mandatory record of arrest and data of arrested persons and availability of central criminal records.</p> <p>The ACJL improves on the ACJA as it adds the requirement that the records in the registry be kept in both electronic and manual forms. This is commendable.</p> <p>The records are retrieved but the data are not collated electronically in the registry.</p>
S.17	<p>Provision of legal support to arrested person and access to lawyers of his/her choice, legal aid or civil society organization</p> <p>Nasarawa State has 5 Legal Aid officers, and it was indicated that indigent suspects in the state are <i>very often</i> provided legal aid before their matter is taken to court.</p> <p>It is however doubtful how 5 Legal Aid officers can effectively provide legal aid to indigents in the entire State, assistance is sought from lawyers performing their mandatory one-year National service.</p>
S.33	<p>Police report to supervising magistrates</p> <p>No data</p>
S.34	<p>Magistrate's oversight of police stations.</p>

	Magistrates conduct periodic visits to police stations and other places of detention and such inspection visits are <i>often</i> conducted.
	<p>Remand protocols.</p> <p>Nil</p> <p>This is a lacuna in the law as it leaves suspect on remand/ awaiting trial in Nasarawa State vulnerable to be detained in for an indefinite amount of time.</p> <p>There is need for amendment of the ACJL to provide for remand timelines.</p>
S.17(2), S.110(7)	<p>Engagement with National Human Rights Commission, Civil society organizations, and the public</p> <p>No data</p>
S.186	<p>Bondsmen engagement in bail management.</p> <p>No data</p>
S.269	<p>Effective use of plea bargain.</p> <p>No data</p> <p>NB: The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA by stating that it is in conflict with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). Thus, it is void to the extent of its inconsistency with the provisions of the Constitution.</p> <p>The court further stated that section 270 (18) ACJA also ousts the general power vested in the Court of Appeal by Section 240 of the 1999 Constitution to hear and determine appeals from the trial court by providing that no appeal shall lie in any court against plea bargain judgment except where fraud is alleged.</p> <p>This section just like section 396 ACJA above was inserted by the drafters of the ACJA to ensure speedy and fair trial of criminal cases, with no room to prolong cases based on technicalities and unnecessary appeals. This is another setback for the reforms introduced in the ACJA 2015 as continuous appeals on plea bargain procedure will end up stalling criminal cases and hamper the speedy dispensation of justice.</p>
S.298	<p>Abolition of stay of criminal trial proceedings on account of interlocutory appeal.</p> <p>Criminal proceedings are <i>never</i> stayed on account of interlocutory applications.</p>
S.382(7)	<p>Dispensation to elevated appellate justice to complete part-heard matters.</p> <p>The of ACJA on this subject-matter has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors</i>. However, there is a possibility it will be restored by Legislative action. Drafts proposals for future consideration are stated below:</p> <p><u>“Where it is impracticable for an elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.</u></p> <p><u>Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.”</u></p>

S.366	Timeliness for issuance of legal advice/filing of information by the Attorney General. DPP's legal advice takes between <i>1 week to 2 weeks</i> in Nasarawa State.
S.382(3)	Day to day trials Courts in Nasarawa state do conduct individual cases on a day-to-day basis.
S.382(4) &(5)	Restricted intervals of adjournments. No data
S.110	Time frame to commence and complete trials. No data
S.368	Assignment of cases to court within 15days of filing. Criminal cases are assigned to court <i>within a week from the date of filing</i> . This is remarkable.
S.245-253	Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses S. 245(2) of the ACJL has a higher fine for a witness who departs from the premises of the court without leave of the Judge from ₦10,000 as set by the ACJA to ₦50,000. No data
S.381	Mandatory legal aid/free legal representation to defendants in capital case or offences punishable by life imprisonment. No data
S.311 -	Compensation to victims of crime No data
S.382	Award of costs against defense and prosecution. No data
S.464	Misconduct proceedings for violating the Law No data
S.352	Electronic recording of court proceedings. Nasarawa do not record proceedings electronically because the facilities for such recording are not available.
S.231	Protection of witnesses including in economic and financial crimes cases. Nasarawa State do not have facilities in place for witness protection.
S.111	Return by Controller General of Correctional Services to AG. Correctional Service in the State remits quarterly reports of persons awaiting trial to the Attorney-General and other oversight offices.
S.382(2)	Ruling of preliminary objections to charges deferred till judgment. Courts in Nasarawa State rule on objections immediately they are moved. Rulings are not deferred to the time of judgment.
S.442	Functional Administration of Criminal Justice Monitoring Committee. Nasarawa State has a functional ACJMC with secretariat and personnel.
S.187(1) and 457(2)	Exercise of powers of heads of court to make supplementary rules and guidelines. There is a supplementary rule in Nasarawa State for example the Sentencing Guideline.
S.12(3)	1 Search of private premises occupied by a woman. No data

S.166(3)	Women standing sureties for bail. No data
S.190	Married woman rights over her personal properties including against her spouse of customary marriage. No data
S.90, & S.402	Sentence of death of a pregnant woman to be suspended. No data
S.231	Use of virtual court hearing tools such as video conference in trials. No virtual court hearing tools available in Nasarawa State at the moment.



