



**LAW HUB**  
DEVELOPMENT & ADVOCACY CENTRE

**REPORT ON**

# **COURT OBSERVATION OF ADMINISTRATION OF CRIMINAL JUSTICE LAW APPLICATION IN CORRUPTION CASES ACROSS SIX STATES:**

**Akwa Ibom, Adamawa, Enugu, Kano, Nasarawa And Oyo**

**(July, October, November 2023)**

VOLUME 1

**PROJECT ON  
POPULARIZING AND DISSEMINATING THE ADMINISTRATION  
OF CRIMINAL JUSTICE LAWS (ACJLS) AND CONTINUOUSLY UPDATING  
THE LAWS TO REFLECT AMENDMENTS**

MacArthur  
Foundation

**Published by**

Law Hub Development and Advocacy Centre 2023

with support from:

MacArthur Foundation

All right reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or means, electronic, mechanical, photocopying, recording or otherwise, without prior permission of the publisher.

Report Written by Elizabeth Solomon and Isa Tine Bello

Editorial Team: Barr. Austin Ejike Udechukwu and Maryam Ibrahim

Designed by:

Cm360 Print limited

## LIST OF ABBREVIATIONS

<b>ACJA</b>	Administration of Criminal justice Act
<b>ACJL</b>	Administration of Criminal Justice Law
<b>CSO</b>	Civil Society Organisation
<b>EFCC</b>	Economic and Financial Crimes Commission
<b>ICPC</b>	Independent Corrupt Practices and Other Related Offences Commission
<b>LawHub</b>	Law Hub Development and Advocacy Centre
<b>NPF</b>	Nigeria Police Force

# TABLE OF CONTENTS

Executive Summary.....	1
Overview of the Project .....	3
Scope and Methodology .....	3
General Information .....	4
SECTION 1. ADAMAWA STATE .....	5
I. Timeframe to complete trials.....	5
II. Effective Use of Plea Bargain .....	5
III. Restricted Intervals of Adjournments .....	5
IV. Day to-Day Trial .....	6
V. Abolition of lay prosecution.....	6
VI. Award of Costs against Prosecution and Defence for Unnecessary Adjournments....	6
VII. Grant of Bail .....	6
VIII. Use of Electronic Recordings for Court Proceedings .....	6
IX. Use of Virtual Tools e.g., Video links / Use of Screen or Masks to Protect Witnesses during Trial .....	7
Findings .....	7
❖ Court Observers' Comments:.....	7
SECTION 2. AKWA IBOM STATE .....	9
I. Timeframe to Complete Trials.....	9
II. Effective Use of Plea Bargain .....	9
III. Restricted Intervals of Adjournments .....	9
IV. Day-to-Day Trial .....	9
V. Abolition of Lay Prosecution.....	10
VI. Award of Costs against Prosecution and Defence for Unnecessary Adjournments...	10
VII. Grant of Bail .....	10
VIII. Use of Electronic Recordings for Court Proceedings .....	10
IX. Use of Virtual Court Hearing Tools e.g. Video Links/Use of Screens/Masks to Protect Witnesses during Trial .....	10
Findings .....	10
❖ Court Observers' Comments:.....	11
SECTION 3. ENUGU STATE.....	13
I. Timeframe to Complete Trials.....	13
II. Effective Use of Plea Bargain .....	13
III. Restricted Intervals of Adjournments .....	13

IV. Day-to-Day Trial .....	13
V. Abolition of Lay Prosecution.....	14
VI. Award of Costs against Prosecution and Defence for Unnecessary Adjournments...	14
VII. Grant of Bail .....	14
VIII. Use of Electronic Recordings for Court Proceedings .....	14
IX. Use of Virtual Court Hearing Tools e.g., Video Links, Screens or Masks to Protect Witnesses during Trial .....	14
Findings .....	15
❖ Court Observers' Comments:.....	15
SECTION 4. KANO STATE .....	16
I. Timeframe to Complete Trials.....	16
II. Effective Use of Plea Bargain .....	16
III. Restricted Intervals of Adjournments .....	16
IV. Day-to-Day Trial .....	16
V. Abolition of Lay Prosecution.....	16
VI. Award of Costs against Prosecution and Defence for Unnecessary Adjournments...	17
VII. Grant of Bail .....	17
VIII. Use of Electronic Recordings for Court Proceedings .....	17
IX. Use of Virtual Court Hearing Tools e.g., video links/Use of Screen or masks to Protect Witnesses during Trial .....	17
Findings .....	17
❖ Court Observers' Comments:.....	18
SECTION 5. NASARAWA STATE .....	19
I. Timeframe to Complete Trials.....	19
II. Effective Use of Plea Bargain .....	19
III. Restricted Intervals of Adjournments .....	19
IV. Day-to-Day Trial .....	19
V. Abolition of Lay Prosecution.....	19
VI. Award of Costs against Prosecution and Defence for Unnecessary Adjournments	20
VII. Grant of Bail .....	20
VIII. Use of Electronic Recordings for Court Proceedings .....	20
IX. Use of Virtual Court Hearing Tools e.g., video links / Use of Screen or masks to Protect Witnesses during Trial .....	20
Findings .....	20
❖ Court Observers' Comments:.....	21
SECTION 6. OYO STATE .....	22

I. Timeframe to Complete Trials.....	22
II. Effective Use of Plea Bargain .....	22
III. Restricted Intervals of Adjournments .....	22
IV. Day-to-Day Trial .....	22
V. Abolition of Lay Prosecution.....	22
VI. Award of Costs against Prosecution and Defence.....	23
VII. Grant of Bail .....	23
VIII. Use of Electronic Recordings for Court Proceedings .....	23
IX. Use of Virtual Court Hearing Tools e.g., video links / Use of Screen or masks to Protect Witnesses during Trial .....	23
Findings .....	23
❖ <b>Court Observers’ Comments:</b> .....	24
Graphical Representation of Court Observation Data.....	25
RECOMMENDATIONS .....	32
1. Prosecutorial Accountability:.....	32
2. Judicial Workload and Management:.....	32
3. Case Completion and Timely Judgments:.....	32
4. Court Modernisation and Accessibility:.....	32
5. Training and Collaboration: .....	32
6. Judge Retirement and Fitness:.....	33
7. Court File Storage and Management:.....	33
8. Training for court staff: .....	33

## Executive Summary

The Administration of Criminal Justice Act (ACJA) 2015 was enacted into law with provisions aimed at improving and harmonising criminal procedure and strengthening the criminal justice system across Nigeria. Four of its essential provisions support the broader fight against corruption through criminal prosecution in courts by ensuring that criminal cases are prosecuted by qualified legal practitioners, discouraging the resort to interlocutory appeals, guaranteeing speedy trials and establishing the Administration of Criminal Justice Monitoring Committee to oversee the appropriate implementation of the Act. At the subnational level, the Administration of Criminal Justice Laws (ACJLs) of the various states have equally adopted these four essential anticorruption elements. Implementation of the ACJLs varies greatly across Nigeria, although the level of optimism about their potential is significant.

Results of the Law Hub Development and Advocacy Centre (LawHub) court observation activity (the activity) of the Project “*Popularizing and Disseminating the Administration of Criminal Justice Laws (ACJLs) of States and Continuously Updating the Laws to Reflect Amendments*” reveal shortcomings in the application of the ACJLs of Adamawa, Akwa Ibom, Enugu, Kano, Nasarawa, and Oyo states (project states) in corruption trials. Since enacting their respective ACJLs, project states have recorded some successes and some challenges have been discovered to be impeding the effective prosecution of corruption cases. However, reluctance at implementing the ACJL at some state levels, lack of strong monitoring committees and exclusion of some essential elements in some state laws hamper the prospect of a uniform and effective criminal justice system capable of combatting corruption. This report includes recommendations that will promote effective application of the provisions of the ACJL in corruption cases by State High Courts across the states in which this court observation exercise was carried out.

The activity was undertaken to systematically gather information about the application of the provisions of the ACJLs of the respective project states by the courts during trial of corruption cases. For this purpose, between July 2023, and November 2023, court observers observed 86 corruption cases involving a total of 122 defendants. Out of these 86 corruption cases, records of proceedings were used in 11 as primary sources of information to gauge the application of the ACJL in concluded cases. The observed cases were prosecuted by the Economic and Financial Crimes Commission (EFCC), the Independent Corrupt Practices and Other Related Offences

Crimes Commission (EFCC), the Independent Corrupt Practices and Other Related Offences Commission (ICPC), the Nigeria Police Force (NPF) and the Ministry of Justice of the relevant states.

