

CHAPTER 1
ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE
(ACJMC)

RELEVANT STATUTORY PROVISION: SECTIONS 469 – 476

FUNCTIONS OF THE ACJMC:

470 (1) The Committee shall be charged with the responsibility of ensuring effective and efficient application of this Act by the relevant agencies.

(2) Without prejudice to the generality of subsection (1) of this section, the Committee shall ensure that:

- (a) criminal matters are speedily dealt with;**
- (b) congestion of criminal cases in courts is drastically reduced;**
- (c) congestion in prisons is reduced to the barest minimum;**
- (d) persons awaiting trial are, as far as possible, not detained in prison custody;**
- (e) the relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exist maximum co-operation amongst the organs of the administration of justice in Nigeria;**
- (f) collate, analyze and publish information in relation to the administration of criminal justice sector in Nigeria;**
- (g) submit quarterly report to the Chief Justice of Nigeria to keep him abreast of developments towards improved criminal justice delivery and for necessary act; and**
- (h) carry out such other activities as are necessary for the effective and efficient administration of criminal justice.**

1.0. Subsidiary Instrument Required: Standing Rules and Operational Guidelines

1.1. The Committee should set up a technical committee to propose for its consideration and approval the rules of procedure (Standing Orders) that shall govern the operation of the Committee. (See Section 476 ACJA)

1.2. Under S. 476, the quorum shall consist of **only 3 (three) members**:

- a. The Chairman or his representative and;
- b. 2 (two) other members of the Committee.

Thus, the absence or inability of the Chairman or some members to attend a meeting should not be a reason not to hold a meeting.

1.3. There shall be at least 1 (one) meeting in a quarter or 4 meetings per year.

1.4. The Committee should set up a calendar of meetings so that members can have adequate notice in advance of scheduled meetings.

2.0. New Institutional Structures:

2.1. The Committee (ACJMC)

2.2. Sub-committees

2.3. Secretariat

2.4. Secretary to be appointed by the Attorney General of the Federation (See S.471(2))

(The Secretary should be a dynamic individual with sound knowledge of the criminal justice system and sufficient clout to mobilize all the members of the Committee to work proactively)

3.0. Human Resource Requirement:

3.1. The Committee requires suitable personnel including:

- a. Accountant/Budget officer;
- b. Administrative/Executive officers;
- c. Statisticians;

- d. Legal researchers/Writers and;
- e. Other support staff

4.0. Returns/Reports:

- 4.1. Quarterly reports of the ACJMC to the Chief Justice of Nigeria (S.470 (2) (g) ACJA);
- 4.2. Annual reports of the Committee (S.474 ACJA) and
- 4.3. ACJMC members’ reports from each criminal justice agency to enable effective monitoring.

5.0. Material Requirements:

- 5.1. Budgetary allocation should be made for the funding and management of the Committee through the office of the Attorney-General of the Federation.
- 5.2. Well-equipped office space-
 - a. Computers and Accessories;
 - b. Printers, Scanners, Copiers;
 - c. Meeting rooms equipped with meeting facilities and communication gadgets including video conferencing facilities;
 - d. Internet Access;
 - e. Website;
 - f. Database; and
 - g. Other facilities for a functional office.
- 5.3. Standard template for collation of reports

6.0. Recommended Action:

S/N	Action required	By Whom	Expected outcome
6.1	Letter to Heads of all criminal justice	Chairman, ACJMC	Sensitization of the Heads of agencies;

	agencies		Better cooperation
6.2	Letters to the Heads of all criminal justice agencies to forward the names of their representatives to the ACJMC	Secretary	Full composition of the ACJMC in line with S.469
6.3	Training seminars for members	Chairman/Secretary in collaboration with NGO's and development partners	Improved knowledge or roles and provisions of the ACJA; Stronger synergy and inter-agency relationship
6.4	Public education through media briefings, radio, television and social media.	Secretary	To promote accountability; secure public support and cooperation for the ACJMC; and boost public confidence
6.5	System study and review	The Committee	To determine causes of delay
6.6	Briefings of the ACJMC	Individual members	To update the Committee on the progress and challenges of implementation by each agency
6.7	Set up technical body of experts to assist the Committee	The Committee	Action plans and implementation procedure
6.8	Training of the technical staff of the ACJMC	Secretary	To acquire knowledge of vision and mission of the ACJMC
6.9	Develop a template for collating all the reports that will be received from the different agencies	Secretary	To achieve uniformity of approach to report submission by different agencies

CHAPTER 2

ANTI-CORRUPTION AGENCIES (ACAs)

1. THE PROBLEM OF TRIAL DE NOVO

*(One of the major causes of delay is the practice of starting trials afresh or de novo when the Judge previously trying a case could not continue with the trial because of **withdrawal, transfer, elevation or death**).*

1.0. Subsidiary Instrument Required: Practice direction from the Chief Judge (CJ)

1.1. Practice direction from the CJ to enable parties in Anti-Corruption cases follow a judge who has been posted while the hearing of their matter was pending, to the new station.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Technical personnel should be engaged to record court proceedings on video, play the recordings as often as may be required by the new judge taking over the trial from another judge.

3.2. Security Personnel should be engaged to ensure safe keeping of the recordings.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- a. Video recording system to be installed in the courts;
- b. Compact disc (CD) and memory cards for recording proceedings;
- c. Funding for regular servicing and maintenance of the recording facilities; and
- d. Database storage system accessible only to authorized personnel

6.0.Recommended Action:

- 6.1. All courts of criminal jurisdiction trying anti-corruption cases should be video-enabled for recording of proceedings of the courts. That way, a new judge on a case could watch the video to enable him or her to continue with the trial of a part-heard case without having to start *de novo*. The demeanor of the witnesses during examination and cross examination can be seen in the video.
- 6.2.The CJ should establish a new ICT unit within the court to handle all IT related issues to be headed by a Deputy Chief Registrar. The unit should consist of trained technical personnel and ICT security personnel who would amongst other functions, record court proceedings on video or other retrievable means, and ensure safe keeping of the recordings on a secured database to safeguard the authenticity of the recordings or preferably a team based in Nigeria which could offer constant technical and administrative support at any time the Court may require.

2. THE PROBLEM OF DELAY IN THE CONDUCT OF TRIALS AT THE INSTANCE OF: COURT, PROSECUTION, OR DEFENCE

RELEVANT STATUTORY PROVISION: SECTION 396 (3) – (5)

396 (3) Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.

(4) Where day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.

(5) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends.

1.0. Subsidiary Instrument Required: New Practice direction from the CJ

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

BY THE COURT:

6.1. The heads of court should sensitize judges on the need to give priority to Anti-Corruption cases.

6.2. The Chief Judge should as far as practicable assign fewer cases to himself, considering the enormous administrative and oversight duties he exercises.

6.3. Adequate provisions should be made for all courtrooms to be well equipped with video recording and data processing machines.

6.4. Trained stenographers should be engaged to record court proceedings and transcribe same.

6.5. Trial judges should in their judgment recommend for disciplinary action by the Attorney-General or NBA prosecutors or defence lawyers who indulge in unwholesome delay tactics aimed at stalling trial.

BY THE ACAs:

6.6. The ACAs should encourage specialization of its prosecutors – that way capacity can be built which will enhance efficiency and curtail incessant delay of trials.

6.7. Decentralization of prosecutors to regional, states and even where possible clusters of local government- This way, prosecutors required to prosecute a particular case would be those in charge of those areas and not necessarily from the headquarters of the ACAs.

- 6.8. Classification of prosecutors of the ACAs into categories: pre trial, trial and appeal categories. This will enhance their capacity and efficiency.
- 6.9. Prosecution should be done in teams, so that the absence of the head prosecutor either due to ill health, posting, or any other reason does not delay trial.
- 6.10. Leaders of each prosecuting team should as much as practicable get everyone on the team involved in the cases being handled by the team.
- 6.11. Duty Tour Allowance (DTA) should be provided for at least two other members of the prosecuting team in addition to the head when the need arises.
- 6.12. Prosecutors in the ACAs should endeavor to build synergy with their in-house investigators by organizing official interaction fora as well as informal social interaction. This move is to be initiated by the head of the prosecuting unit by reaching out to the head of the investigating unit or vice versa.
- 6.13. The prosecuting personnel strength should be improved by engaging experienced lawyers who are genuinely interested in prosecuting anti-corruption cases.
- 6.14. The ACAs should strengthen their witness assistance and protection service; there should be a simplified procedure the payment of witness expenses.
- 6.15. The cost of providing the foregoing should be computed and provided for in the budget of the ACAs.

BY THE DEFENCE:

- 6.16. The NBA leadership should issue practice guidelines to curb the excesses of lawyers with a view to eliminating unnecessary delays in the defence of anti-corruption cases.
- 6.17. Lawyers in default of these guidelines should be sanctioned.

- 6.18. There is a need to address the emerging practice where defence lawyers embark on unnecessary elongated cross examination of prosecution witnesses.
- 6.19. Where there is a complaint against a judge handling a case, such complaint should be raised in open court so that it can be promptly dealt with, recorded and a ruling made by the same court. It is observed that defence lawyers have developed a new tactic of complaining against judges who are regarded as unyielding to their dilatory tactics.

3. WELFARE OF ANTI-CORRUPTION AGENCIES

1.0. Subsidiary Instrument Required: Practice direction

- 1.1. The Chief Judge should issue practice direction to judges requiring that state counsel as well as prosecutors from the ACAs be given priority in the hearing of their cases and where appropriate granted access to sit in front rows along with members of the inner bar.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. There should be provided for every ACA, a well-equipped and functional library with electronic law report system that is regularly updated.
- 5.2. Provision by each ACA of at least one air-conditioned 14-seater bus for each prosecuting hub- whether regional, state or per category at each office of the ACA.

6.0. Recommended Actions:

- 6.1. The status of prosecutors in the public sector should be standardized, such that their welfare package is in accordance with the

minimum standards required by the international professional body.

- 6.2. The HAGF should write to the heads of courts requiring them to activate the provisions of the Legal Practitioners Act, which provides that State Counsel and other public prosecutor be heard in court before any other person as well as granted access to front row seats in the courts.
- 6.3. The HAGF should take seriously matters of breach of this privilege bestowed on the state and her representative.
- 6.4. There is need for the provision of standard mobility for prosecutors within the ACAs. This can be achieved by purchasing buses for prosecutors or making available car loans at affordable and subsidized rates.
- 6.5. Robbing allowance should be made available for prosecutors of all the ACAs and paid promptly.
- 6.6. The AGF should liaise with the heads of the ACAs to compute all expenses required to accommodate these recommendations and insert the same into the Federal Budget.

4. WITNESS PROTECTION

RELEVANT STATUTORY PROVISION: SECTION 232 (2)

232(2): The names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.

1.0. Subsidiary Instrument Required: Uniform guidelines on witness protection

- 1.1. There is need to develop proper legal framework for the implementation of this provision. The absence of this structure has prevented the ACAs from utilizing it maximally.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

- 6.1. There should be interactive meetings with judges, prosecutors and law enforcement agencies to brainstorm on the nature and procedure for applying the witness protection provisions of the ACJA.
- 6.2. There should be training and capacity building for law enforcement personnel.

5. INTIMIDATION/BLACKMAIL OF JUDGES

1.0. Subsidiary Instrument Required: Practice direction

- 1.1. The CJ should issue practice direction requiring parties in criminal cases especially Anti-Corruption cases to fill a form before trial commences stating any reason(s) they believe should bar the judge assigned to a case from hearing it. The unfortunate trend now is that when defense lawyers are not finding things easy before a judge, they resort to blackmail and intimidation.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended action for overcoming the challenge of false petition:

- 6.1. The ACAs should as a matter of urgency activate the provisions in their respective laws against false petitions and apply them in appropriate cases.

- 6.2. ACAs should be cautious in giving heed to anonymous petitions against judges.
- 6.3. Judges should apply the provisions of the ACJA authorizing the award of reasonable cost against counsel (prosecution or defense) who make frivolous applications aimed at delaying further proceedings.

CHAPTER 3

THE NIGERIAN POLICE FORCE & OTHER LAW ENFORCEMENT AGENCIES

1. ESTABLISHMENT OF THE CENTRAL CRIMINAL RECORDS REGISTRY (CCRR) AT THE FORCE HEADQUARTERS AND STATE COMMAND

RELEVANT STATUTORY PROVISION: SECTION 16 (1) & (2)

16 (1): There shall be established at the Nigeria Police Force a Central Criminal Records Registry.