**FACTSHEET ANALYSIS OF THE EFFECTIVE IMPLEMENTATION OF OYO
STATE ADMINISTRATION OF CRIMINAL JUSTICE LAW, 2017**

SECTION	IMPLEMENTATION ANALYSIS
S.107	<p>Abolition of lay prosecutions. Lay prosecution is still practiced in Oyo State. However, quality control measures are put in place to check abuse and ensure compliance with the ACJL, such measures include training of the lay-prosecution and oversight of cases by legal officers. By S.66 Police Act, lay police prosecutors can no longer prosecute in Nigeria. There is need for legislative review to comply with the National Minimum Standards.</p>
National Minimum Standards.	<p>Prohibition of arrest in lieu of suspect. No data</p>
S.7	<p>No unnecessary restraint, No data</p>
S.8	<p>Notification of reason of arrest. No data</p>
S.10	<p>Humane Treatment of suspect. No data</p>
S.11	<p>Decency in search of persons and search by same sex. No data</p>
S.12	<p>Mandatory inventory of properties of arrested person. No data</p>
S.17, 18	<p>Video recording of facilities for recording interrogation process and confessional statements, mandatory inventory of data of arrested persons. S 17 (1) (d) (iv) improves on the ACJA by adding the words – <u>‘including but not limited to DNA samples</u> to the means of identification. S 17(2) Oyo ACJL reduces the time for processing the recording of details of an arrested person to 24 hours unlike the ACJA which provides - reasonable time not exceeding 48 hours. S 17 adds 2 new subsections – 17 (3) & (4) which diverges from the ACJA: S. <u>17 (4) mandates the CP to transmit duplicate case file and records relating to offences to the AG within 2 weeks; and for the AG to provide legal opinion to the CP within 4 weeks of receiving the records of arrest.</u> The timeline for transmitting of records of arrest and giving of legal opinion at the point of taking the state of statement is positive one and an improvement to the ACJA.</p>
S.309(2)	<p>Mandatory record of arrest and data of arrested persons and availability of central criminal records. Oyo ACJL differs from the ACJA. Unlike the ACJA, the establishment of the Central Criminal Records Registry is domiciled at the High Court. S. 309 (3) further provides that upon conviction, the persons’ bio-data and other information is to be obtained and kept at the registry. Oyo ACJL lacks one of the core elements of the NMS such as records of arrests of all arresting agencies. Also, there is no provision in the ACJL for such records to be transmitted to the AG and other oversight body, hence the need for amendment to have</p>

	a standard Criminal Records Registry which of course should be domiciled at the State Command of the Nigeria Police since other arresting agencies in the state are expected to file records of arrests to the Criminal Records Registry.
S.18	Provision of legal support to arrested person and access to lawyers or officers of legal aid or civil society organization. From a survey conducted, Oyo State has 6 Legal Aid officers and indigent suspects in the state are <i>rarely</i> provided legal aid before their matter is taken to court. This means the provision of the ACJL is not fully implemented.
S.18	Electronic/video recording of interrogations and confessions S 18 (2) Oyo ACJL improves on the ACJA. In the absence of a video facility the statement shall be in writing in the presence of a legal practitioner of his choice or any other person of his choice. It indicated that they have and use dedicated statement taking room, video recorder and mobile phone in eleven police stations and dedicated statement taking room, CCTV camera, video recorder and mobile phone in EFCC, ICPC, DSS offices in the state.
S.34	Police report to supervising magistrates. No data
S.35	Magistrate's oversight of police stations. Magistrates in Oyo State do conduct periodic visits to police stations and other places of detention (other than correctional centres) and such inspection visits are <i>very often</i> conducted.
S.292-293 -	Remand protocols. No data to show that the timeline protocol for remand is implemented in Oyo State.
S.18(1), 111(7)	Engagement with National Human Rights Commission, Civil society organizations, and the public No data
S.186	Bondsmen engagement in bail management. No data
S.269	Effective use of plea bargain. No data The Court of Appeal in <i>Iboyi Kelly V FRN (2020 14 NWLR Pt 1745 479)</i> struck down section 270(18) of ACJA on grounds of conflicting with Section 241 of the Constitution of the Federal Republic of Nigeria, 1999 (as amended). The court further stated that section 270 (18) ACJA also ousts the general power vested in the Court of Appeal by Section 240 of the 1999 Constitution to hear and determine appeals from the trial court by providing that no appeal shall lie in any court against plea bargain judgment except where fraud is alleged. This section just like section 396 ACJA above was inserted by the drafters of the ACJA to ensure speedy and fair trial of criminal cases, with no room to prolong cases based on technicalities and unnecessary appeals. This is another setback for the reforms introduced in the ACJA 2015 as continuous appeals on plea bargain procedure will end up stalling criminal cases and hamper the speedy dispensation of justice.
S.307	Abolition of stay of criminal trial proceedings on account of interlocutory appeal. It was indicated that criminal proceedings in the state are <i>rarely</i> stayed on account of interlocutory applications.
S.397(7)	Dispensation to elevated appellate justice to complete part-heard matters.