While the observation activity was restricted to corruption cases only, findings of the observation activity point to systemic shortcomings and the resulting recommendations are offered with a view to shoring up the entire criminal justice system.

Many of the trials had been ongoing for more than a year due to adjournments at the instance of the courts, the prosecutors and the defence. Reasons for such adjournments include the retirement of judges, reassignment of judges to other judicial duties, observance of national judicial vacation, elevation of judges to the Court of Appeal, and renovation of courtrooms among others. These challenging circumstances affected the time frame within which corruption cases were tried and disposed of.

This court observation activity gauged compliance benchmarked against key innovations of the ACJL, including time frame for commencement and completion of trials, restricted intervals of adjournments during trial, day-to-day trials, effective use of plea bargaining, use of electronic recordings for court proceedings, use of virtual tools such as video links, screens/masks to protect witnesses during trial, whether or not lay prosecution is abolished, award of costs against either side for causing unnecessary adjournments, and the granting of bail.

The report analyses these issues only as they relate to the provisions of the ACJLs of the project states of Adamawa - Section 1, Akwa Ibom - Section 2, Enugu - Section 3, Kano - Section 4, Nasarawa - Section 5, and Oyo - Section 6. While each section ends with concrete findings, recommendations are not placed within the sections; rather, all the recommendations are consolidated in the last part of the report.

The report also highlights the obvious need for improvement in making courts more user-friendly and service-oriented. Such improvements should include enhancing the availability of basic information about scheduled hearings, proper storage of case files for easy retrieval and

1. The maximum number of days prescribed by the ACJL that a trial can be adjourned from one date of appearance to the next date of appearance.
2. Court hearing on a day-to-day basis.
3. Section 494 (1) of the ACJA defines 'plea bargain' to mean the process in criminal proceedings whereby the defendant and the prosecution work out a mutually-acceptable disposition of the case, including the plea of the defendant to a lesser offence than that charged in the complaint or information and in conformity with other conditions imposed by the prosecution, in return for a lighter sentence than that for the higher charge, subject to the court's approval.
4. Lay prosecutors are police officers who are not qualified as legal practitioners.



reference, the use of electronic recording in court proceedings, the installation of proper acoustics and technical equipment in the courtrooms for use during trials and the use of virtual tools, screens or masks etc., for the protection of witnesses.

From the benefit of the insight garnered from this activity, LawHub recommends that the judicial authorities in the respective project states must take all necessary measures to ensure that the provisions of the ACJLs of their respective states are applied in the trial of corruption cases and indeed, all other criminal cases. It is not enough for states to enact the ACJL. Without effectively implementing its provisions, there can be no speedy dispensation of criminal justice.

## **Overview of the Project**

The court observation activity was launched by LawHub to measure compliance of courts with the ACJLs of the project states, particularly in corruption cases. It is part of the activities implemented by LawHub with support from MacArthur Foundation towards popularizing the ACJLs of States and continuously updating the laws of the project states to reflect amendments.

## **Scope and Methodology**

The court observation exercise was carried out to: (a) Systematically gather information on the extent to which the trials complied with provisions of the ACJL in corruption cases, (b) Identify possible shortcomings in the criminal justice system on the basis of the observation, and (c) Present state judicial authorities with recommendations aimed at improving the administration of criminal justice in light of the enactment of the ACJL.

The activity focused on corruption trials. The observers attended court hearings to determine their compliance with ACJL provisions. The scope of the activity did not extend to the pre-arraignment phase of processing the defendants through the criminal justice system.

The project carried out procedural trial observation on the basis of applicable ACJL provisions. Accordingly, LawHub did not engage in the assessment of substantive aspects of the observed cases, such as probing into the validity or otherwise of the charges with which the defendants were charged or the sufficiency or otherwise of the evidence presented by the prosecution.

The LawHub team set up the necessary logistics and engaged legal practitioners who are conversant with the provisions of the ACJLs as court observers. All court observers received training on the methodology and scope of the activity. Throughout its duration, the project employed 27 court observers from the six project states; however, seven court observers were disengaged during the course of the activity.

The observers attended court hearings individually depending on the particular trials they were observing. For each observed case, they prepared a monthly report and completed a court observation form designed to assess the application of ACJL provisions enacted in their state in corruption cases. These reports and forms served as primary sources of information for the final report.

Observed cases were analysed primarily as to the compliance of the High Courts of the project states with ACJL provisions regarding timeframe to commence and complete trials; restricted intervals of adjournments; day-to-day trial; effective use of plea bargaining; use of electronic recordings for court proceedings; use of virtual tools (e.g., video links, screens/masks to protect witnesses during trial), whether or not lay prosecution is being used; award of costs against prosecution and defence for unnecessary adjournments; and the grant of bail.

## **General Information**

The court observation activity began on 1<sup>st</sup> of July, 2023 and ended on the 31<sup>st</sup> of November, 2023. LawHub court observers observed trials in the month of July and in the months of October and November 2023. The pause in observation of cases was due to the annual judicial vacation, which spanned through August to September 2023. Court observers observed 86 corruption cases at the State High Courts of the project states. Here, reference is made to corruption cases within its meaning in Nigerian law: bribery, fraudulently acquiring property, forgery, accepting undue gratification, gratification by and through agents.

The observed corruption cases involved a total of 122 defendants. Of the 86 corruption cases, 55 are pending determination; 10 cases were struck out, five cases were abandoned, one case was dismissed. Of the 122 defendants whose cases were observed, 15 were given custodial sentences ranging from one to seven years of imprisonment and one defendant was discharged. Of the 15 convictions, only one of the defendants went on appeal.

## **SECTION 1. ADAMAWA STATE**

Court observers observed a low tide in the prosecution of corruption cases in Adamawa State as prosecutors from the Economic and Financial Crimes Commission (EFCC) and the Independent Corrupt Practices & Other Related Offences Commission (ICPC), which are the agencies saddled with the responsibility of prosecuting corruption cases, have in recent times halted the institution of criminal proceedings in Adamawa State due to the fact that the EFCC and ICPC have no physical offices in Adamawa State. Court observers relied on records of proceedings of determined corruption cases as primary sources of information for their report and for completing the court observation forms.

Flowing from the data collected in the courts observed in Adamawa State, 14 corruption cases were observed, involving 18 defendants. Eight cases were determined, with the defendants convicted. Three cases were either abandoned, struck out or dismissed, while three cases remain pending.

### **I. Time frame to complete trials**

The ACJL of Adamawa State does not provide for a time frame to complete trials commenced in the High Court of the State. Nonetheless, results of court observation activity show that corruption cases were not dealt with expeditiously. Some reasons why cases were not disposed of within time included instances where the court did not sit; one or all the parties was/were not available; and in some cases, a witness was not available. For the concluded cases, the methodology of the observation exercise was to glean information from court records. For such cases, trials were observed to have been concluded, on the average, within the duration of one to three years.

### **II. Effective Use of Plea Bargain**

**Section 271** provides for plea bargaining. The results of the court observation activity show that defendants are exploring plea bargaining in corruption cases in Adamawa State. Plea bargain was entered in five out of 14 observed cases.

### **III. Restricted Intervals of Adjournments**

**Section 397** provides for restricted intervals of not more than 14 working days and seven days (inclusive of weekends) in circumstances where it is impracticable to conclude a

Section 271 Adamawa State ACJL, 2018.  
Section 397 (4) Adamawa State ACJL, 2018.

criminal proceeding after five adjournments. Court observers observed that cases were being adjourned beyond the restricted intervals provided for in the ACJL. Cases were being adjourned for periods of between one – four months at a time.

### **I. Day-to-Day Trial**

**Section 397** provides for day-to-day trials upon arraignment of defendants. Results of court observation activity show that trials did not proceed from day-to-day in Adamawa State.

### **II. Abolition of lay prosecution**

**Section 108** abolishes lay prosecution in Adamawa State. Court observers observed that prosecutors were lawyers under the employment of the EFCC and Ministry of Justice prosecuting in their official capacity.

### **III. Award of Costs against Prosecution and Defence for Unnecessary Adjournments**

The ACJL of Adamawa State does not provide for the award of costs against prosecution for unnecessary adjournments. However, court observers observed that courts did not award costs against parties for unnecessary adjournments.