(2) For the purposes of subsection (1) of this section, there shall be established at every State Police command a Criminal Records Registry which shall keep and transmit all such records to the Central Criminal Records Registry.

1.0. Subsidiary Instrument Required: Uniform Template for information required

- 1.1. The Inspector General of Police in collaboration with heads of other law enforcement agencies should develop a uniform template for all law enforcement agencies showing:
 - a. the structure or format of the information to be uploaded on the CCRR

- b. how editing should be done
 - c. what information could be viewed
 - d. all other forms of information not specified should be entered into the special records category of the CCRR
- (The IGP may adopt the PRAWA (Prisoners Rehabilitation and Welfare Action) format which is used by the Nigerian Prison Service).

1.2. Appropriate regulations should also be drafted for the maintenance and safety of the criminal records at the CCRR.

2.0. New Institutional Structures: CCRR

- 2.1. A Central Criminal Records Registry (CCRR) at the Force Headquarters and State Command of the Nigerian Police as stipulated by Section 16 (1) & (2) of the ACJA.
- 2.2. By implication the heads of all law enforcement agencies should also establish their respective criminal record registry in accordance with the provisions of section 16.

3.0. Human Resource Requirement:

- 3.1. Software engineers to advice and build suitable and secure software for the CCRR.
- 3.2. ICT security experts to build the intranet servers and security firewalls.
- 3.3. Trained officers and personnel to be appointed by the IGP to the CCRR Unit at all levels.

4.0. Returns/Reports:

- 4.1. The CP of each State Command (including the FCT) and heads of other law enforcement agencies are required to transmit their records to the CCRR.

5.0. Material Requirements:

- 5.1. At least 10 sets of computers and accessories for the Police Headquarters where the CCRR is domiciled.
- 5.2. At least 5 sets of computers and accessories for each of the 36 State Commands. Larger states with greater populations or

more cases should have more.

5.3. At least, 2 sets of computers and accessories for each Divisional Police Stations.

5.4. Adequate number of:

- a. printers, copiers, biometrics machines, and scanners at the Police Headquarters; the 36 State Commands and each Divisional and local Police Stations as may be appropriate.

5.5. Gadgets such as:

- a. Computer routers, internal servers (The IGP may adopt the Intranet servers method used by banks), hardware and software servers, firewalls.

5.6. Internet facility

5.7. Communication mast

5.8. Power source like generators, inverters, UPS, and solar panels.

6.0. Recommended actions on how to establish the CCRR

6.1. The IGP in the interim should establish a unit within his office to serve as the Central Criminal Records Registry.

6.2. The membership of this unit shall consist of designated senior police officers and at least 1 representative from each of the other law enforcement agencies: EFCC, ICPC, DSS, NSCDC, FRSC, NAP TIP & NDLEA, NAFDAC and NCS.

6.3. The IGP shall write to the heads of all such agencies, requesting for a representative to be sent to his office to serve part-time on the CCRR. Each nominee should possess reasonable ICT skills.

6.4. The IGP should engage software engineers and ICT specialist to create software and build database and security firewalls for the software to be used at the CCRR for recording data.

6.5. The software must have at least a 4-Tier backup database as well as a manual backup of all the information entered unto the CCRR which the unit shall undertake.

6.6. There should be intensive training of the officers and personnel to be appointed by the IGP to the CCRR at all levels including

all personnel that will be involved in the day to day running of the CCRR database in the State commands and Divisional offices as well as in the offices of all other arresting and detaining agencies.

6.7. The content of the CCRR should be categorized into four major segments:

- a. pretrial records;
- b. trial records;
- c. post trial records
- d. special records.

(Existing records should be scanned by the unit and uploaded to the CCRR)

6.8. Access to the CCRR should be categorized into 3 levels-

- a. View only;
- b. View, edit and upload information to the database; and
- c. Administrator level with the access to view and edit the information on the database as well as enter information and make structural and security changes to the database.

6.9. At any point in time, only five (5) or fewer officers within the CCRR should have access to the Administrator level and only three (3) or fewer officers in each State Command of the Nigerian Police Force should have the access to edit and upload information on the database.

6.10. Only three (3) or fewer officers in every Police Station should have access to upload information but not edit information on the CR database in each station.

6.11. At least three (3) officers in each of the head office and other zonal offices of the other law enforcement agencies shall have the access to upload information but not edit the information on the CR database.

6.12. **The head of every office or agency shall bear the responsibility for ensuring that the information uploaded is accurate.**

6.13. The IGP should seek the support of the Director General of NIMC (National Identity Management Commission), Central Bank of Nigeria, Independent National Electoral Commission, etc. so that the administrators of CCRR are allowed access to NIMC’s database for confirmation of the information supplied by persons whose details are to be entered into the CCRR. **(NIMC has the mandate to collate all identity information on all citizens)**

2. REMITTING COURT DECISIONS IN ALL CRIMINAL TRIALS TO THE CCRR

RELEVANT STATUTORY PROVISION: SECTION 16(3)
16(3): The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgment.

1.0. Subsidiary Instrument Required: Universal template for all Courts

1.1. The various Heads of Court should issue a directive to the registrars of all courts with criminal jurisdiction to transmit by text message to the nearest Police Station the outline of judgment in every criminal trial. For example the text may read thus:

‘The High Court of the FCT presided by Justice ZY in suit No... FRN v. Ade Okoro Shehu & Felix Abah in a judgment delivered on July 10, 2016, sentenced the 1st defendant (Ade Okoro Shehu) to 5 years imprisonment for fraud and the 2nd defendant (Felix Abah) was discharged and acquitted. The resume of the judgment will be forwarded.

Name and Designation of the sender. Name and Designation of approving Officer.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Court Registrars

3.2. Court ICT Unit

4.0. Returns/Reports:

4.1. The judgment in every criminal case should be transmitted to the CRR for onward transmission to the CCRR.

5.0. Material Requirements:

5.1. Judgment notification template or form to be used in all courts for transmitting the summary of the judgments

5.2. A smart mobile phone specially configured for sending judgment to the CCRR unit in all Divisional Stations nationwide.

5.3. A USB flash drive for each CCRR unit in all Divisional Station nationwide to obtain soft copies of judgment

5.4. Internet facilities

5.5. Official telephone

5.6. Funding to finance the data transmission from court registrars to police stations.

6.0. Recommended Action:

6.1. The IGP should write to the Heads of Court in the FCT and Federal Courts; while in the case of State Courts, the respective CPs should write to the Heads of Courts, intimating them of the requirement of this section and soliciting their support through court Registrars. The letter should also highlight the benefits of such records.

6.2. The official telephone number of the nearest Police Station to a Court should be pasted on the board in the registrar's office. (These numbers should be within the custody of the CR unit in that station.)

6.3. The registrar shall promptly complete the judgment notification template, ensure it is duly signed and certified and transmitted to the police station.

6.4. The registrars should use personnel from the new court ICT unit (as recommend in Chapter 2- trial de novo) to liaise with police stations in transmitting both the hard copy and soft copy of the duly signed and certified summaries of judgments to the police stations. Please note that there is no sufficient security or credibility with text messages or information via USB. Fraudsters and hackers can easily intercept/breach text messages coming from the court to the police station and/or send spam

messages to the police which will have the resemblance of originating from the court, all for their own nefarious purpose. Also, data on USBs are virus prone and can easily damage computer systems.

Aside from damaging, this gap in security can be used to illegally hack into police database or even court database to obtain information. It is therefore suggested that text messages and USB should be rarely used due to their low security. Where they must be used such as in transmitting summaries of judgment from courts in rural locations without internet facility, ICT experts on security should be engaged to create secured messaging systems. Preferably however, courts and police stations should use secured email systems to transmit judgments. This will be more secured and not easily intercepted.

6.5. The designated officer in the Police Station or personnel in the Zonal Offices of the other law enforcement agencies, charged with the task of uploading information on the CCRR should be in responsible for liaising with the court registrar in order to obtain the judgment or summary of it from the court's registrar.

6.6. Funding must be made available to the IGP to finance the data transmission from court registrars to police stations.

6.7. The funds required under this section must be computed and included in the budget of the Nigerian Police Force by the IGP.

6.8. The soft copies of summaries of judgments should also be emailed directly to relevant Police stations for onward transmission to the State Police Command and to the CCRR in the Police Headquarters.

3. DAY TO DAY TRIAL- OVERCOMING DELAY IN CRIMINAL TRIAL CAUSED BY THE ABSENCE OF THE INVESTIGATING POLICE OFFICERS (IPO) OWING TO TRANSFER, ILL HEALTH AND OTHER CAUSES

RELEVANT STATUTORY PROVISION: SECTION 396 (3) – (5)

396 (3): Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.

(4) Where day-to-day trial is impracticable after arraignment, no party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.

(5) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends.

1.0. Subsidiary Instrument Required: IGP’s directive on ‘Team Investigations’

- 1.1. The IGP should direct investigating officers to conduct investigations in teams such that the transfer or absence of a single member of an investigating team does not stall proceedings. Other members of the team can always attend court as witnesses.
- 1.2. Internal seminars, sensitization and awareness-raising meetings should be organized by the CPs (Commissioners of Police) nationwide for all officers of the Nigerian Police in line with the directives of the IGP on ‘Team Investigations’.
- 1.3. There should be recognition and appreciation of Investigation Teams that have displayed the highest level of teamwork by the end of the year. Incentive could include presentation of badges/medals of honor.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

- 3.1. More police officers
- 3.2. Engagement of specialist consultants on criminal justice administration by the various CPs for a comprehensive sensitisation of officers of the force on the need to conduct investigation as a team.

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

- 6.1. Unnecessary transfer of investigating police officers should be reduced and/or adequate provisions should be made to enable officers travel from their primary location to testify in court in other locations.
- 6.2. The ACJMC should write a letter to the IGP to issue “*Operational Guidelines for Investigation*” to enforce the recommendations above.
- 6.3. The IGP should make a request for funds in the budget to enable the recruitment of more officers where personnel are lacking to achieve this suggestion.

4. TRANSFER OF CASE FILES TO THE HON. ATTORNEY-GENERAL

RELEVANT STATUTORY PROVISION: SECTION 376 (1)

376 (1) - Where an offence for which the Magistrate court has no jurisdiction to try is preferred against a defendant, the police shall at the end of investigation submit the original case file to the office of the Attorney-General of the Federation.

1.0. Subsidiary Instrument Required: Standardized checklist of contents of case file

2.0. New Institutional Structures: Task force “Joint FMOJ/Police prosecutors”

- 2.1. The task force established should consist of prosecutors from FMOJ and the police legal unit at FHQ and FCT command. The task force should function at an operational level to improve synergy between the police and the FMOJ.

3.0. Human Resource Requirement

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

- 6.1. The Officer-in-Charge of the Legal Department (OC Legal) in the Headquarters should assign an officer/lawyer to be responsible for compiling and dispatching these case files to the Attorney General’s (AG’s) office.
- 6.2. The OC Legal in the FCT or State Command should assign an officer/lawyer to compile such cases and cause the case files to be promptly dispatched to the AG’s office.
- 6.3. There should be an adequate number of officers designated at the FMOJ to receive case files from the police and these officers should preferably be legal practitioner, who will peruse the case files and ensure that all necessary documents and endorsements are contained in the files.
- 6.4. The case files should contain a checklist reflecting the documents in the file and the status of the case.
- 6.5. There should be proper briefing by the former prosecutors to the receiving prosecutor. Both sides should work together for a reasonable time to enable the FMOJ prosecutors to properly take over the cases.

5. HUMAN RIGHTS COMPLIANT ARRESTS/SEARCH: ADHERING TO THE PROVISIONS OF SECTIONS 3–8 ON ARREST

RELEVANT STATUTORY PROVISION: SECTION 8

8(1): A suspect shall:

- (a) be accorded humane treatment, having regard to his right to the dignity of his person; and**
- (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment**

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

- 3.1. Engagement of Consultants who major in the development, promotion and advancement of human rights generally.

3.2. There should be active and regularly updated social media accounts (specialized social media platform handles on Twitter, Facebook, WhatsApp, and Instagram) belonging to the CRU managed with the guidance and supervision of a professional social media content manager (at first) and subsequently, by students and Corps members.