	<p>ACJA on the subject has been struck down by the Supreme Court decision in <i>Ude Jones Udeogu v. FRN & Ors.</i> However, there is a possibility it will be restored by Legislative action.</p> <p>Drafts proposals for future consideration are stated below:</p> <p><u>Where it is impracticable for an elevated Judge to continue with the case, the Judge taking over the matter shall continue where the elevated Judge stopped and conclude same with the aid of the side comments of the elevated Judge and other electronic audio-visual record of the proceeding where available.</u></p> <p><u>Where a Judge or magistrate conducting proceedings in a part-heard case, retires, resigns, dies or otherwise unable to conclude such part-heard matter, a new Judge to whom the case is assigned may, if satisfied with the record of proceedings kept by the former Judge, continue with the proceedings and conclude the same with the aid of notes kept by the former Judge and electronic recordings of the proceedings as contained in this section.</u></p>
S.377(2)	<p>Timeliness for issuance of legal advice.</p> <p>S 377 (2) Oyo ACJL is slightly different from ACJA as it stipulates 28 days from the receipt of police case for the AG to issue and serve legal advice.</p> <p>It takes the DPP in Oyo State 1 month to forward DPP's legal advice.</p>
S.397(3)	<p>Day to day trials.</p> <p>It was indicated that courts in the state do conduct individual cases on a day-to-day basis.</p>
S.397(4-5)	<p>Restricted intervals of adjournments.</p> <p>No data</p>
S.111	<p>Time frame to commence and complete trials.</p> <p>No data</p>
S.383	<p>Assignment of cases to court within 15days of filing.</p> <p>It takes an average of 2-3 days to assign a criminal case to court in Oyo State.</p>
S.245-253	<p>Mandatory attendance of witnesses in court and sanction for default including payment of witness expenses.</p> <p>No data</p> <p><u>S. 245 (1) (b) Oyo ACJL improves on the ACJA by adding a penalty of community service as an alternative to a fine or imprisonment.</u></p> <p>This is commendable.</p>
S.397(6)	<p>Award of costs against defense and prosecution.</p> <p>No data</p>
S.479	<p>Misconduct proceedings for violating the Law.</p> <p>No data</p>
S.365	<p>Electronic recording of court proceedings.</p> <p>Courts in Oyo State do not record proceedings electronically and they do not have facilities available for such recording.</p>
S.231	<p>Protection of witnesses.</p> <p>It was indicated that Oyo State has for witness protection in the state (video link and written deposition of witness).</p>
S.329	<p>Wrongful conversion or detention of property and award of damages.</p> <p>No data.</p>
S.334	<p>Seizure or forfeiture of proceeds of crimes.</p> <p>No data</p>

S.112	Return by Controller General of Correctional Services to AG. It was indicated that the Correctional Service in the state do remit quarterly reports of persons awaiting trial for more than 180 days to the Attorney-General and other oversight offices.
S.220	Prohibition of objections during trials. No data
S.397(2)	Ruling of preliminary objections to charges deferred till judgment. It was indicated that courts in the state rule on objections immediately they are moved. They do not defer their rulings to time of judgment.
S.457	Functional Administration of Criminal Justice Monitoring Committee. The Committee is functional however, the Committee does not have standing rules and operational guidelines that govern the operation of the committee, no specific budget provision for the committee and the Committee does not submit quarterly report to the Chief Judge.
S.186(1),445 (2),478	Exercise of powers of heads of court to make supplementary rules and guidelines. No data
S.14(3)	Search of private premises occupied by a woman. No data
S.166(3)	Women standing sureties for bail. No data
S.190	Married woman rights over her personal properties including against her spouse of customary marriage. No data
S.405&S.416	Sentence of death of a pregnant woman to be suspended. No data
S.365	Electronic recording of court proceedings. It was indicated that courts in Oyo State do not record proceedings electronically and they do not have facilities available for such recording.
S.231	Use of virtual court hearing tools such as video conference in trials. No virtual court hearing tools available in Oyo State at the moment.



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