### **IV. Grant of Bail**

In accordance with sections **159, 163 & 164**, as is the case with most criminal offences, defendants charged with corruption offences are entitled to bail, subject to the fulfilment of certain conditions. Results of court observation activity show that bail was granted to defendants in 10 out of 14 cases. Defendants did not apply for bail in four cases.

### **V. Use of Electronic Recordings for Court Proceedings**

**Section 365** provides for the use of electronic devices for recording court proceedings in Adamawa State. Court observers observed that there was no use of electronic devices for the recording of proceedings in the cases observed.

Section 397 (4) & (5) Adamawa State ACJL, 2018.

Section 397 (3) Adamawa State ACJL, 2018.

Section 397 (3) Adamawa State ACJL, 2018.

Section 108 Adamawa State ACJL, 2018.8

Section 108 Adamawa State ACJL, 2018.

Adamawa State ACJL, 2018.

Section 365(1) Adamawa State ACJL, 2018.

## **I. Use of Virtual Tools e.g., Video links / Use of Screen or Masks to Protect Witnesses during Trial**

**Section 233** provides for protection of witnesses. Court observers observed that witnesses were not protected by the use of screens and masks during the trial of the cases observed. There was also no use of virtual tools during trials.

### **Findings**

There is vacuum in the application of the ACJL in Adamawa State, including:

- Cases are not speedily determined due to lack of due care by prosecutors, long adjournment intervals, several reassignments with no hearing dates for extended periods of up to one year and beyond.
- There is minimal use of plea-bargaining in Adamawa State.
- The ACJL of Adamawa State does not provide for time frame to complete trials commenced in the High Court of the State.
- Corruption cases are seldom prosecuted in Adamawa State due to lack of the presence of the EFCC and ICPC in the state.
- Absence of provision in the ACJL of Adamawa State, for the award of costs against prosecution and defence for unnecessary adjournments.
- Courtrooms are not user-friendly; no use of technical equipment in trials.

#### **❖ Court Observers' Comments:**

**Abdulumuni Ahmed Ishaq**

*“Corruption cases are very few in the State High Court”*

*“...Defence counsel usually make application for plea bargain and some will see the light of the day while some won't.”*

Section 233 (3) Adamawa State ACJL, 2018

**Nana Ali**

*“The observation of prosecuting corruption cases is quite challenging in Adamawa State as the prosecutors find it difficult to secure witnesses which causes delays and subsequently frequent adjournments.”*

*“ACJL – though innovations are here but the application of same to some extent is far-fetched.”*

**Ishaku David Kulthu**

*“There are very few corruption cases in court.”*

*“Most of the court records are not intact.”*

*“Cases are not dispensed with, within a reasonable time.”*

*“Unnecessary delays in prosecution.”*

## **SECTION 2. AKWA IBOM STATE**

Court observers observed 24 corruption cases involving 31 defendants prosecuted by the EFCC, the Nigeria Police Force, and the Ministry of Justice in Akwa Ibom State. From the data collected in the cases/trials observed in Akwa Ibom State, 16 out of the 24 corruption cases remain pending. Five cases were struck out for lack of diligent prosecution. Judgment was delivered in two out of the 24 cases, with the defendants convicted and one case was abandoned.

### **I. Time frame to Complete Trials**

The ACJL of Akwa Ibom State does not provide for a time frame within which to complete trials commenced in the High Court of the State. Nonetheless, results of court observation show that trials of corruption cases lasted for over a year. Two observed cases were concluded in about a year. Sixteen of the observed cases which were commenced in 2022 remain pending.

### **II. Effective Use of Plea Bargain**

**Section 270** provides for plea bargain between the prosecution and defendants. Result of the court observation activity shows that plea bargain was not used in any of the cases observed in Akwa Ibom state.

### **III. Restricted Intervals of Adjournments**

**Section 396** provides for restricted intervals of not more than 14 working days and seven days (inclusive of weekends) in circumstances where it is impracticable to conclude a criminal proceeding after five adjournments. Court observers noted that cases were adjourned beyond the intervals provided in the ACJL. Cases were adjourned for periods of two – four months at a time.

### **IV. Day-to-Day Trial**

**Section 396** provides for day-to-day trial upon arraignment of defendants. However, court observers observed that trials did not proceed on a day-to-day basis in Akwa Ibom State.

Akwa Ibom State ACJL, 2022  
Section 396 (4) & (5) Akwa Ibom State ACJL, 2022  
Section 396 (3) Akwa Ibom State ACJL, 2022

## **I. Abolition of Lay Prosecution**

**Section 106** abolishes lay prosecution in Akwa Ibom State. Court observers reported that, in the observed cases, prosecutors were lawyers under the employment of the EFCC, the Nigeria Police Force, and the Ministry of Justice prosecuting in their official capacity.

## **II. Award of Costs against Prosecution and Defence for Unnecessary Adjournments**

**Section 396** provides for award of costs against prosecution to discourage frivolous adjournments. Results of court observation show that there was no award of costs in any of the cases observed in Akwa Ibom State.

## **III. Grant of Bail**

**Sections 158, 162 & 163** provide for bail. Court observers observed that application for bail was not granted in many of the observed cases. Bail was applied for in all the 24 observed cases but was granted in only 12.

## **IV. Use of Electronic Recordings for Court Proceedings**

**Section 364** provides for the use of electronic devices for recording of court proceedings. Court observers observed that there was no use of electronic devices for the recording of proceedings.

## **V. Use of Virtual Court Hearing Tools e.g. Video Links/Use of Screens/Masks to Protect Witnesses during Trial**

**Section 232** provides for the use of virtual tools and screens and/or masks for the protection of witnesses during trial. Court observers observed that witnesses were not protected during trial by virtual tools, screens or masks.

## **Findings**

- Bail application is rarely granted as defendants are known to abscond if granted bail.
- Courts are not user-friendly; court proceedings are still recorded in long hand.

Akwa Ibom State ACJL, 2022  
Akwa Ibom State ACJL, 2022  
Section 396 (6) Akwa Ibom State ACJL, 2022  
Akwa Ibom State ACJL, 2022  
Akwa Ibom State ACJL, 2022



- Corruption cases are not speedily disposed of, due to unnecessary adjournments and lack of due care by prosecutors towards court proceedings. **Abasifreke Etim**, a court observer in Akwa Ibom state observed:

*“The Prosecution displayed an unconcerned attitude throughout the sittings of majority of the cases I was assigned to report on. They barely showed up in court, and when they did, they were eager to have the cases adjourned, thereby prolonging the duration of the proceedings. Court registry was also careless with court files, hence the missing and untraceable case files.”*

- No use of plea bargain.
- The ACJL of Akwa Ibom State does not stipulate time frame to complete trials commenced in the High Court of the State.

#### ❖ **Court Observers' Comments:**

##### **Ebenezer Obot**

*“There is no preference given to corruption cases.”*

*“The ACJL was domesticated in Akwa Ibom State in 2022 and as such most of the cases instituted since then have not progressed significantly in terms of hearing. Most matters suffer adjournments for one reason or the other.”*

##### **Samuel Ufot Willie**

*“The fact that a few courts handle criminal matters means that most of the cases pending before the court take longer to be disposed of or for hearing to even commence.”*

*“The need for more prosecuting hands in prosecuting agencies. This is so because I observed that a couple of months after the filing of information relating to a particular charge. Little or nothing has been done in the way of prosecuting the defendants...”*

##### **Saviour Samuel**

*“Corruption and financial cases are not prosecuted diligently and timeously.”*

*“Exploration of settlement via use of Plea Bargain leads to abandonment of most cases....”*

**Nyebuk Udo Johnson**

*“Too many adjournments which resulted in most of the cases being at the stage of plea or hearing.”*

*“Court congestion and no electricity.”*

*“Some defendants disappear after bail to truncate their cases.”*

## **SECTION 3. ENUGU STATE**

Court observers observed 15 corruption cases commenced by the EFCC, ICPC and Ministry of Justice in Enugu State. The cases involved 24 defendants. Flowing from the data collected from the observed cases, 10 cases out of the 15 cases remain pending. Judgment was delivered in one case, while three cases were struck out, and one abandoned.

### **I. Time frame to Complete Trials**

**Section 259** provides that corruption-related trials commenced in the High Court of the State should be concluded within **360** days. Court observers noted that the cases were not being disposed of within the stipulated time frame. Results of the court observation activity show that 10 of the observed cases filed since over a year are pending before courts.