4.0>Returns/Reports: NIL

5.0.Material Requirements:

5.1. Funds for training and re-training of Police officers

6.0.Recommended Actions to ensure adhering to the provisions of Section 3-8 on arrest:

6.1. The IGP should collaborate with Civil Societies or Development Partners and organize vigorous standardized training in line with best international practices and sensitization for all Police officers in all states of the Federation. The IGP may seek support from the State Governments. The ACJMC should collaborate with the IGP on this.

6.2.The training and retraining of officers should be standardized in line with best international practices.

6.3. The IGP should direct the CRU (Complaints Response Unit) of the police to be strict in handling any genuine complaint against any police officer who flout the provisions of the law, irrespective of the rank of such officer.

6.4. The ACJMC should create public awareness about the existence of the CRU and the need for its patronage by the public as a means of keeping the police on the right path of accountability. The ACJMC may seek the support of media organizations and collaborate with Civil Society groups and Development Partners to carry out this campaign.

6.5. To encourage correspondence between the public and CRU, CRU should engage the public by active social media interaction; using social media as a platform to receive complaints and setting up hotlines which should be publicized via radio jingles, skits, and social media platforms like Twitter, Facebook, WhatsApp, Instagram, and YouTube etc. IGP may seek support of media houses to run brief ads about CRU hotlines and Universities whose students are on IT as well as National Youth Service Corps to work on the social media agenda.

6. RECORDING SUSPECTS' STATEMENTS

RELEVANT STATUTORY PROVISION: SECTION 17(1)

17(1): Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.

(2) Such statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice. Provided that the Legal Practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his statement, except for the purpose of discharging his role as a legal practitioner.

(Thus, there is a need to ensure the recording of statements in an authenticated manner to prevent the constant challenge of its voluntariness which delays criminal trials)

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. One mobile smart phone, with a memory card not less than 4GB memory, and not less than 5mega pixels camera and accessories for each police Station nationwide.
- 5.2. A list of names and telephone numbers of local Legal Aid lawyers at every police station
- 5.3. A mobile phone for contacting Legal Aid lawyers when the need arises.
- 5.4. Retrievable video compact disc recorder at every police station for electronic recording of interrogation sessions and the

taking of statements.

5.5. Constant power supply and well lighted interrogation rooms for recording.

5.6. Funds to service and maintain the recording systems.

6.0. Recommended Actions:

6.1. There should be sensitization and training of police officers in taking of statements.

6.2. The Police must grant lawyers if available access to suspects and witness when obtaining statements from them. The CPs should issue Directives to the DPOs to ensure the presence of a Legal Aid lawyer whilst recording statement, where private lawyers are not readily available to the suspects.

6.3. The police should have concluded or made real progress with the investigation before arresting a suspect. This is to avoid/reduce friction between lawyers and police during interrogation.

6.4. Every police station should have a list of names and telephone numbers of Legal Aid lawyers within the area, so they can be reached where private lawyers are not available to suspects.

6.5. Every DPO should assign an officer the task of contacting the available Legal Aid counsel.

6.6. The CPs of each State Command (including the FCT) should write to the heads of Legal Aid in each state requesting this list and explaining why the list is required. Request should also be made for quarterly update of the list by Legal Aid heads.

6.7. Where video facilities are available, recording of statements must be done in the designated room and captured by the video camera. Where there are no video recording facilities, the DPOs should provide for a smart phone that can easily record with clarity and not less than 5mega pixels camera, which would be used to record the statement of suspects.

6.8. The video recording should be done in such a manner that it captures the suspect been read his *Miranda rights* and all persons present in the interrogation room at the time of the recording. There must be no hidden spot. This is to prevent a suspect from challenging its voluntariness which delays criminal trials.

- 6.9. In cases where making a video might cause the suspect to withhold the truth, the police can without informing the suspect, use a voice recorder, either with a tape or using a phone to obtain the statement of the suspect.
- 6.10. The IGP is to compute the cost of purchasing and maintaining all electronic gadgets required to achieve the objectives of the ACJA related to recording of statements and make adequate budgetary provisions for them.

7. REGISTER OF ARRESTS; MONTHLY REPORTS OF SUSPECTS AND QUARTERLY RECORDS OF ARREST

RELEVANT STATUTORY PROVISION: SECTIONS 29(1), 29(4) & 33(1)

29(1): The Inspector-General of Police and the head of every agency authorized by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to federal offences within Nigeria.

29(4): A register of arrests containing the particulars prescribed in section 15 of this Act shall be kept in the prescribed form at every police station or agency authorized by law to make arrests, and every arrest, whether made with or without warrant, within the local limits of the police station or agency, or within the Federal Capital Territory, Abuja, shall be entered accordingly by the officer in charge of the police station or official in charge of the agency as soon as the arrested suspect is brought to the station or agency.

33(1): An officer in charge of a police station or an official in charge of an agency authorized to make arrest shall, on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

1.0.Subsidiary Instrument Required: Template for register of arrest (Section 15(1))

1.1. The OC Legal should prepare a template for recording arrests; the template should be circulated to all Police Stations in Nigeria.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. An assigned unit within every Police station to keep the records of all arrest.

4.0. Returns/Reports:

4.1. Monthly reports of all suspects arrested without warrants whether on bail or not to the nearest Magistrate.

4.2. Quarterly records of all arrests made with or without warrant in relation to Federal offences under to the AGF and State offences to the Attorneys-General of States.

5.0. Material Requirements:

5.1. One cabinet in each unit where the records of arrests can be safely kept at all Police Stations nationwide and at each State Command of the Police. A cabinet that is already in existence but is empty can be refurbished and used for this purpose

6.0. Recommended Actions:

6.1. The DPO should assign a unit in every Police Station under his control to keep records of all arrests in the prescribed form prepared by the OC Legal whether with warrant or without warrant.

6.2. That unit so assigned should be responsible for transmitting records of arrest without warrant to the nearest Magistrate.

6.3. The officer on duty in that unit on the last working day of the 3rd week of every month should be responsible for transmitting same to the registrar of the Magistrate Court nearest to the Police Station.

6.4. The unit so assigned by the DPO should on the 3rd week of every quarter submit a copy of the record of arrest it has kept to the DPO responsible for the Police Station.

6.5. The DPO should in the last week of every quarter, convey such records of arrest to the CP in the State.

- 6.6. The CP should assign an officer from the legal department in his command who shall be the depository of all records submitted by the DPOs.
- 6.7. The officer should be responsible for sorting the arrest records, separating those made on federal offences from those made on state offences. The CP should cause the sorted records, on the Federal offences, to be sent to the IGP’s office for sorting and transmission to the AGF’s office and those on state offences to be sent to the office of the AG of the State.
- 6.8. The lawyer-officer should be empowered by the CP to make demand or send reminders to the DPOs in the FCT or in a State as the case may be.
- 6.9. The CP should cause the sorted records, on the Federal offences, to be sent to the IGP’s office for sorting and transmission to the AGF’s office and cause the arrest records on State offences to be sent to the office of the Attorney-General of the State.

8. ARMED SECURITY DURING CRIMINAL TRIALS

RELEVANT STATUTORY PROVISION: SECTION 93(3)
93(3): The Commissioner of Police shall ensure that one or more armed policemen are posted to provide security during every criminal trial.

1.0. Subsidiary Instrument Required: IGP’s directive

- 1.1. The ACJMC should write the IGP urging him to give effect to this Section by issuing a directive to the effect that, armed police officers should now be posted to courtrooms as Court Duty Officers.
- 1.2. The IGP should issue directives that at least one police officer shall be posted to each courtroom for securing its premises. Police officers posted to guard the courts must be well trained for the assignment.
- 1.3. Another officer who should be armed should be posted as Court Duty Officer to be responsible for the temporary safe keeping of defendants who are to be transferred to custody by reason of remand or inability to meet bail conditions.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Well trained Police Officers

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Recruitment of more police officers.

5.2. Fund for training police officers for this assignment.

6.0. Recommended Actions:

6.1. In order to meet the obligation, it may be necessary to recruit more officers for this purpose.

6.2. The IGP should compute the cost of retaining armed personnel in all criminal courts in the country to ensure compliance with this Section of the ACJA and include same in the budget of the Nigerian Police Force.

9. INVESTIGATOR/PROSECUTOR SYNERGY: THE CHALLENGE TO ESTABLISH A PRODUCTIVE RELATIONSHIP BETWEEN THE INVESTIGATING POLICE OFFICERS (IPOS), THE LEGAL DEPARTMENT OF THE POLICE AND THE FEDERAL MINISTRY OF JUSTICE

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: The DPP, CP Legal and OC Legal, FCT Command and should jointly set up a liaison committee to consider the difficulties encountered and suggest ways of greasing the friction.

3.0. Human Resource Requirement:

3.1. At least 6 senior police officers.

3.2. At least 6 legal officers of the FMoJ.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Fund to cater for the traveling expenses of IPOs.

5.2. Budgetary allocation to court to implement these recommendations.

5.3. A smart mobile phone for the registry of each court to serve the purpose of receiving and replying notices.

5.4. Trained corps members to reply SMS or emails from parties on whether court will sit or not on behalf of the registry. (The corps members can be positioned in the new ICT unit of the court).

5.5. Computers and other accessories

5.6. Internet facilities

5.7. Secured email system

6.0. Recommended Actions:

6.1. The IGP should establish a unit to serve as the liaison office that will relate with the FMoJ on issues.

6.2. The DPP should establish a unit to serve as the liaison office that will relate with the Police on issues.

6.3. The membership of the two units in 6.1 & 6.2 shall be the task force referred to above - **Transfer of Case Files To the AG.**

6.4. The membership of each unit shall consist of at least 6 designated senior police officers and at least 6 legal officers of the FMoJ.

6.5. The DPP's office should make provision for a readily available and accessible fund to cater for the traveling expenses of IPOs who are required to testify in cases being prosecuted by the Ministry of Justice.

6.6. The ACJMC should write the Heads of Courts in the FCT to issue a directive to all courts to mandate their registry to give advance notice via text messages or email where the court will not be sitting to avoid the IPOs incurring unnecessary expenses. (The advance notice should be given at least 12 hours before the court's scheduled sitting).

- 6.7. All courts should make available a phone number that parties can send a simple text to inquire whether or not the court will sit on a scheduled date.
- 6.8. Where hearing in a particular case will not proceed for one reason or the other, Judges should notify the parties involved through the court registrars (at least 12 hours before the court scheduled sitting) so that where witnesses are to be brought from outside jurisdiction, such resources can be saved.
- 6.9. The Heads of Court should organize a special briefing on this for judges and all court personnel.
- 6.10. The Heads of Court are to compute the financial implication of this practice and make provision in the budget of the judiciary.
- 6.11. Regular monthly meetings between the police and the FMOJ should be held at neutral venues such as conference halls or open parks or other relaxation places. This should be used for information sharing and building informal contact - cases being handled and challenges faced on both sides can be discussed and possible solutions shared. The meetings can also be held at the police or the FMOJ interchangeably to encourage IPOs, lay prosecutors and FMOJ prosecutors communicate more.
- 6.12. There should be cocktail events and dinners where both sides can mingle socially and communicate informally.
- 6.13. There should also be social media platforms such as WhatsApp, Facebook, Twitter, Instagram etc where both sides can communicate.
- 6.14. FMOJ prosecutors should be involved at the early stage of investigation.
- 6.15. The National Association of Prosecutors should be re-activated to create a platform for closer interaction amongst prosecutors in all agencies of criminal justice.

CHAPTER 4

ATTORNEY GENERAL OF THE FEDERATION

1. REPORTS OF ARREST

RELEVANT STATUTORY PROVISION: SECTION 29(1)

29(1): The Inspector-General of Police and the head of every agency authorized by law to make arrests shall remit quarterly to the Attorney-General of the Federation a record of all arrests made with or without warrant in relation to federal offences within Nigeria.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. Quarterly record of arrests to the Attorney-General of the Federation from every agency authorized by law to make arrest in relation to federal offences.

5.0. Material Requirements:

5.1. Bulk SMS from the IGP and and heads of other law enforcement agencies to their members/officers.

6.0. Recommended Actions:

6.1. The AG should collaborate with the IGP and the heads of all law enforcement agencies to sensitize the agencies on the importance of these records which includes:

a. help criminal investigation;

- b. understand trends of criminality;
- c. enhance planning for crime prevention and;
- d. assist in developing appropriate responses by the Attorney-General and other policy makers

6.2. This information, as uploaded to the electronic database of Central Criminal Records Registry should be transmitted to the Attorney-General for his records.