### **II. Effective Use of Plea Bargain**

**Section 367** provides for plea bargain initiated between prosecutors and defendants. The results of the court observation activity show that plea bargain was not employed in the cases observed in Enugu State.

### **III. Restricted Intervals of Adjournments**

**Section 258** provides for restricted intervals of not more than 14 working days, and seven days (inclusive of weekends) in circumstances where it is impracticable to conclude a criminal proceeding after two adjournments. Court observers observed that trials were adjourned beyond the 14 days interval between adjournments. The cases observed were adjourned for periods of two – three months at a time.

### **IV. Day-to-Day Trial**

**Section 258** provides for day-to-day trial upon arraignment of a defendant. Result of court observation activity shows that there was no day-to-day hearing of corruption cases in Enugu State.

Section 259 (b) Enugu State ACJL, 2017.

Enugu State ACJL, 2017.

Section 258 (2) & (b) Enugu State ACJL, 2017.

Section 258 (2) (a) Enugu State ACJL, 2017.

## **I. Abolition of Lay Prosecution**

**Section 181** abolishes lay prosecution in Enugu State. Result of court observation shows that prosecutors were lawyers under the employment of the EFCC, ICPC and Ministry of Justice.

## **II. Award of Costs against Prosecution and Defence for Unnecessary Adjournments**

**Section 258** provides for award of costs against prosecution and defence. Results of court observation show that courts did not award costs against prosecution or defence in the cases observed.

## **III. Grant of Bail**

**Section 92** Court observers observed that, in compliance with section 92 of the ACJL of Enugu State, defendants were granted bail in deserving cases. Bail was granted to defendants in 12 out of 15 observed cases.

## **IV. Use of Electronic Recordings for Court Proceedings**

**Section 207** provides for electronic recording of court proceedings. Court observers observed that there was no use of electronic devices for the recording of trials in the cases observed.

## **V. Use of Virtual Court Hearing Tools e.g., Video Links, Screens or Masks to Protect Witnesses during Trial**

**Section 335** provides for the use of virtual court hearing tools and the use of screens or masks for the protection of witnesses. Results of court observation show that none of these were used for the protection of witnesses during trials in the cases observed.

Section 258 (2) (c) Enugu State ACJL, 2017.

Section 258 (2) (c) Enugu State ACJL, 2017.

Section 92 (b) & (C) Enugu State ACJL, 2017

Enugu State ACJL, 2017.

Enugu State ACJL, 2017

## Findings

- Court observers observed a vacuum in the application of the ACJL in Enugu State.
- Courts are not user-friendly; No use of virtual court hearing tools; Proceedings are recorded by hand.
- Corruption cases are not speedily disposed of, due, largely to unnecessary adjournments and lack of diligent prosecution of cases.

### ❖ Court Observers' Comments:

#### Joyce Nnam (Mrs.) Esq.

*“I observed that lawyers mostly come to court only to find that matters are being adjourned without cogent reasons. Some cases are rushed by prosecutors without conducting proper investigations. I suggest that Special courts be set up to handle corruption cases.”*

#### Aneke, Daniel Chinedu

*“I observed that corruption cases, like most criminal matters, take unnecessarily long time due to adjournments and the workload is usually too much for the judges. Some cases are not properly investigated and rushed to court by the prosecutors. I suggest that courts should frown at unnecessary delays from prosecutors and the government should provide adequate facilities for courts/Judges to make their work easy.”*

## **SECTION 4. KANO STATE**

Court observers observed 17 corruption cases in Kano State, involving 19 defendants. The cases were prosecuted by the EFCC and the NPF. From the data collected in the cases observed in Kano State, 15 out of 17 cases remain pending. Judgment was delivered in one case, in which the defendant was convicted, and one case was struck out.

### **I. Time frame to Complete Trials**

The ACJL of Kano state does not provide for a time frame to complete trials commenced in the High Court of the state. Results of the court observation activity show that, on the average, trials proceed for one – three years.

### **II. Effective Use of Plea Bargain**

**Section 272** enables prosecutors and defendants to enter plea bargain. The results of the court observation activity show that plea bargain was not employed in the observed cases.

### **III. Restricted Intervals of Adjournments**

**Section 390** provides for intervals of 14 days between adjournments. Court observers observed that there was no compliance with the stipulated restricted interval proviso. Results of court observation show an average period of between two – four months intervals of adjournments.

### **IV. Day-to-Day Trial**

**Section 390** provides for day-to-day trial upon arraignment of a defendant. Result of court observation activity shows that there was no day-to-day trial of corruption cases in Kano State.

### **V. Abolition of Lay Prosecution**

Section 123 abolishes lay prosecution in Kano State High Court. Result of court observation shows that prosecutors were lawyers under the employment of the EFCC and NPF.

Kano State ACJL, 2019.

Section 390 (4) & (5) Kano State ACJL, 2019.

Section 390 (3) Kano State ACJL, 2019.

Kano State ACJL, 2019.

## **I. Award of Costs against Prosecution and Defence for Unnecessary Adjournments**

**Section 390** provides for award of costs against the prosecution and the defence in cases where they occasion unnecessary adjournment of cases. Results of court observation show that the courts did not award costs against either the prosecution or the defence in the cases observed.

## **II. Grant of Bail**

**Sections 168 and 173** provide for bail of defendants charged with offences. Results of court observation activity show that defendants in the observed cases were granted bail. Bail was granted to defendants in all 17 observed cases.

## **III. Use of Electronic Recordings for Court Proceedings**

**Section 364** provides for electronic recording of court proceedings. Court observers observed that there was no use of electronic devices for the recording of court proceedings in the cases observed.

## **IV. Use of Virtual Court Hearing Tools e.g., video links/Use of Screen or masks to Protect Witnesses during Trial**

**Section 239** provides for the use of virtual court hearing tools and the use of screens or masks for the protection of witnesses. Results of court observation show that virtual court hearing tools were not used in the cases observed, and that witnesses were not protected using screens or masks during trial.

## **Findings**

- Cases are not speedily determined due to inadequate preparation by prosecutors, long adjournment intervals and unnecessary adjournments.
- Courts are not user-friendly – no use of electronic recording equipment or virtual court hearing tools.
- No effective use of plea bargaining.

Section 390 (6) Kano State ACJL, 2019.  
Kano State ACJL, 2019.  
Kano State ACJL, 2019.

## ❖ Court Observers' Comments:

### **Fatima Ahmed Ali Esq.**

*“Corruption cases linger for too long in courts, especially in situations where the defendants are on bail. Cases suffer unnecessary adjournments sometimes.”*

### **Elizabeth Jonathan**

*“Prosecutors are lacking in number, which leads to unnecessary delays. Police investigations mostly frustrate matters as they are not mostly in line with the provisions of the ACJL.”*

### **Aisha Dati Amin Esq.**

*“I commend High Court 11 Bompai Complex. The court is always punctual and counsel is notified if court will not sit or will be sitting late, through the court's WhatsApp group. The court does not entertain unserious lawyers or unnecessary adjournments. EFCC prosecute the corruption matters diligently. However, most defendants and their counsel prefer to use plea bargain to settle their matters.”*



## **SECTION 5. NASARAWA STATE**

Court observers observed seven corruption cases in Nasarawa State, involving 14 defendants prosecuted by the EFCC, the ICPC and the NPF. From data collected in the observed cases, four out of the seven observed cases remain pending before the court. Two cases were abandoned, and judgment was delivered in one of the cases, discharging the defendant.

### **I. Time frame to Complete Trials**

The ACJL of Nasarawa State does not provide for a time frame to complete trials commenced in the High Court of the State. However, results of the court observation activity show that, on the average, trials proceed for 1-3 years.

### **II. Effective Use of Plea Bargain**

**Section 269** enables prosecutors and defendants to enter plea bargain. The result of the court observation activity shows minimal use of plea bargain in the cases observed. Plea bargain was entered in only one of the observed cases.

### **III. Restricted Intervals of Adjournments**

**Section 382** provides for intervals of 14 days between adjournments and seven days where parties have exhausted five adjournments each. Court observers observed that there was no compliance with the stipulated restricted interval provision. Results of court observation show periods of between one – four months' intervals between adjournments.

### **IV. Day-to-Day Trial**

**Section 382** provides for day-to-day trial upon arraignment of a defendant. Result of court observation activity shows that there was no day-to-day trial of corruption cases in Nasarawa State.

### **V. Abolition of Lay Prosecution**

**Section 106** abolishes lay prosecution in Nasarawa State. Result of court observation shows that prosecutors were lawyers under the employment of the EFCC, ICPC and NPF.

Nasarawa State ACJL, 2018.  
Section 382 (4) & (5) Nasarawa State ACJL, 2018.  
Section 382 (3) Nasarawa State ACJL, 2018.  
Nasarawa State ACJL, 2018.

## **I. Award of Costs against Prosecution and Defence for Unnecessary Adjournments**

**Section 382** provides for award of costs against prosecution and defence where they occasion unnecessary adjournment of cases. Results of court observation show that courts did not award costs against prosecution or defence in any of the cases observed.

## **II. Grant of Bail**

**Sections 158, 169 and 172** provide for bail of defendants charged with offences, including corruption offences. Results of court observation activity show that the defendants in the cases observed were granted bail. Bail was granted to defendants in all 17 observed cases.

## **III. Use of Electronic Recordings for Court Proceedings**

**Section 356** provides for electronic recording of court proceedings. Court observers found that there was no use of electronic equipment for the recording of court proceedings in the observed cases.

## **IV. Use of Virtual Court Hearing Tools e.g., video links / Use of Screen or masks to Protect Witnesses during Trial**

**Section 231** provides for the use of virtual court hearing tools and the use of screens or masks for the protection of witnesses. Results of court observation show that virtual court hearing tools were not used in the observed cases and that witnesses were not protected using screens or masks during trial.

## **Findings**

- Cases are not speedily determined due to inadequate preparation by prosecutors; long adjournment intervals; and unnecessary adjournments.
- Corruption cases are seldom prosecuted in Nasarawa State, which explains the small number of ongoing corruption cases in the State.  
Courts are not user-friendly – no use of electronic recording equipment, acoustics or

Section 382 (6) Nasarawa State ACJL, 2018.

Section 356 (1) Nasarawa State ACJL, 2018.

Section 231 (3) Nasarawa State ACJL, 2018

- virtual court hearing tools.
- The ACJL of Nasarawa State does not provide for a time frame to complete trials commenced in the High Court of the State.

❖ **Court Observers' Comments:**

**Jessica Joseph Kigbu**

*“The EFCC and ICPC should endeavour to put their cases together before rushing to court. Judges should also warn against filing of frivolous cases and abandoning them. Sanctions should be applied.”*

**H. M. Ibrahim**

*“Number of cases in the cause list should not be up to 10 in order to give judges adequate time to attend to them.”*

## **SECTION 6. OYO STATE**

Court observers in Oyo State observed nine corruption cases involving 15 defendants, who were prosecuted by the EFCC, the ICPC and the NPF. From the data collected in the cases in Oyo State, judgment was delivered in two cases, out of which one case is currently on appeal. Seven out of the nine observed cases are currently pending.

### **I. Time frame to Complete Trials**

The ACJL of Oyo State does not provide for a time frame to complete trials commenced in the High Court of the State. Results of the court observation activity show that trials proceed for an average of one – three years.

### **II. Effective Use of Plea Bargain**

**Section 269** enables prosecutors and defendants to enter plea bargain. The results of the court observation activity show minimal use of plea bargain in the cases observed. Plea bargain was entered in only one of the cases observed.

### **III. Restricted Intervals of Adjournments**

**Section 397 (4) & (5)** provides for intervals of 14 days between adjournments and seven days in instances where parties have exhausted five adjournments each. Court observers observed that there was no compliance with stipulated restricted interval provision. Results of court observation show one – four months interval of adjournments.

### **IV. Day-to-Day Trial**

**Section 397** provides for day-to-day trial upon arraignment of a defendant. Results of court observation activity show that there was no day-to-day hearing of corruption cases in Oyo State.

### **V. Abolition of Lay Prosecution**

**Section 107** abolishes lay prosecution in Oyo State. Result of court observation show that prosecutors were lawyers under the employment of the EFCC, ICPC and NPF.

Oyo State ACJL, 2016.

Oyo State ACJL, 2016.

Section 397 (3) Oyo State ACJL, 2016.

Oyo State ACJL, 2016.

## **I. Award of Costs against Prosecution and Defence**

**Section 397** provides for the award of costs against the prosecution and the defence in cases where they occasion unnecessary adjournments. Results of the court observation exercise show that courts did not award costs against either the prosecution or the defence in the cases observed.

## **II. Grant of Bail**

**Sections 157** and **162** provide for grant of bail to defendants charged with criminal offences. Results of the court observation activity show that defendants in observed cases were granted bail. Bail was granted to defendants in four observed cases. Bail was not applied for in two cases, and given that the court would normally not grant any prayer not made, bail was not granted in those two cases.

## **III. Use of Electronic Recordings for Court Proceedings**

**Section 365** provides for electronic recording of court proceedings. Court observers observed that there was no use of electronic devices for the recording of court proceeding in the observed cases.

## **IV. Use of Virtual Court Hearing Tools e.g., video links / Use of Screen or masks to Protect Witnesses during Trial**

**Section 231** provides for the use of virtual court hearing tools and the use of screen or masks for the protection of witnesses. Results of court observation show that virtual court hearing tools were not used in the observed cases, and that witnesses were not protected using screens or masks during trial.

## **Findings**

Trials in the observed corruption cases were not being conducted speedily in Oyo State as envisaged (and enjoined) by the ACJL, due to a combination of various factors. These include frivolous adjournments, lack of diligent prosecution and delay occasioned by elevation of judges from the High Court to the Court of Appeal. Others include the fact that some of the judges in the

Section 397 (6) Oyo State ACJL, 2016.

Oyo State ACJL, 2018.

Oyo State ACJL, 2019.

- state were drafted into national assignment, i.e., to sit on election petition tribunal panels, and in a particular case, embarking on inter-national assignment to The Gambia.
- In some cases, trials were stalled due to delay in the reassignment of cases being previously tried by judges who have been either elevated to the Court of Appeal or redeployed on national assignment, by the appropriate authority.
- Court observers noted a pervasive non-compliance with the provisions of the ACJL of Oyo State regarding intervals of adjournments, especially in the corruption cases observed.

#### ❖ **Court Observers' Comments:**

##### **Ipinoskan Iheoma C.**

*“Judges' elevation or retirement affects cases negatively, given that the law requires that those cases start de novo before another judge. This is a major challenge to criminal cases in our courts.”*

*“Corruption cases are like every other case in the court. There is no special attention given to them to ensure speedy trial....”*

*“There is no proper documentation for some of the cases pending in courts.”*

##### **Falujo Adedeji Austin**

*“Undue delay before and during trial; frivolous adjournments, courts not sitting regularly, lack of proper investigation.”*

*“There is need for a complete overhauling of prosecutorial and investigating authorities, to the court Registrars, and correctional officers.”*

# Graphical Representation of Court Observation Data

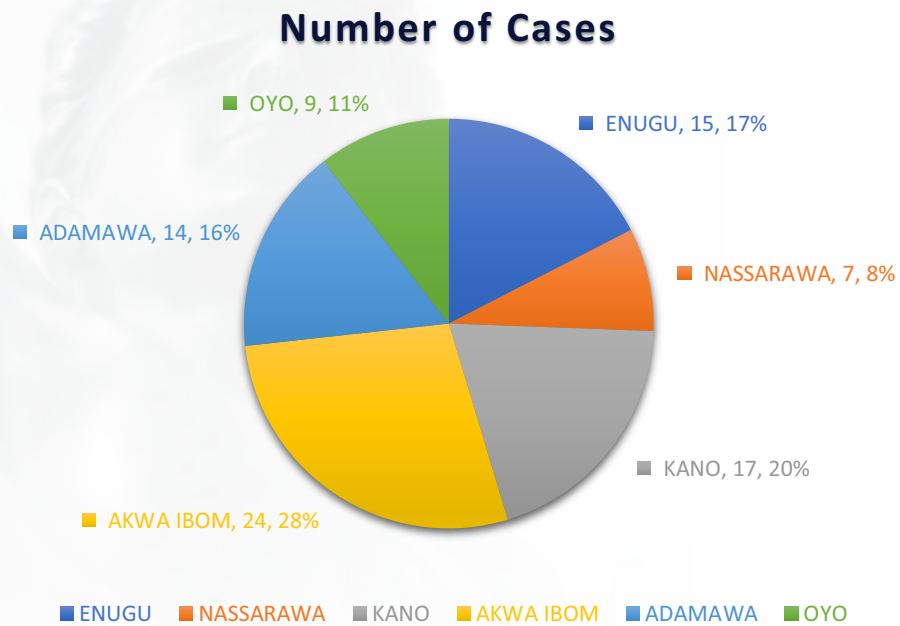


Figure 1- Number and percentage representation of corruption cases observed in Enugu, Nasarawa, Kano, Akwa Ibom, Adamawa and Oyo States (project states).