6.3. The information from the records should be in two categories:

- a. pre-trial information as contained in section 15 and
- b. post-trial information.

6.4. The AG should meet **regularly** with the IGP and the heads of all law enforcement agencies to promote collaboration and understanding amongst all the agencies.

2. DATABASE OF ARREST RECORDS

RELEVANT STATUTORY PROVISION: SECTION 29(5)

29(5): The Attorney-General of the Federation shall establish an electronic and manual database of all records of arrests at the Federal and State level.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: Arrest Record Unit

2.1. The AGF should set up a special unit in the Department of Planning, Research and Statistics (DPRS) of the Federal Ministry of Justice to receive and protect the data.

2.2. The AGF should engage reputable Software engineer or ICT expert to develop a software and adequate backup system for hosting the database.

2.3. The AGF should write letters requesting the Inspector-General of Police and heads of every law enforcement agency to remit

the statutory quarterly records of arrests.

2.4. The AGF should obtain from the Police the arrest data they had before the enactment of ACJA which should be uploaded to the database.

3.0. Human Resource Requirement: NIL

3.1. Software engineers and ICT experts to advice and build a suitable and secure database, intranet servers and security firewalls for the records of arrest.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Adequate budgetary provision for the creation of the database.

5.2. Equipments such as:

- a. Computers and Accessories;
- b. Printers, Scanners, Copiers;
- c. Internet Access;
- d. Computer routers, internal servers (The AGF may adopt the Intranet servers method used by banks), hardware and software servers, and firewalls etc.
- e. Power source like generators, inverters, UPS, solar panels).
- f. Database; and
- g. Other facilities for a functional office

5.3. Standard template for collation of reports

6.0. Recommended Actions:

6.1. The AGF should convene a meeting with the law enforcement agencies on the importance of synergy amongst the agencies

and other stakeholders.

6.2. The record should be backed up manually by storing the hard copy documents.

6.3. There should be technical capacity building for the personnel in the DPRS department of the FMoJ.

3. MONTHLY REPORT TO MAGISTRATE

RELEVANT STATUTORY PROVISION: SECTION 33(1)

33(1): An officer in charge of a police station or an official in charge of an agency authorized to make arrest shall, on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. Monthly report to a Supervising Magistrate of all suspects arrested with or without warrant

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1. The CJ of the FCT should appoint supervising Magistrates.

6.2. The supervising Magistrates should write letters to officers in charge of Police stations and agencies for their statutory report.

6.3. The CJ of the FCT and or the AGF to recommend any defaulting officer to be queried as a disciplinary measure for non-compliance with the provisions of section 33(1).

4. ACCESS TO POLICE REPORTS

RELEVANT STATUTORY PROVISION: SECTION 33(4)
33(4): The Attorney-General of the Federation shall, upon request by the National Human Rights Commission, the Legal Aid Council of Nigeria or a Non-Governmental Organization, make the report available to them.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Action:

6.1. The AGF should designate the personnel in the new arrest record unit setup in the DPRS (see 2(2.1) above) to forward the Police monthly report to the relevant institutions upon request for it.

5. INFORMATION ON FEDERAL OFFENCES

RELEVANT STATUTORY PROVISION: SECTION 33(4)
104(1): The Attorney-General of the Federation may prefer information in any court in respect of an offence created by an Act of the National Assembly.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. More prosecutors should be posted to the DPP.

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

5.1. Special funds to the office the DPP

5.2. Recruitment of more state counsel as prosecutors in the Ministry of Justice.

6.0. Recommended Actions:

6.1. The IGP should direct Police officers to hand over case files to the Department of Public Prosecution where there is no available police prosecutor (legal practitioner).

6.2. The DPP should assign files to law officers in the department and monitor the progress of the cases.

6.3. The IGP and AGF should institutionalize pairing of investigators with prosecutors from the Ministry of Justice for early engagement in order to create synergy between the police and prosecutors.

6.4. There should be uniform salary scale for lawyers in the Ministry of Justice with their counterparts in other agencies such as EFCC, ICPC, NAPTIP, etc.

6.5. There should be sensitization, training and retraining of prosecutors to keep them abreast of the provisions of the ACJA, the Evidence Act and other relevant laws.

6. ATTORNEY-GENERAL'S DIRECTIVE TO POLICE

<p>RELEVANT STATUTORY PROVISION: SECTION 105(1)</p> <p>105(1): The Attorney-General of the Federation may issue legal advice or such other directive to the Police or any other law enforcement agency in respect of an offence created by an Act of the National Assembly.</p>

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1 The AG should forward the police case file to the DPP for legal advice and DPP to designate law officers to perform this specific task within stipulated deadline.

6.2 The DPP should stipulate a timeline of **3 to 4 days** within which the officer must perform the task.

7. PRISONS RETURNS ON PERSONS AWAITING TRIAL

RELEVANT STATUTORY PROVISION: SECTION 111(1)

111(1): The Comptroller-General of Prisons shall make returns every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the Federal Capital Territory, the President of the National Industrial Court, the Chief Judge of the State in which the prison is situated and to the Attorney-General of the Federation of all persons awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.

(Upon the receipt of such returns, the Attorney-General is required take such steps as are necessary to address the issues raised in the returns in furtherance of the objectives of the Act.)

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. The C-GP shall make returns every 90 days to the AGF of all persons awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1. The AG should write and make a demand on the Comptroller-General of prisons to forward the statutory returns.

6.2. The AG should designate the personnel in the new arrest record unit (setup in 2(2.1) above) to receive the returns for proper documentation and upload to the database.

6.3. The AG should obtain from the Prisons, previous data it had before the enactment of ACJA which will be uploaded to the database or records of convicts.

6.4. The AG should maintain both manual and electronic database for this purpose.

6.5. There should be synergy between the Prisons and Ministry of Justice particularly the personnel working in the new arrest records unit to ensure that the provisions of this section are promptly and properly complied with by the C-GP.

8. CANCELLATION OF BAIL

RELEVANT STATUTORY PROVISION: SECTION 169

169: Where a defendant has been admitted to bail and circumstances arise which, in the opinion of the Attorney-General of the Federation would justify the court in cancelling the bail or requiring a greater amount, a court may, on application being made by the Attorney-General of the Federation, issue a warrant for the arrest of the defendant and, after giving the defendant an opportunity of being heard, may commit him to prison to await trial, or admit him to bail for the same or an increased amount.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Action:

6.1. There is need for the Attorney-General to monitor the progress of cases especially cases involving **Politically Exposed Persons** (PEPs) and high profile cases in order to know when appropriate to apply the provision of section 169.

9. SUBPOENA OF WITNESS

RELEVANT STATUTORY PROVISION: SECTION 241(1)

241(1): The court may, on an application of the prosecution or the defence, issue a summon or writ of subpoena on a witness requiring him to attend court to give evidence in respect of the case, and to bring with him any specified documents or things and any other document or thing relating to them which may be in his possession or power or under his control.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

5.1. Adequate budgetary allocation for the judiciary to include witness expenses.

5.2. Resources for public education to create awareness amongst the public of their responsibility to attend court as witness when called upon.

6.0.Recommended Actions:

6.1. The Chief Registrars of the Courts (FHC & FCT) should prepare a template for the payment of witness expenses.

6.2.The Chief Judge (FHC and FCT) to include in their budgets, estimation for witness expenses.

6.3.The Chief Registrar should insert in the Witness Summon or Subpoena a clause to the effect that “*witness will be entitled to payment of reasonable expenses as may be approved.*”

6.4. Registrars of courts should ensure that witnesses are paid their entitlement without any delay.

6.5.The Head of Court should establish a method of obtaining feedback from witnesses on the ease/difficulty they experienced in receiving their reimbursement and take steps to minimize such experiences/sanction defaulting Registrars.

6.6. The Heads of Courts should also encourage judges to inform witnesses of this provision at the commencement of trial and follow up on whether or not they have been reimbursed at the closing of their testimony.

6.7. They should also provide resources for public education to create awareness amongst the public of their responsibility to attend court as witness when called upon.

10. CONTROL OF PRIVATE PROSECUTION

RELEVANT STATUTORY PROVISION: SECTION 268(1)

268(1): Where a private legal practitioner prosecutes on behalf of the Attorney-General of the Federation or a public officer prosecuting in his official capacity in any criminal proceeding, the private legal practitioner or public officer shall prosecute subject to such direction as may be given by the Attorney-General of the Federation.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. Progress report from private legal practitioners prosecuting on behalf of the AG to update the office of the Attorney-General

5.0. Material Requirements:

5.1. Functional internet connection for the AG's office to receive such mails and respond accordingly.

6.0. Recommended Actions:

6.1. Private legal practitioners prosecuting on behalf of the AG should submit **progress report** to update the office of the Attorney-General especially in cases relating to terrorism, economic crimes or cases involving Politically Exposed Persons (PEPs) and other high profile cases. This may be done electronically via **emails** to save the time of meetings and so that such mails can be retrieved at any time.

6.2. Such mails should be printed and included in the case files for ease of access.

11. DELEGATION BY ATTORNEY-GENERAL OF THE FEDERATION

RELEVANT STATUTORY PROVISION: SECTION 269(4)

269(4): The Attorney-General of the Federation may delegate to the Attorney-General of a State the powers conferred on him by this section either generally or with respect to any offence or class of offences and such offence shall be prosecuted in the name of the Federal Republic of Nigeria.

1.0. Subsidiary Instrument Required: Guidelines to state AGs prosecuting on behalf of the AGF

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: desk officers in the AGF office to monitor cases being prosecuted by states on behalf of the

AGF.

4.0. Returns/Reports: Periodic reports from the States in respect of cases prosecuted on behalf of the Federal Government

5.0. Material Requirements:

5.1. Functional internet connection for the AG's office to receive mails in respect of delegated matters and respond accordingly.

6.0. Recommended Actions:

6.1. The AGF should delegate to the Attorneys-General of states as many cases as would appear more practicable for the AGs of States to prosecute especially where the alleged offence was committed in the state e.g. pipeline vandalism cases.

6.2. Where such power is delegated there is need for the AGF to monitor the progress of such cases.

6.3. The AGF should demand reports via e-mail and other means of outcomes of cases prosecuted by states AGs on behalf of the AGF.

12. PROOF OF PREVIOUS CONVICTION

RELEVANT STATUTORY PROVISION: SECTION 272

272: Where the fact of a previous conviction of a defendant is a fact in issue, the prosecution shall prove the same in accordance with the provisions of the Evidence Act.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

- 6.1. The electronic database established by the AGF should include record of convictions. This would enhance the proof of previous convictions.
- 6.2. Access to view this database should be granted to State Counsel.

13. DEFENDANT OF UNSOUND MIND

RELEVANT STATUTORY PROVISION: SECTION 278(6)
278(6): A court, before which a defendant suspected to be of unsound mind is accused of any offence may, on the application of the Attorney-General of the Federation or a law officer made at any stage of the proceedings prior to the trial, order that the person be sent to an asylum or such other suitable place for observation.

1.0 Subsidiary Instrument Required: NIL

2.0 New Institutional Structures: NIL

3.0 Human Resource Requirement: NIL

4.0 Returns/Reports: NIL

5.0 Material Requirements:

- 5.1 Adequate budgetary provision for the maintenance of such mental facility.
- 5.2 Sensitization and capacity building for the personnel in the facility

6.0 Recommended Actions:

- 6.1 The AGF may be required, at any stage of the trial, to apply to the court for an order for a defendant who is suspected to be of unsound mind to be sent to an asylum or other suitable place for observation and the prosecutors representing the Attorney-General should be made aware of this responsibility.
- 6.2 At least twice a year, the Attorney-General should visit the facility where such defendants are kept to ensure that it is

conducive, safe, and of good sanitary condition.

14. NON-DETENTION OF PERSONS OF UNSOUND MIND

RELEVANT STATUTORY PROVISION: SECTION 438(1) – (3)

438(1): Where a person is ordered to be detained in a safe custody or suitable place other than prison or mental health asylum, he is, notwithstanding anything in this Act or in any other law, liable to be detained in a prison or asylum or such other place as provided under this Act or any law as the Attorney-General of the Federation may direct and whilst so detained shall be deemed to be in legal custody.

(2): A person detained in a safe custody or suitable place other than prison or mental health asylum may, at any time, be discharged by the Attorney-General on licence.

(3) The Attorney-General may, at any time, revoke or vary a license and where this is done, the person to whom the license relates shall proceed to such place as the Attorney-General may direct and if he fails to do so may be arrested without warrant and taken to the place.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Adequate security personnel for monitoring the defendants detained in psychiatric hospitals.