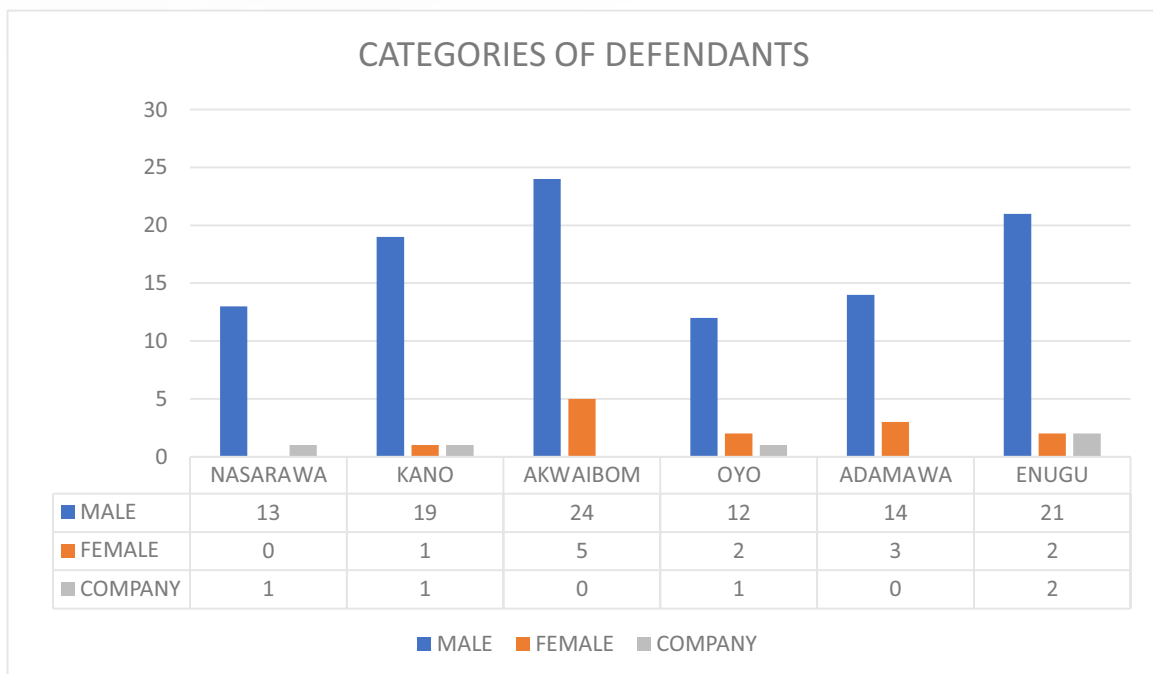
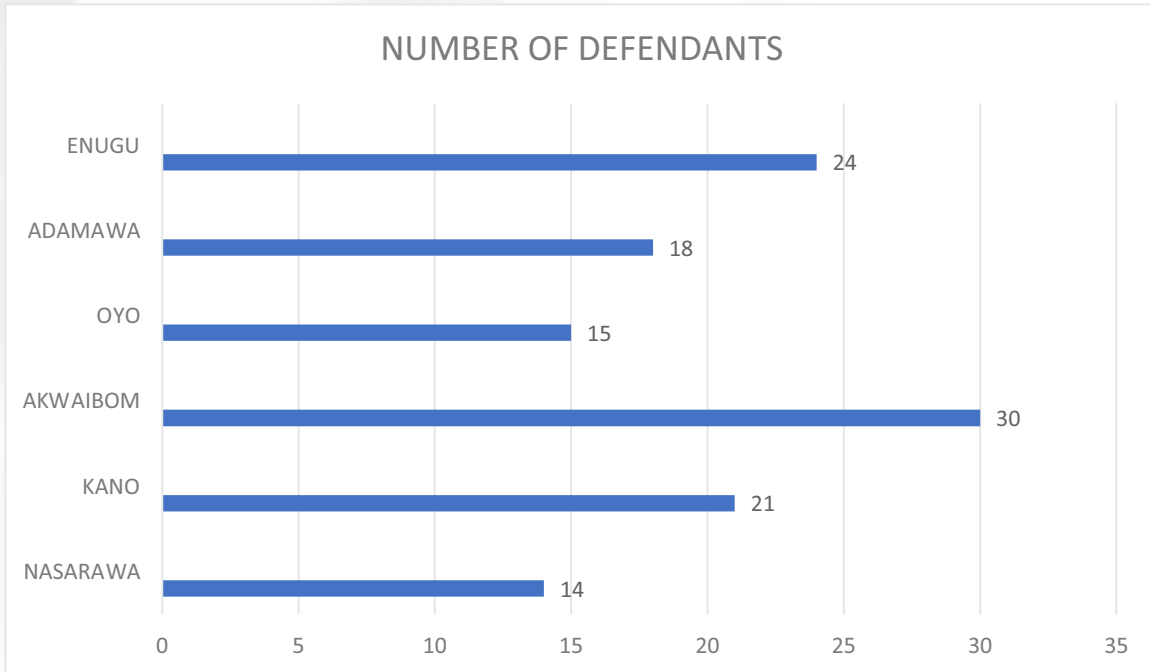


Figure 2- Categorisation of defendants in to Male, Female and Company across the (Six) project states.



**Figure 3** – Total number of defendants in cases observed across the (Six) project states.

CATEGORISATION BY SUBJECT MATTER					
KANO	ADAMAWA	OYO	NASARAWA	ENUGU	AKWA IBOM
Stealing					
False Presence					
Gratification					
Fraud					
Forgery					
Impersonation					

**Figure 4**– Subject matter of cases observed across the (Six) project states.

CATEGORISATION OF PROSECUTING AGENCIES
Independent Corrupt Practices & Other Related Offences Commission (ICPC)
Nigerian Police Force (NPF)
Ministry of Justice
Economic and Financial Crimes Commission (EFCC)

**Figure 5**- Status of prosecution: Law Enforcement Agencies and Investigators



## QUALIFICATION OF PROSECUTORS



Figure 6 – All prosecutors representing ICPC, NPF, Ministry of Justice and EFCC were observed to be Lawyers across the six project states.

## Value of Assets

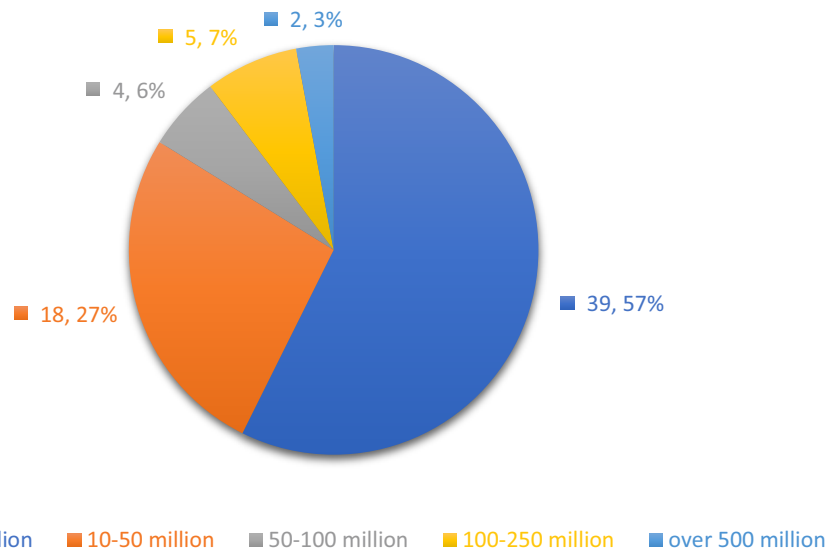
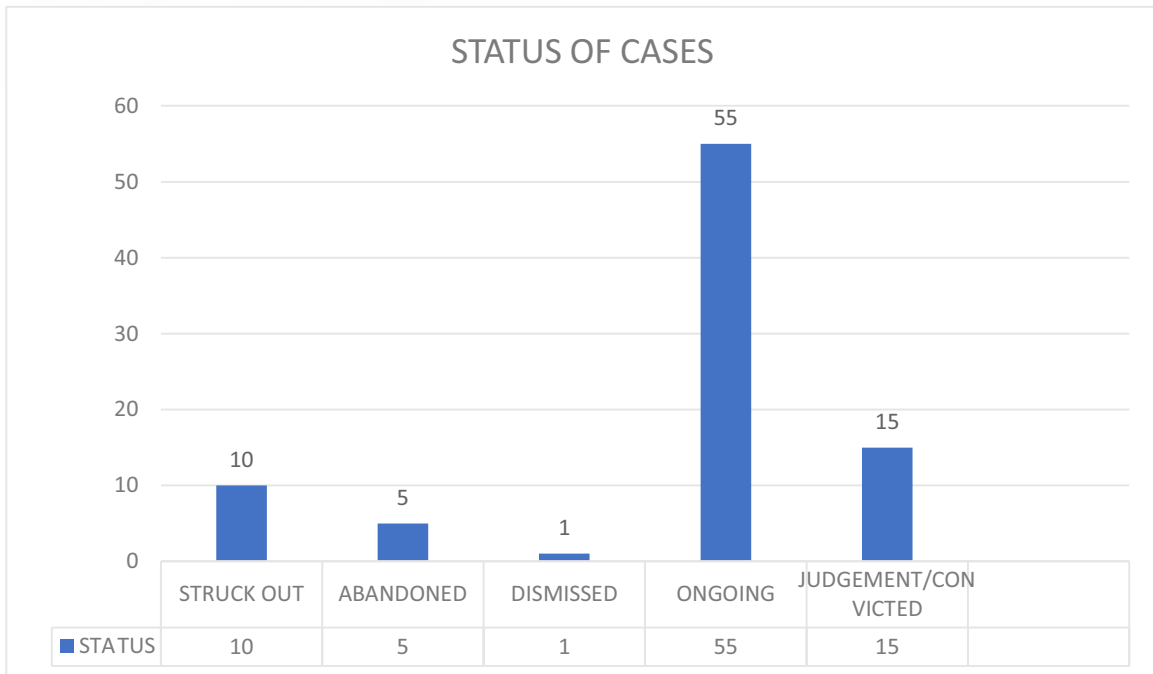


Figure7 - Value of assets in cases observed across the (Six) project states.

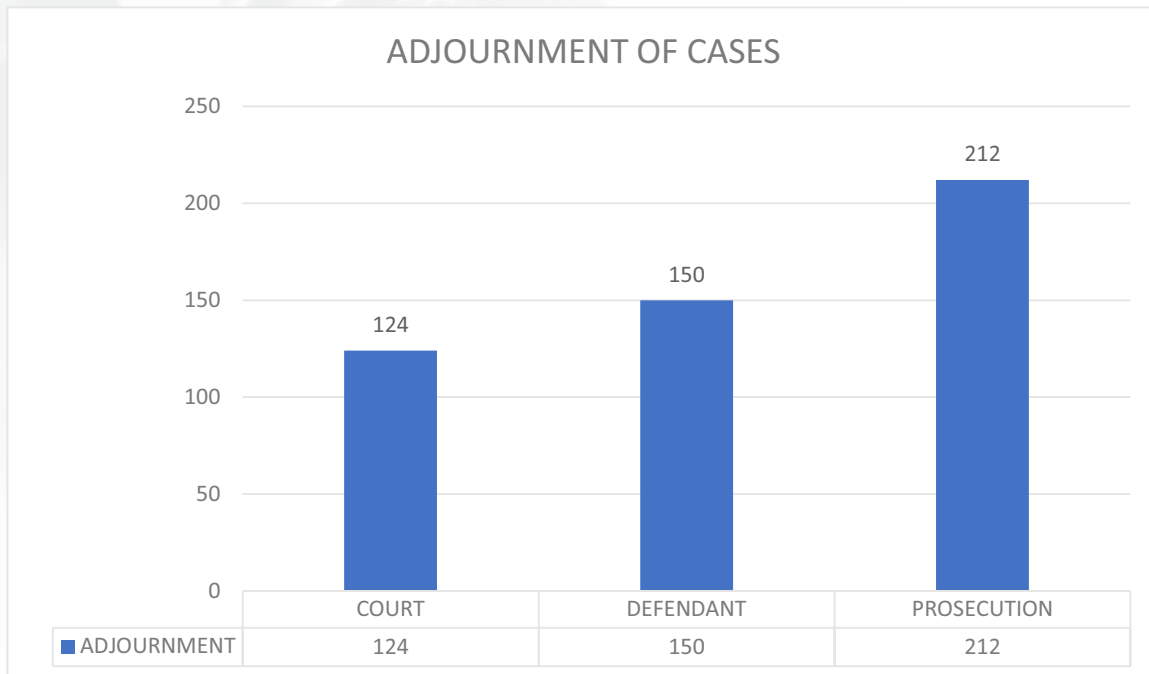
## PREVALENCE OF USE OF ELECTRONICS



**Figure 8** - No use of electronic facilities in courts was observed during trial across the (Six) project states.



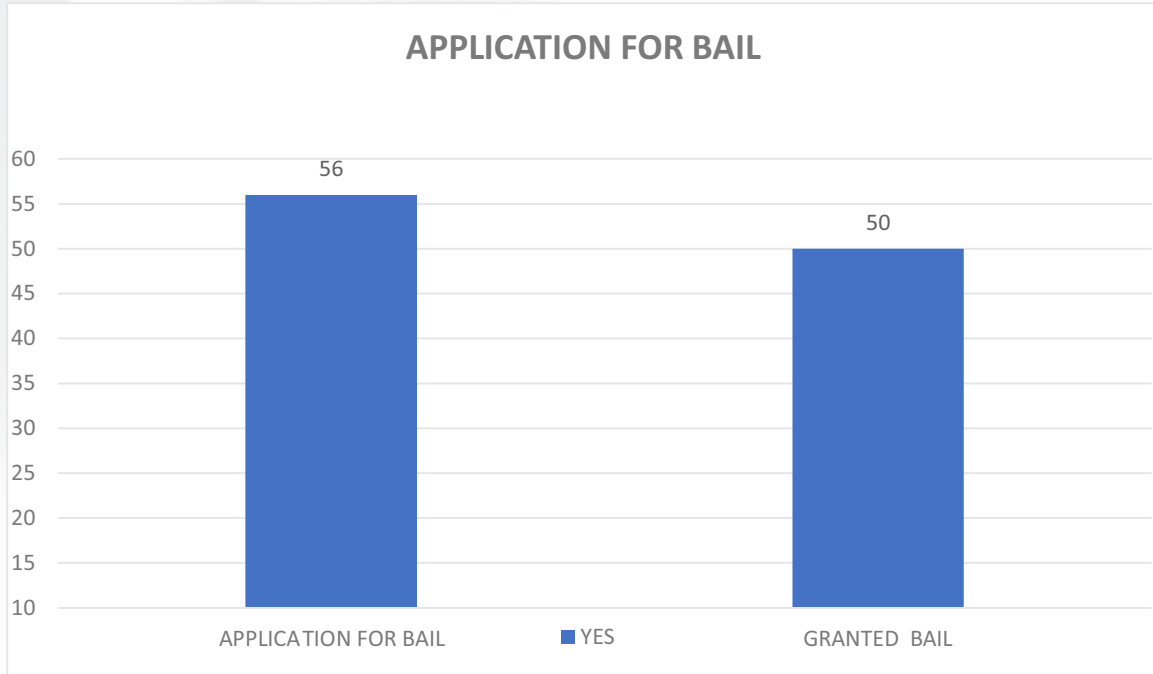
**Figure 9** - Status of observed cases across the (Six) project states from commencement to the time of submitting these reports.