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

5.1. Facility for mental health asylum at government psychiatric hospitals.

6.0.Recommended Actions:

6.1.Defendants whose mental state is unsound should not be detained in the regular prisons.

6.2. The AG should collaborate with the Minister of health and hospital management authorities to make provision in government hospitals for the reception of the persons of unsound mind as may be referred from time to time by the courts.

15. PREROGATIVE OF MERCY

RELEVANT STATUTORY PROVISION: SECTION 410(2)

410(2): Where, for the purposes of subsection (1) of this section, the Council of State is required to advise the President in relation to any person sentenced to death, the Attorney-General of the Federation shall cause a record of the case to be prepared and submitted to the Council of State, and the Council of State shall, in giving its advice, have regard to the matters set out in that record.

(The AG is to prepare and submit the record of cases for recommendation of prerogative of mercy to the Council of State).

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0.Recommended Actions:

6.1.The Attorney-General should liaise with the prisons authority to obtain information about prisoners who may be recommended for the prerogative of mercy. The CCRr will, in the long term, be a source of information on prisoners within the system deserving of mercy.

6.2. The Attorney-General should collaborate with the prison authorities to develop a guideline for convicted persons on the procedure involved in the application for mercy or pardon.

16. SECRETARIAT OF THE ACJMC

RELEVANT STATUTORY PROVISION: SECTION 472(2)

472(2): The Secretariat shall be headed by a Secretary who shall be appointed by the Attorney-General of the Federation on the recommendation of the Committee.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Recruitment of personnel for the secretariat.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Well-equipped Office in the FMOJ to serve as the Secretariat of the ACJMC.

5.2. Funding for the training and capacity building seminars for personnel of ACJMC.

6.0. Recommended Actions:

6.1. The Secretary of the ACJMC should be a dynamic individual with sound knowledge of the criminal justice system and sufficient clout to mobilize all the members of the committee to work proactively.

6.2. The AG should propose a supplementary budget to the Federal Executive Council to cover the expenditure of the Secretariat.

- 6.3. The Attorney-General should write the Secretary of the ACJMC two months before the deadline to submit its annual expenditure estimates.
- 6.4. The Committee should rotate hosting of its meetings among the agencies represented.
- 6.5. There should be recruitment of personnel for the Secretariat, training and capacity building workshop/seminar for personnel of ACJMC.

CHAPTER 5

PUBLIC PROSECUTORS

1. SECTION 396: DAY-TO-DAY TRIAL OF CASES

RELEVANT STATUTORY PROVISION: SECTION 396(2)

396(2): Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.

1.0. Subsidiary Instrument Required: Practice Direction by the Chief Judge.

2.0. New Institutional Structures: Specialised division of courts to concentrate mainly on high profile criminal cases.

3.0. Human Resource Requirement:

3.1. Highly motivated and well-resourced judges

3.2. Prosecutors and investigators

4.0. Returns/Reports: Progress report of cases to the Attorney-General

5.0. Material Requirements:

5.1. Funds for detailed investigation of cases, gathering of evidence including forensic analysis, preservation of evidence and building of case files;

5.2. Transportation facilities for investigators and prosecutors;

5.3. Funds and facilities for witness protection and expenses

6.0. Recommended Actions:

6.1. Ensure thorough and detailed investigation of cases before arraignment.

6.2. Set up a Committee including experienced prosecutors and retired judges to vet case files before arraignment of suspects;

6.3. Investigators should work closely with prosecutors and develop case prosecution strategy from scratch.

6.4. Prosecutor should avoid multiplicity of charges. They should ascertain witnesses, ensure their availability and arrange for their protection including reimbursement of their expenses.

6.5. Do not arraign until case file is ready and witnesses are ready and available.

6.6. Work out and agree case management or trial schedule with the court and the defense. (case management)

2. PROSECUTION OF OFFENCES

RELEVANT STATUTORY PROVISION: SECTION 106

106: Subject to the provisions of the Constitution, relating to the powers of prosecution by the Attorney-General of the Federation, prosecution of all offences in any court shall be undertaken by:

- (a) the Attorney-General of the Federation or a Law Officer in his Ministry or Department;**
- (b) a legal practitioner authorized by the Attorney-General of the Federation; or**
- (c) a legal practitioner authorized to prosecute by this Act.**

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

- 3.1. Police protection for prosecutors handling serious cases of terrorism, PEPs

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. A comprehensive questionnaire touching on all costs involved in prosecution of criminal cases.
- 5.2. Budgetary allocation for prosecution expenses to be monitored by DPP's office.
- 5.3. Funding for self-defense courses.
- 5.4. Allowance for basic expenses like transportation, issuance of bench warrant, compilation of record of appeal.
- 5.5. Correspondence between the AGF and Heads of Courts on services that can be provided free to State Counsel.

6.0. Recommended Actions:

- 6.1. The DPP should conduct a realistic assessment of costs expended in the process of diligent prosecution through an **anonymous survey among State Counsel**. Despite seeming rather basic, State Counsel are currently prevented from effectively prosecuting offences largely due to funding challenges. With monthly allowance for prosecution drastically cut from ₦70,000

to ₦20,000 without warning or explanation, basic expenses like transportation from court to court, issuance of bench warrant, compilation of record of appeal etc. are unaccounted for and thus stall/bring some cases to a halt for want of diligent prosecution.

6.2. Permanent Secretary of Federal Ministry of Justice, Solicitor-General of the Federation (SGF), and DPP should liaise with the Courts on the possibility of providing some services free for State Counsel upon the presentation of valid identification.

6.3. Prosecutors should be adequately protected against possible hazards of their job. It is recommended that prosecutors involved in dangerous cases be taught self-defense courses and basic intelligence tips and provided security for the duration of the case.

3. DEADLINE FOR TRIAL OF A CHARGE PREFERRED UNDER SECTION 110

RELEVANT STATUTORY PROVISION: SECTION 110(3) & (4)

110(3): The trial of a charge preferred under subsection (1) (a) and (b) of this section shall commence not later than 30 days from the date of filing the charge, and the trial of the person brought under the charge shall be completed within a reasonable time.

(4) Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.

Observations:

Meeting up with the 180 days deadline is challenging because:

- a. Prosecutors have a hard time bringing Police witnesses to Court.
- b. The Police are generally not forthcoming making it difficult for trial to commence on time.

- c. The Police continuously fail to remit the original case file to the FMoJ on time. Thus, after arraignment/taking of FIR, prosecution is unable to continue in the absence of the original case file.
- d. Currently, prosecutors have to write to the police Command as telephoning the officers directly does not produce much result.
- e. The officers insist that the request be made in writing to the Command which leads to the problem of bureaucracy delay.

1.0. Subsidiary Instrument Required: Operational Manual to govern FMoJ and Police interaction to be jointly developed by the DPP and the OC Legal Force Headquarters and OC Legal FCT Command

2.0. New Institutional Structures: A new task force “Joint FMoJ/Police prosecutors”

3.0. Human Resource Requirement:

- 3.1. At least 6 police officers
- 3.2. At least 6 legal officers of the FMoJ

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Work facilities for prosecutors such as lap tops, law libraries;
- 5.2. Improved working conditions such as car loans, housing loans and Continuing legal education.
- 5.3. Token contribution from both FMoJ and State Command towards a small end of year meet and greet for prosecutors and officers to **foster relationship building and networking.**

6.0. Recommended Actions:

- 6.1. The **Task force “Joint FMoJ/Police prosecutors”** should be the liaison between the FMoJ and the police; it should be used to communicate for the release of original case files and for Police witness attendance in Court and related purposes. See page 21 and 31.

6.2.The new task force will serve as a link between Police and Prosecutors. FMOJ Prosecutors can telephone their liaison officer at the Command to mount direct pressure on officers and to directly forward files with approval of a superior officer.

6.3.DPP should bridge the gap between State Counsel and Officers by encouraging after-hours engagement e.g. interactive seminars, joint social activities such as jogging, end of Year Party etc

4. EXPENSES OF WITNESSES FOR THE PROSECUTION

RELEVANT STATUTORY PROVISION: SECTION 251

251: Where a person attends court as a state witness, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.

Observations:

Status quo is that prosecutors paid from their own pockets for witness expenses as no budgetary provision is available. Up till 2015, prosecutors were able to apply for witness expenses and funds were released to them. Since the coming into force of the ACJA this payment has stopped.

“As may be prescribed” does not place the responsibility on either the Court or the Ministry. Unlike the provision for defendant witnesses in Section 252 which expressly places the duty on the Court to make payment through the Registrar

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Funding for witness expenses

6.0. Recommended Action:

- 6.1. FMOJ should continue to assume responsibility of paying witness expenses as it did up until 2015.
- 6.2. There should be adequate budgetary provision based on the number of cases being handled by the Ministry;
- 6.3. The HAG should interact with the Budget office as well as the relevant committees of the national Assembly with a view to securing more resources for witness expenses;
- 6.4. The advocacy for increase in the budget should be conducted in a scientific manner involving concrete data and evidence on the effect of lack of witnesses on the prosecution of cases.

5. PLEA BARGAIN & GUIDELINES

RELEVANT STATUTORY PROVISION: SECTION 270(1)
270(1): Notwithstanding anything in this Act or in any other law, the Prosecutor may:
(a) receive and consider a plea bargain from a defendant charged with an offence either directly from that defendant or on his behalf; or
(b) offer a plea bargain to a defendant charged with an offence.

Observation:

Plea bargaining is currently being applied to high profile cases but is yet to be used in regular cases.

1.0. Subsidiary Instrument Required:

- 1.1 Operational Guidelines for Plea bargaining;
- 1.2 Template or standard form of Plea bargain agreement

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1. The FMoJ should issue additional guidelines for the operationalization of plea bargaining.

6.2. There should be capacity building for prosecutors on the use of plea bargaining.

6.3 Plea bargaining should be used as a means of decongesting the prisons. The majority of Awaiting Trial Persons (ATPs) in our prisons are being held for capital offences especially armed robbery, murder and terrorism. Most have them have stayed in prison for much longer than the period allowed by the Constitution for detention of ATPs. In appropriate cases, these suspects should be offered a Plea bargain so they could be tried for lesser offences and be convicted and released if the time they have already spent in prison while awaiting trial is up to the maximum term they could have spent if convicted on the lesser charge.

6. DUTY TO AMEND CHARGE WHERE DEFENDANT PLEADS GUILTY TO AN OFFENCE NOT CHARGED

RELEVANT STATUTORY PROVISION: SECTION 275:

275: Without prejudice to other provisions of this Act, where the defendant pleads guilty to an offence not contained in the charge or information on which he was arraigned, the Court shall direct the prosecution to amend the charge or information accordingly to include the admitted offence, in which case, a fresh plea of the defendant shall be taken on the amended charge or information.

Observation:

Defendants who have been denied bail on the earlier charge(s) tend to apply for bail again on the new charge after taking a fresh plea which is an abuse of legal process by defense counsel and a tactic to delay the trial.

1.0. Subsidiary Instrument Required: Practice direction from Heads of Court

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Amendment/Update/Issuance of Practice Direction

6.0. Recommended Actions:

6.1. Subsequent amendments of a charge should expressly prohibit fresh application for bail if based simply on fresh plea taken and if the defendant was already refused bail on the previous charge(s) to prevent an abuse of legal process by defense counsel and a tactic to delay the trial.

6.2. Directives to this effect should be issued by the Heads of Court to the Judges and Magistrates.

6.3. This directive should be included in Practice Direction.

7. DUTY TO PROVIDE EVIDENCE OF PREVIOUS CONVICTION ON FINDING OF GUILTY

RELEVANT STATUTORY PROVISION: SECTION 310(2)

310(2): After the defendant has made his statement, if any, in mitigation of punishment the prosecution shall, unless such evidence has already been given, produce evidence of any previous conviction of the defendant.

Observation:

Absence of Central Criminal Records Registry (CCRR) implies that Prosecutors do not have information on convict's criminal records thereby rendering this provision generally impracticable. Development of CCRR is therefore of immediate urgency. Also, where application for allocutus is made by defence counsel for mitigation of sentence, the address is usually a whitewash speech presenting unfounded claims of the convict's previous good character. However, counsel's address is not evidence and courts must demand that evidence of good character be provided to warrant court to mitigate sentence.

1.0. Subsidiary Instrument Required: Practice direction on entertaining allocutus

2.0. New Institutional Structures: CCRR

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

- 6.1. Efforts should be intensified to ensure the creation of CCRR and granting of viewing access to DPP to assist state Counsel in fulfillment of Section 310(2).
- 6.2. In an application for allocutus by the defence, courts should demand that evidence of good character be provided to warrant court to mitigate sentence as mere address from the bar should not suffice.
- 6.3. There should be written directive from Heads of Court to Judges and Magistrates on entertaining allocutus address without supporting evidence.

8. DUTY OF PROSECUTION WHERE COMPTROLLER-GENERAL OF PRISONS MAKES A GOOD REPORT OF A PRISONER

RELEVANT STATUTORY PROVISION: SECTION 468(1)

468(1): Where the Comptroller-General of Prisons makes a report to the court recommending that a prisoner:

(a) sentenced and serving his sentence in prison is of good behaviour, and

(b) has served at least one-third of his prison term, where he is sentenced to imprisonment for a term of at least 15 years or where he is sentenced to life imprisonment, the court may, after hearing the prosecution and the prisoner or his legal representative, order that the remaining term of his imprisonment be suspended, with or without conditions, as the court considers fit, and the prisoner shall be released from prison on the order. (emphasis supplied)

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1. There should be regular communication between the AGF and ACJMC.

6.2. DPP should encourage/remind AGF to write often to the CGP on the need to give effect to this provision. To make this practicable, a particular counsel should be put in charge of letter-writing for the signature of the HAGF.

6.3. As a general rule, the prosecution should not oppose recommendations by the CGP for parole.

6.4. However, there should be adequate record of parole to ensure that the exercise is not abused.

9. ISSUANCE OF LEGAL ADVICE WITHIN 14 DAYS

RELEVANT STATUTORY PROVISION: SECTION 376(2)

376(2): The Attorney-General of the Federation shall, within 14 days of receipt of the police case file, issue and serve his legal advice indicating whether there is a prima facie case against the defendant for which he can be prosecuted.

Observation:

Counsel at the DPP usually faces the challenge of meeting up within 14 days because the department is understaffed and overworked. Currently, some staff have too much work while others have too little or nothing because the senior officers who assign duties do not have a comprehensive list of all staff.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: A new unit within the Department of Public Prosecution

2.1. The AGF should create a separate unit within the Department of Public Prosecution for writing of legal advice and the unit should be headed by the deputy DPP, as the DPP is often overburdened.

3.0. Human Resource Requirement:

3.1. Counsel in the new unit within the DPP.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Adequate funding:

- a. for regular training of young prosecutors;
- b. for special incentive packages to reward outstanding performance by legal officers; and
- c. to implement all the recommendations.

5.2 An updated list of all lawyers in the DPP

5.3 Electronic data base showing the distribution of cases and progress of such cases

5.4 An incentive system for rewarding outstanding performance based on a defined yardstick

6.0.Recommended Actions:

- 6.1. The current uneven distribution of duties among counsel in FMoJ should be addressed. A monthly meeting should be held in the department to familiarize senior officer who delegate duties with junior officers.
- 6.2. To avoid delay in the issuance of legal advice, the case file should be sent directly to the designated law officer in the Department of Public Prosecution for prompt attention.
- 6.3. There should be a timeline of 3-4 days of the receipt of the file within which the officer who receives a case file for legal advice must perform whatever duty was assigned.
- 6.4. The special unit can consist of existing counsel in FMoJ if the problem of uneven distribution is properly addressed. Where the FMoJ is understaffed, more counsel can be employed.
- 6.5. Improved Supervision by DPP. There should be performance monitoring and evaluation of the lawyers in the department.
- 6.6. Incentives should be designed to reward outstanding performance by legal officers.
- 6.7. There should be deployment of Task Management Application for the Department of Public Prosecution to assist in electronic task assignment. This requires funding.
- 6.8. The AGF should consider using the electronic database created to collate data on all case files coming in and out of the FMoJ to determine productivity of the Ministry and for easy tracking of case files.

CHAPTER 6

JUDICIARY

A. CHIEF JUDGE

1. MONTHLY INSPECTION OF POLICE STATIONS BY DESIGNATED MAGISTRATES & JUDICIAL INSPECTION OF OTHER DETENTION FACILITIES

RELEVANT STATUTORY PROVISION: SECTION 34(1) & (4)

34(1): The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.

(4) With respect to other Federal Government agencies authorized to make an arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: Report of Inspection visits

5.0. Material Requirements:

5.1. Budgetary Allocation for periodic inspection to cover provision, servicing and fuelling of official vehicles.

5.2. Standard checklist of what to look out for during inspection visits

5.3. Template for documenting inspection visits

6.0. Recommended Actions:

- 6.1. The CJ should ascertain and compile a list of police stations and other detention facilities in the FCT with their addresses and telephone numbers with the assistance of the Commissioner of Police (CP Legal) and designate supervising magistrates to all Police stations and NSCDC Stations.
- 6.2. The CJ should notify the IGP of these designations and request that the IGP communicates same to all Police Commissioners for their maximum co-operation.
- 6.3. The CJ, FCT should issue a memo designating specific Judges to visit EFCC, NDLEA, ICPC and other detention centers in the FCT.
- 6.4. These inspection visits should be impromptu (i.e. without prior notice to the police/agency). Lawyers from the Legal Aid Council and NGOs involved in *pro bono* services should accompany the Visiting Magistrate/Judge for the visits to police stations and other detention centers.
- 6.5. The CJ should request by letter heads of all law enforcement agencies to inform and sensitise their officers of the provision of Section 34(5) and the implication of non-compliance with the provision.

2. COMMUNITY SERVICE CENTRE

RELEVANT STATUTORY PROVISION: SECTION 261(1)
261(1): There Chief Judge shall establish in every Judicial Division a Community Service Centre to be headed by a Registrar who shall be responsible for overseeing the execution of Community Service Orders in that Division.

1.0. Subsidiary Instrument Required: Practice directive

- 1.1. The CJ should commence by issuing **Practice Directions** on the conditions and requirements for granting Community Service Orders.
- 1.2. This should be followed by sensitization and training of Magistrates and Judges for the purpose of capacity building in community service sentencing.
- 1.3. The CJ should empanel a technical committee to recommend guidelines for the operation of these Community Service centers. The guidelines should first be implemented at a single centre to be operated as a pilot.
- 1.4. Some pioneering officials may be sent to understudy the system in Lagos to see what lessons may be learnt.
- 1.5. In order to minimize expense, some staff may initially be seconded from the Judiciary and other parastatals of government to pioneer the Community Service Centers (CSC).
- 1.6. Although the CSCs are alternatives to prisons, it is necessary to leverage on the experience of prison authorities in setting up the CSCs.
- 1.7. The CJ should liaise with the Social Welfare Departments in the Area Councils with a view to leveraging on their Facilities in the Short term.
- 1.8. Build or rent structures for the centers. The CJ may seek the assistance of the Minister of the FCT and the Attorney-General of the Federation.
- 1.9. The role and relationship of the judiciary, police, prison service and other relevant agencies should be clearly defined and established.
- 1.10. The CJ should establish a written eligibility criteria and screening procedures available to assist the court in determining those offenders who are appropriate candidates for community service.
- 1.11. Community Service Orders should be based upon an assessment of established criteria in respect of both the nature and gravity of the offence and the personality and background of the offender, the purposes of sentencing and the rights of the victims.

2.0. New Institutional Structures: Community Service Centres

3.0. Human Resource Requirement:

3.1. Staff for the Community Service centres

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Building structure for the Community Service centres.

5.2. Basic Facilities like:

a. Computer systems and accessories, Furniture and other facilities

5.3. Manpower for the centres:

a. Secondment from other departments

b. Recruitment and training of new staff for the centres

5.4. Budget allocation for the running and maintenance of the centres.

6.0. Recommended Actions:

6.1. Judges and Magistrates should actually issue Community Service Orders (CSOs) in place of some sentences or fines for misdemeanor and first time offences.

6.2. The offenders should be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of the Community Service Order.

6.3. Community Service Orders should not involve medical or psychological experimentation, or undue risk of physical or mental injury to the offender. The dignity of the offender should be protected at all times.

3. TIMELINES FOR COMMENCING AND CONCLUDING TRIAL

RELEVANT STATUTORY PROVISION: SECTION 110(4) & (5)

110(4): Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.

(5) A Court seized of criminal proceedings shall make quarterly returns of the particulars of all cases, including charges, remand and other proceedings commenced and dealt with in his Court within the quarter, to the Chief Judge.

1.0. Subsidiary Instrument Required: Practice circulars

1.1. The CJ should issue circulars directing Judges and Magistrates to comply with this timeline. They may, in response, relay to the CJ through the appropriate channel what challenges they have faced/are facing with respect to compliance so that a resolution may be reached.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Trained personnel to update the software with new information when received.

4.0. Returns/Reports:

4.1. Courts are to forward quarterly returns of the particulars of all cases commenced and dealt with from their courts to the CJ.

4.2. Courts are to forward particulars of charge and reasons for failure to commence a trial or to complete it, where trial does not commence within 30 days of bringing the charge or has not been completed after 180 days of arraignment to the CJ.

5.0. Material Requirements:

- 5.1. Computers and accessories.
- 5.2. A viable software, and data storage and retrieval facilities.

6.0.Recommended Actions:

- 6.1. The CJ should cause a template to be developed for this reporting.
- 6.2. The CJ should train and equip staff with the technical know-how for managing this information.
- 6.3. The CJ should establish an ICT unit that will handle all IT related issues to be headed by a deputy chief registrar. The ICT unit should consist of trained technical personnel and ICT experts who would build a data system for storing the reports.
- 6.4. The CJ should make necessary budgetary allocations for setting up the data system. *(ACJMC to support the CJ to make this provision operative).*

4. LICENSING OF BONDSPERSONS

RELEVANT STATUTORY PROVISION: SECTION 187(1)

187(1): The Chief Judge of the Federal High Court or of the High Court of the Federal Capital Territory, Abuja may make regulation for the registration and licensing of corporate bodies or persons to act as bondspersons within the jurisdiction of the court in which they are registered.

1.0. Subsidiary Instrument Required: Regulations for licensing Corporate bodies to act as bondspersons.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

- 3.1. Corporate bodies or persons to act as bondspersons.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Funding for the study tour, research and publication of guidelines.

6.0. Recommended Actions:

- 6.1. The CJ should conduct a study of how the bondspersons operate in other jurisdictions especially in the United States followed by the issuance of guidelines for operations of bondspersons.
- 6.2. The CJ should run a pilot project on the operation of bondspersons.
- 6.3. The CJ should direct a unit in the Sheriff Section to oversee the administration of bondspersons.
- 6.4. The CJ should make necessary publication requesting interested persons to register as bondspersons. These publications should reflect the benefits of the programme.

5. ENGAGING PROCESS SERVERS

RELEVANT STATUTORY PROVISION: SECTION 242 (1) & (4)

242(1): A court with criminal jurisdiction shall have a process server specifically assigned to it.

(4): Service of processes may be effected by registered reputable courier companies, recognized and authorized by the Chief Judge or President of the National Industrial Court in accordance with the provisions of this Act, and the registered courier companies may be assigned to a court with criminal jurisdiction as a process server in accordance with subsection (1) of this section.

1.0. Subsidiary Instrument Required: Guideline/Practice direction

1.1. The CJ should issue guidelines for the operation of process servers.

2.0. New Institutional Structures:

2.1. A unit in the Bailiff section

3.0. Human Resource Requirement:

3.1. Senior official in the Bailiff section to supervise the work of the process servers

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Funding for the necessary publication

6.0. Recommended Actions:

6.1. The CJ should direct a unit in the Bailiff Section to supervise process servers.

6.2. The CJ should make necessary publication requesting interested persons to apply for consideration for engagement as process servers.

6. TIMELY ASSIGNMENT OF CASES

RELEVANT STATUTORY PROVISION: SECTION 382(1)

382(1): Where information has been filed in the court, the Chief Judge shall take appropriate steps to ensure that the information filed is assigned to a court for trial within 15 working days of its filing.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structure: Court ICT Unit.

2.1. The CJ should decentralize the filing and assignment of cases.

2.2. The new ICT unit should develop an E-assignment software for assigning criminal cases.

2.3. The E-assignment software will take into consideration:

- (a) the special experience of each Judge in handling certain cases;
- (b) their schedule;
- (c) the possibility of conflict to interest;
- (d) other relevant factors.