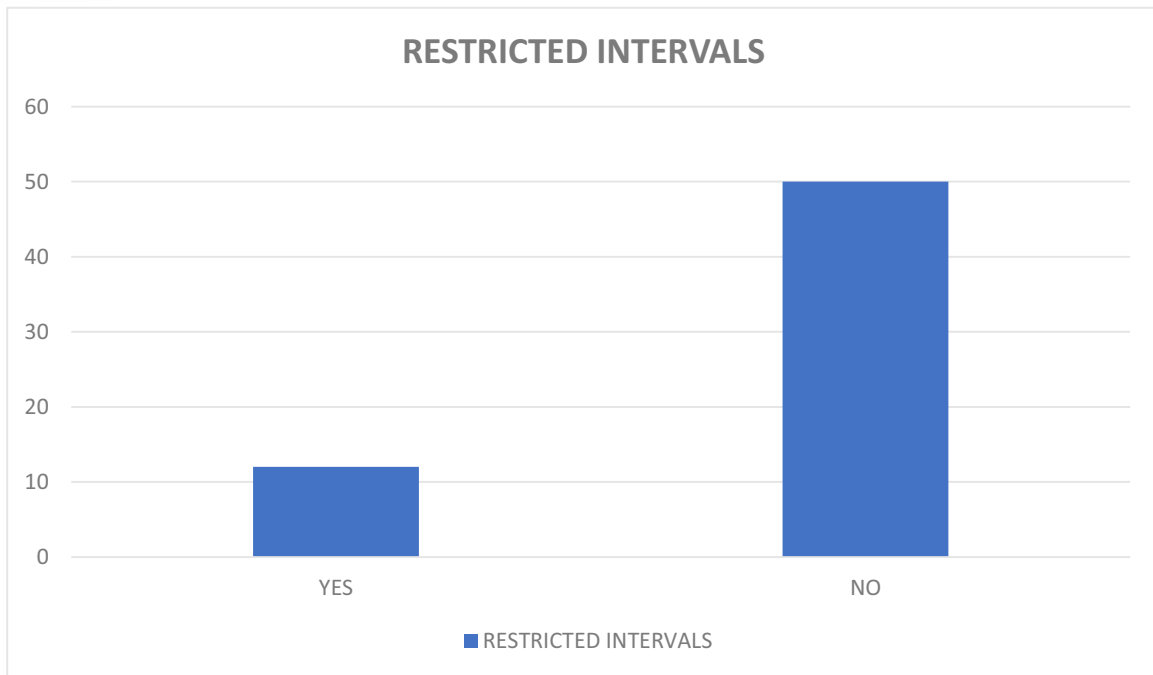
**Figure 10** - The instances of adjournments in observed cases across the Six (6) project states at the instance of the Court, the Defendant and the Prosecution.

REASONS FOR ADJOURNMENT
No legal representation for Defendant
No appearance by the Defendant
Judge away on Election Petition duty
COVID 19
Absence of Defendant/Defendant's counsel
Absence of Witness
No appearance on both sides
Court did not sit
Congestion of Court Docket
Absence of Witness(es)
Absence of prosecution
Court Vacation
Absence of Prosecution Witness(es)

**Figure 11** Reasons given for adjournment in cases observed across the Six (6) project states



**Figure 12** - Application and grant of bail application in observed cases across the six project states.



**Figure 13** - The level of compliance to the ACIL provision on restricted intervals of adjournments across the six project states.

## PLEA BARGAIN

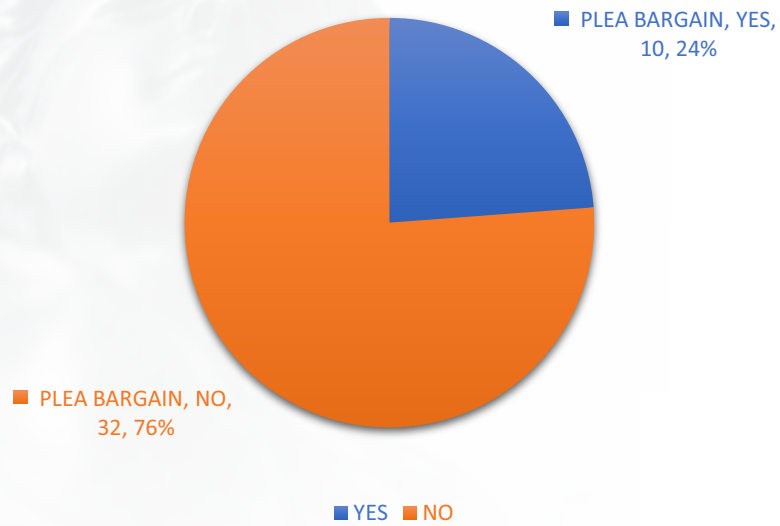


Figure 14 - Number and percentage representation of use of plea bargaining in corruption cases observed across the six project states.

## TOTAL NUMBER OF ADJOURNMENTS

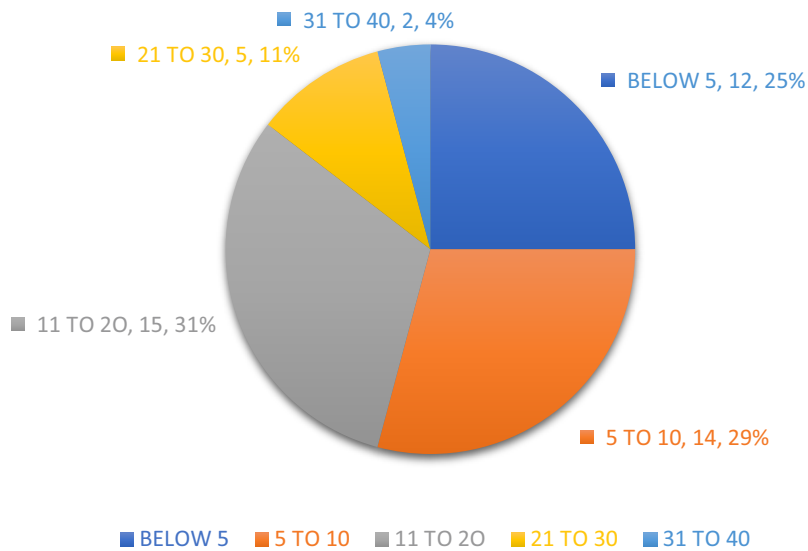


Figure 15 - Number and percentage representation of adjournments granted in observed cases subject to the provisions of ACJLs across the (Six) project states.

## **RECOMMENDATIONS**

### **1. Prosecutorial Accountability:**

- Establish systems for independent oversight of prosecutors (EFCC, ICPC, Justice Ministry, Police) by their respective authorities to ensure diligent prosecution of criminal cases.
- Encourage judges to award costs against parties causing unnecessary adjournments, aligning with the ACJA/ACJL objectives.

### **2. Judicial Workload and Management:**

- Increase the number of judicial officers to reduce caseloads per judge and expedite case progression.
- Improve the handling of scheduling to avoid scheduling conflicts, and minimise adjournments.

### **3. Case Completion and Timely Judgments:**

- Judges should prioritise delivering judgments in concluded cases before retirement or elevation.
- Encourage judges to utilise plea bargaining in appropriate cases according to ACJA/ACJLs provisions.
- Amend ACJLs for Adamawa, Akwa Ibom, Kano, Nasarawa, and Oyo states to include time frames for commencing and completing High Court trials for corruption cases.

### **4. Court Modernisation and Accessibility:**

- Provide basic information about court hearings, schedules, and procedures.
- Implement electronic case file storage for easy access and efficient retrieval.
- Utilise electronic recordings for court proceedings, proper acoustics, and technical equipment in courtrooms.
- Explore virtual tools for witness protection and remote participation in hearings.

### **5. Training and Collaboration:**

- Make ACJA/ACJL training mandatory for all judicial institutions and relevant stakeholders in Nigeria.

- Foster continuous coordination among civil society organisations (CSOs) working on ACJA/ACJL implementation to share best practices and amplify impact.

### **1. Judge Retirement and Fitness:**

- Encourage voluntary retirement for judges experiencing health limitations that impede their performance.

### **2. Court File Storage and Management:**

- Implement improved techniques for secure and efficient storage of court files and processes.

### **3. Training for court staff:**

- Provide adequate training for court registrars to enhance their efficiency and effectiveness.
- Capacity building to strengthen the role of court registrars/clerks in handling scheduling to avoid scheduling conflicts, and minimise adjournments.

*Supported by*



**Address:** 2nd floor, Block 1, Suite 4, Millennium Builders Plaza,  
251 Herbert Macaulay Way, Central Business District, Abuja.

**Phone Number:** +234 906 995 9458

**Website:** [www.lawhubdev.org](http://www.lawhubdev.org)

**Email:** [info@lawhubdev.org](mailto:info@lawhubdev.org)



 @LawHub\_DAC   @LawHubDev  Law Hub Development and Advocacy Centre (LawHub)