Thus, the system automatically assigns cases to Judges based on these factors. The assigned cases and assignees are then forwarded to the CJ for approval. Once the CJ signs, a copy is stored for future reference and the Judges are informed of their new assignments thus cutting assignment time and enabling the 15-day deadline to be met.

3.0. Human Resource Requirement:

- 3.1. The personnel in the new ICT unit to build the E-assignment software.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Computer, database, and accessories.

6.0. Recommended Action:

- 6.1. The IT team should train the CJ's Legal Assistants in using the software.

7. WITNESS PROTECTION

RELEVANT STATUTORY PROVISION: SECTION 232(2)

232(2): The names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.

1.0.Subsidiary Instrument Required: Practice direction on witness protection

2.0.New Institutional Structures: The Court ICT Unit

- 2.1. The CJ should designate one or two rooms as video link centers in any of the courts for taking evidence and equip each of these courts with video-link facilities.
- 2.2. The personnel from the court ICT unit should be designated to man the video-link technology.

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1.Screens or blinds, masks.
- 5.2.Internet connection for video link.
- 5.3.Alternative power supply like generators, inverters, solar panels specifically for the purpose of the video link centres
- 5.4.Workshops to build capacity on witness protection

6.0.Recommended Actions:

- 6.1. The forms of witness protection permissible under the ACJA should be clearly defined.
- 6.2.The CJ should acquire screens or blinds and masks for screening witnesses.
- 6.3. The CJ should conduct training of judges on how to protect witnesses.
- 6.4. Technical assistance may be sought in respect from more advanced jurisdictions.

8. CGP RETURNS TO THE CHIEF JUDGE ON AWAITING TRIAL PERSONS (ATPs) HELD FOR OVER 180 DAYS

RELEVANT STATUTORY PROVISION: SECTION 111(1)

111(1): The Comptroller-General of Prisons (CGP) shall make returns every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the Federal Capital Territory, the President of the National Industrial Court, the Chief Judge of the State in which the prison is situated and to the Attorney-General of the Federation of all persons awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.

1.0. Subsidiary Instrument Required: Templates for the returns

2.0. New Institutional Structures: Data collection point/Centre

3.0. Human Resource Requirement:

3.1. Trained staff to collate the data at the data collection centers

4.0. Returns/Reports:

4.1. Returns from Comptroller-General on ATP's held over 90 days

5.0. Material Requirements: NIL

5.1. Equipment for the data collation centre

5.2. Training of staff on the use of the return template

6.0. Recommended Actions:

6.1. The CJ should develop templates for these returns and set up of a data collation point or centre.

6.2. The Comptroller-General of Prisons and comptrollers in the States should be sensitized on the existence of this legal duty through letters and seminars.

6.3. The CJ should write the Comptroller-General to request for the returns.

6.4. The representative of the CGP on the ACJMC should facilitate compliance by the CGP with this provision.

6.5. The Comptroller-General may delegate this duty to a Deputy C-GP and impose sanction for default.

9. DAY-TO-DAY TRIAL OF CASES

RELEVANT STATUTORY PROVISION: SECTION 396 (3)

396 (3): Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.

1.0. Subsidiary Instrument Required: Practice direction

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. More judges

3.2. A smart mobile phone for the registry of each court to serve the purpose of receiving and replying notices.

3.3. Trained corps members to reply SMS or emails from parties on whether court will sit or not on behalf of the registry.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Fund for:

a. building mini detention facilities in court complex.

b. purchase and installation of electronic recording gadgets and software.

c. at least 10 Vehicles for the Prisons, FCT command.

6.0. Recommended Actions:

6.1. Some courts in the FCT should be designated as **Criminal Divisions** which are subdivided into Specialist courts, for

Homicide cases, Economic and Financial Crimes, Corruption Cases, Terrorism cases etc.

- 6.2. The prisons officials should be equipped with functional vehicles to convey defendants to courts regularly.
- 6.3. More judges should be appointed.
- 6.4. Courts should avoid granting long adjournments.
- 6.5. Prosecutors should get their witnesses ready before commencement of trial.
- 6.6. Hearing should go on as scheduled. Where scheduled hearing will not go on, notice should be given to parties ahead of time to avoid expenses of bringing witnesses.
- 6.7. The ACJMC should write the Heads of Courts in the FCT to issue a directive to all courts to mandate their registry to give advance notice via text messages or email where the court will not be sitting to avoid the IPOs incurring unnecessary expenses. (The advance notice should be given at least 12 hours before the court scheduled sitting).
- 6.8. All courts should make available a phone number that parties can send a simple text to inquire whether or not the court will sit on a scheduled date.
- 6.9. Where hearing in a particular case will not proceed for one reason or the other, Judges should notify the parties involved through the court registrars (at least 12 hours before the court scheduled sitting) so that where witnesses are to be brought from outside jurisdiction, such resources can be saved.
- 6.10. The Heads of Court should organize a special briefing on this for judges and all court personnel.
- 6.11. The Heads of Court are to compute the financial implication of this practice and make provision in the budget of the judiciary.
- 6.12. Funds should be provided to equip the court with electronic recording tools.
- 6.13. Some mini detention places should be built in the Court complex for the Criminal Divisions.
- 6.14. Court Duty Officers from both the Nigeria Police and Nigeria Prison should be stationed in all courts.
- 6.15. Some Criminal Division of courts should be located close to the Prisons especially for capital offences.

B. MAGISTRATES

1. TRANSMISSION OF DECISIONS OF CRIMINAL COURTS TO THE CCRR

RELEVANT STATUTORY PROVISION: SECTION 16(3)

16(3): The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records Registry within 30 days of the judgment.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Trained and ICT complaint personnel in the court registry

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Computers and accessories

5.2. Copiers

6.0. Recommended Actions:

6.1. Registrars should be trained in the use of IT.

6.2. IT skill should be a requirement for appointment/promotion.

6.3. The Deputy Chief registrar should request for the decisions of the courts in criminal matters from the registrars of the Magistrates on monthly/weekly basis.

6.4. These reports should contain passports, names, date of birth, local government area, state, marital status, education, offences

charged, outcomes of the trial, the name of the magistrate and registrar.

2. SPEEDY TRIAL

RELEVANT STATUTORY PROVISION: SECTION 110(4)

110(4): Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.

1.0. Subsidiary Instrument Required: Practice direction

- 1.1. The CJ, FCT should develop and issue practice direction to facilitate day-to-day trial; or where day-to-day trial is impracticable, speedy trial.
- 1.2. The CJ, FCT should conduct a detailed study or review of the Magistrate court system in order to understand the problems that may make day-to-day or even speedy trial impracticable and address them. Some of these problems include:
 - a) Inadequacy of court rooms which compels magistrates to sit in turns;
 - b) Inability of prison authorities to bring inmates to court everyday;
 - c) Lack of experienced prosecuting counsel to handle cases;
 - d) Lack of regular power supply to the courts;
 - e) Lack of basic perquisites such as vehicles-some magistrates have to travel to work on public transport;
 - f) Lack of working tools such as computers, laptops, internet access, etc. Some magistrates have to type their judgments in business centers;
 - g) Non-production of necessary witnesses by the prosecution.
 - h) Absence of established conditions of service outlining the remuneration and entitlement for Magistrates e.g.

accommodation, vehicles, salary (Magistrates are still treated as civil servants).

1.3. The CJ should set up a committee of senior magistrates and practitioners to recommend case management system for Magistrates to facilitate day to day conduct of trial.

1.4. The CJ can conduct a study of adjournment of cases with a view to understanding root causes of frequent and long adjournments.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. More personnel for prisons.

3.2. Well trained Legal assistants assigned to Chief Magistrates.

3.3. Transcribers

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Increased funding to cater to the needs of Magistrates courts and to provide more court rooms, constant power supply such as generators, inverters and solar energy.

5.2. Procurement and installation of computers for typing judgments, internet for carrying out research and basic court recording system for criminal divisions.

5.3. Facilities and personnel to be made available to the prisons.

5.4. More court rooms and some courts to be located close to prison facilities.

5.5. Defined condition of service outlining remuneration and entitlement of Magistrates. (CMs handle the serious criminal matters.

It will be a bid to further train them (legal assistants) for the possibility of being appointed as Magistrates).

5.6. Smart phones with external memory cards.

6.0.Recommended Actions:

- 6.1.Chief Magistrates should be designated to handle either civil matters only or criminal matters only and should be assigned legal assistants to reduce workload pressure.
- 6.2. All courts, Registrars and Magistrates should be provided with internet facilities. Existing court rooms can be refurbished.
- 6.3. There should be creation of well defined condition of service for Magistrates which will end their classification as civil servants and creation of a separate cadre as obtainable in Lagos State. This will motivate the magistrate and result in speedy trials.
- 6.4. Creation of a separate cadre for Magistrates as obtainable in Lagos State to motivate Magistrates.
- 6.5. There should be continuous training of support staffs and Prosecuting counsel.
- 6.6. There should be capacity building training and retraining for Magistrates quarterly.
- 6.7. Legal assistants should be assigned to Chief Magistrates.
- 6.8. Magistrates should enforce cost sanction on defaulting parties in the production of witnesses.
- 6.9. There is need for greater media coverage and scrutiny of proceedings in the Magistrate court.

3. MAGISTRATE TO INSPECT POLICE STATIONS OR DETENTION CENTRES EVERY MONTH

RELEVANT STATUTORY PROVISION: SECTION 34(1)

34 (1): The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.

1.0.Subsidiary Instrument Required: Practice direction

- 1.1. The CJ should issue directives and guidelines to the visiting Magistrates.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. Visiting Magistrate should submit monthly report to deputy chief registrar magistracy for transmission to Chief registrar.

5.0. Material Requirements:

5.1. Vehicles

5.2. Fund for fuelling and allowance.

6.0. Recommended Actions:

6.1. Magistrates should mark specific days on their calendar for the visits. However some of the visits should be impromptu.

6.2. Visiting Magistrates should endeavor to have a representative of the Legal Aid Council, NGOs and the National Human Rights Commission in their team during visitation.

4. REPORT OF ARRESTS TO THE ACJMC

RELEVANT STATUTORY PROVISION: SECTION 33(1) & (3)

33(1) An officer in charge of a police station or an official in charge of an agency authorized to make arrest shall, on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

(3) The Magistrate shall on receipt of the reports, forward them to the Criminal Justice Monitoring Committee which shall analyze the reports and advise the Attorney-General of the Federation as to the

trends of arrests, bail and related matters.

1.0. Subsidiary Instrument Required: CJ directives/guidelines

- 1.1. The CJ should designate magistrates and issue directives and guidelines to all Magistrates to comply with this provision.
- 1.2. Magistrates should in turn communicate this directive to the Police and send a reminder.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

- 4.1. Magistrates should forward reports on arrest received from the Police to the CJ for transmission to the Administration of Criminal Justice Monitoring Committee (ACJMC).

5.0. Material Requirements: NIL

6.0. Recommended Actions: NIL

5. QUARTERLY RETURN TO THE CJ ON CASES AND REMAND

RELEVANT STATUTORY PROVISION: SECTION 110(5)

110(5): A Court seized of criminal proceedings shall make quarterly returns of the particulars of all cases, including charges, remand and other proceedings commenced and dealt with in his Court within the quarter, to the Chief Judge.

1.0. Subsidiary Instrument Required: Template for return

- 1.1. The CJ should develop a template for preparing the information or return.
- 1.2. Compile records of all cases, including charge, remands and other proceedings commenced and dealt with in his Court within

the quarter to the Chief Judge.

1.3. The record can be transmitted every last Friday of every quarter.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports:

4.1. Magistrates should submit quarterly returns of all cases, remands and other criminal proceedings to the CJ.

5.0. Material Requirements: NIL

6.0. Recommended Actions: NIL

C. CHIEF REGISTRAR

1. WITNESS EXPENSES TO BE PAID

RELEVANT STATUTORY PROVISION: SECTIONS 251 - 254

254: The amount of the expenses payable to a witness pursuant to sections 251 and 252 of this Act shall be processed and paid by the Registrar of the Court to the witness out of the relevant vote as appropriated by the Judiciary.

1.0. Subsidiary Instrument Required: CJ directive

1.1. The CJ should instruct the Chief Registrar to produce a Witness Expenses Payment Scale based on kilometers and other reasonable costs that may be incurred by witnesses in attending court.

1.2. Payments should be calculated and made immediately after each court sitting.

1.3. Budgetary provisions should be made for the implementation of these.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Registrars

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions: NIL

2. COMMUNITY SERVICE CENTRE

RELEVANT STATUTORY PROVISION: SECTION 461(1)

461(1): The Chief Judge shall establish in every Judicial Division a Community Service Centre to be headed by a Registrar who shall be responsible for overseeing the execution of Community Service Orders in that Division.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. Suitable personnel to supervise the implementation of the CSO's (S.461(2))

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Actions:

6.1. The Chief Registrar should familiarize him/herself with the provisions of Sections 462-466 of the Act which provide

guidelines for the overseeing of the execution of CSOs.

CHAPTER 7

NIGERIAN PRISON SERVICE

1. RETURNS FROM COMPTROLLER-GENERAL OF PRISONS (CGP) EVERY 90 DAYS

RELEVANT STATUTORY PROVISION: SECTION 111

111: The Comptroller-General of Prisons shall make returns every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the Federal Capital Territory, the President of the National Industrial Court, the Chief Judge of the State in which the prison is situated and to the Attorney-General of the Federation of all persons awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Minimum of 10 computers at the Prison Headquarters.
- 5.2. Internet facilities for transmission.
- 5.3. Biometric data capturing devices to be designed and installed by software developers.

6.0. Recommended Actions:

- 6.1. Computerization of the database of prison inmates to facilitate easy collation, circulation and transmission of electronic data.
- 6.2. Pending the installation of the database, a summarized data of persons awaiting trial should be culled from the manual records stored in a compact disc and forwarded to the C-G's office from the state commands.

2. DAY TO DAY TRIAL - SECTION 396

Day to Day Trial is hampered by lack of adequate logistics for transportation of prison inmates to courts. There are only 268 vehicles traversing 5,022 courts in 774 local governments all over the Federation.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Additional vehicles

6.0. Recommended Action:

6.1. The C-GP should provide additional number of operational vehicles to ease transportation of inmates to court for trial as at when due.

(CSLS to partner with NPS to present a powerful position to the Minister of Interior on this.)

3. APPOINTMENT OF REGISTRARS TO HEAD COMMUNITY SERVICE CENTRES

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Action:

6.1. The Chief Judge of the FCT to exercise his power to appoint a Registrar to head the Community Service Centers in collaboration with the NPS.

4. CONSIDERATION IN SENTENCING

RELEVANT STATUTORY PROVISION: SECTION 416(2)(e)

416(2) (e): In exercising its discretion of sentencing or review of sentence, the court shall take into consideration the following factors, in addition to the provisions of section 401 of this Act, the period spent in prison custody awaiting or undergoing trial shall be considered and computed in sentencing a convict

1.0. Subsidiary Instrument Required: Practice direction from the CJ

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Up-to-date prison records

6.0. Recommended Action:

6.1. The Chief Judge should issue a practice direction mandating all prosecutors to, on the day of judgment, inform the court about the period already spent by a defendant in prison to enable the court exercise its power and discretion under the section.

6.2. Prison records must be up-to-date and easily accessible for this provision to take effect.

5. IMPLEMENTATION OF AN EFFECTIVE PAROLE REGIME UNDER THE ACT

RELEVANT STATUTORY PROVISION: SECTION 468(2)

468(2): A prisoner released under subsection (1) of this section shall undergo rehabilitation programme in a government facility or any other appropriate facility to enable him to be properly reintegrated to the society.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: Halfway Homes

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Workshop spaces and Skilled artisans

5.2. Tripartite memorandum of Understanding between the Judiciary, NPS and the National Artisan Registration Council

5.3.Press Conference by the CJ

6.0.Recommended Actions:

6.1. The ACJMC to collaborate with the NPS to ensure creation of more halfway homes.

6.2. The Chief Judge, in collaboration with the NPS, should create a unit for skill acquisition in the Community Service Centers and engage the Nigerian Artisan Registration Council to supervise the unit and report to the Registrar.

6.3. The CJ may, via a press conference, reach out to private persons by encouraging those with farms or construction sites to hire the ex-convicts with the incentive of cheaper labour costs

CHAPTER 8

THE LEGAL AID COUNCIL

1. THE RIGHT OF A SUSPECT TO FREE LEGAL REPRESENTATION

RELEVANT STATUTORY PROVISION: SECTION 6(2) (C)

6(2) (C): The Police officer or the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to free legal representation by the Legal Aid Council of Nigeria where applicable.

Observation

The challenge here is that the Police neither inform suspects of this right nor contact the Legal Aid Council when there is need to provide a suspect with free legal representation. Also, lawyers in the employment of the Council are too few compared to the volume of cases requiring attention.

1.0. Subsidiary Instrument Required: Order or Directive from the IGP

1.1. The Inspector General of Police (IGP) should issue an order or directive to all Commissioners of Police to contact Legal Aid Officers when there is need to do so. The contact information of local Legal Aid Counsel should be pasted in the stations for easy contact.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement:

3.1. More lawyers for the Legal Aid Council.

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Phones and recharge cards for the police rank and file to contact legal aid officers.
- 5.2. Directory of private legal practitioners available to render pro-bono legal service on behalf of the Legal Aid Council.

6.0. Recommended Actions:

- 6.1. The Legal Aid Council should collaborate with the NBA President and NBA Section on Legal Practice (SLP) to incorporate more lawyers into the Pro-Bono Services scheme. *(The aim is to institutionalize the scheme to the extent where lawyers will be required to show evidence of participation in it to renew their license.)*
- 6.2. The Legal Aid Council should increase the transportation allowances paid to lawyers conducting legal aid cases.
- 6.3. The Legal Aid Council should articulate with the aid of statistics the need to recruit more lawyers to adequately cope with the growing demand for legal aid services.
- 6.4. The Legal Aid Council work with law clinics and the Network of University Legal Aid Institutions (NULAI) to provide counselling and documentation services on ATPs who may require legal services.

2. RECORDING OF STATEMENT OF SUSPECTS IN THE PRESENCE OF AN OFFICER OF THE LEGAL AID COUNCIL

RELEVANT STATUTORY PROVISION: SECTION 17(1) & (2)

17(1): Where a suspect is arrested on allegation of having committed an offence, his statement shall be taken, if he so wishes to make a statement.

(2): Such statement may be taken in the presence of a legal practitioner of his choice, or where he has no legal practitioner of his choice, in the presence of an officer of the Legal Aid Council of Nigeria or an official of a Civil Society Organization or a Justice of the Peace or any other person of his choice. Provided that the Legal Practitioner or any other person mentioned in this subsection shall not interfere while the suspect is making his

statement, except for the purpose of discharging his role as a legal practitioner.

Observation

Legal Aid Officers, are most times, not opportune to witness the recording of a witness' statement at the Police Station because police officers who interview these suspects do not contact legal aid officers even when there is an obvious need for such when the suspect has no legal representation.

1.0. Subsidiary Instrument Required: Practice direction from the IGP

- 1.1. The Inspector General of Police (IGP) should issue a directive to all Commissioners of Police directing them to contact Legal Aid Officers when there is need to do so. The contact information of local Legal Aid Council should be pasted in the stations for easy contact.
- 1.2. The Commissioners of Police should issue a directive to all DPOs in their respective states to assign an officer in their stations to contact the nearest office of the Legal Aid Council for legal representation before the statement of the suspect is taken.

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

- 5.1. Phones and recharge cards for the rank and file officers in the police stations to contact the legal aid officers.
- 5.2. Memorandum of Understanding between the NPF and LAC to further strengthen the police-solicitor duty scheme. *(To be facilitated by ACJMC)*

6.0. Recommended Action:

- 6.1. ACJMC should facilitate synergy between the Police and the Legal Aid Council since the IGP and DG Legal Aid Council are members of the ACJMC.

3. POLICE STATION VISIT

RELEVANT STATUTORY PROVISION: SECTION 33(1)

33(1): An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall, on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Action:

6.1. The Legal Aid Council should be represented on the team of the Magistrate inspecting police stations in accordance with S.34(1) of the Act so that the Council can have proper information on arrests within the jurisdiction concerned and form a working relationship with the Magistrates.

4. LACK OF OPERATIONAL VEHICLES FOR LEGAL AID OFFICERS

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements:

5.1. Funding and Car loan.

6.0. Recommended Action:

6.1. There should be increment of the budgetary allocation of the Council to accommodate purchase of operational vehicles.

6.2. The Legal Aid Council should provide car loans for Legal Aid Officers.

5. CAPACITY BUILDING OF LEGAL AID OFFICERS

1.0. Subsidiary Instrument Required: NIL

2.0. New Institutional Structures: NIL

3.0. Human Resource Requirement: NIL

4.0. Returns/Reports: NIL

5.0. Material Requirements: NIL

6.0. Recommended Action:

6.1. The Legal Aid Council should organize In-House training and workshops for Legal Aid Officers on current trends in the criminal justice system.

CENTRE FOR SOCIO-LEGAL STUDIES
STRATEGY/NEEDS ASSESSMENT FOR THE EFFECTIVE IMPLEMENTATION
OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT (ACJA), 2015

1. ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE (ACJMC)

S/N	CHALLENGES	RECOMMENDED STRATEGY	RESOURCES REQUIRED	TIMELINE
1.	<p><u>Establishment of the Administration Of Criminal Justice Monitoring Committee (ACJMC):</u></p> <p>Section 471: The Committee shall establish and maintain a secretariat with such number of staff as it considers necessary for the efficient running of its affairs.</p> <p>This office is most preferably located within the FCT because the members of the committee have their offices within the FCT.</p>	<p>1.1 The Attorney-General of the Federation should provide an office space in the Federal Ministry of Justice building to be used as the secretariat by the committee.</p> <p>1.2 The committee should commence work in a temporary office space while arrangements are being made for a permanent office.</p> <p>1.3 The committee should set up a technical committee to propose for its consideration and approval the rules of procedure (Standing Orders) that shall govern the operation of the committee.</p> <p>1.4 The Chairman should convene a meeting of the Committee to receive inputs of members into</p>	<p>1.1 Budgetary allocation should be made for the funding and management of the committee through the office of the Attorney General of the Federation.</p> <p>1.2 Well equipped office space</p> <p>1.3 Office equipments such as computers and accessories, printers, scanners, copiers, meeting rooms, Internet facility, active website, and other facilities for a functional office.</p> <p>1.4 Resource persons with</p>	<p>1.1 Short term</p> <p>1.2 Short term</p> <p>1.3 Short term</p>

		<p>how best to perform the functions of the committee.</p> <p>1.5 The committee should write letters to the heads of all criminal justice agencies to sensitize them on the provisions of the ACJA.</p> <p>1.6 The committee should write letters to the heads of all criminal justice agencies to forward the names of their representatives to the ACJMC for full composition of the ACJMC in line with Section 469 of the ACJA.</p> <p>1.7 The committee in collaboration with NGOs and development partners should organize training seminars for its members to enable them have improved knowledge of their roles and the provisions of the ACJA and stronger synergy and inter-agency relationship.</p> <p>1.8 The Chairman and the Secretary of the committee should organise a seminar/lecture on the importance and relevance of the ACJA to the various agencies that are represented as members, the relationship between the agencies</p>	<p>detailed knowledge of the ACJA and the criminal justice system — such as Centre for Socio-Legal Studies</p>	
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and why they must work together as a committee to ensure the effective implementation of the ACJA.

1.9 The committee should organise public education through media briefings, Radio and Television programmes to promote accountability and secure public support and cooperation for the committee.

1.10 The committee should develop a template for collating all the reports that will be received from the different agencies to achieve uniformity of approach in the supports to be submitted by the different agencies.

1.11 The committee should set up its office and engage by contract the assistance of some brilliant, enthusiastic young lawyers, and administrators.

1.12 The committee should set up a technical body of experts to assist the committee on action plans and implementation procedure.

		1.13 Notification and sensitisation of the Chief Justice of Nigeria in respect of his oversight function regarding the ACJMC.		
2.	<u>Quorum of committee</u> Section 476 (2): The quorum at a meeting of the Committee shall consist of the Chairman or his representative and two other members of the Committee.	1.1 There should be at least 1 (one) meeting in a quarter or 4 meetings per year. 1.2 The committee should set up a calendar of meetings so that members can have adequate notice in advance of scheduled meetings.		
3.	Section 470(1)(e): Existence of cordial and maximum co-operation amongst the organs of the ACJA.	1.1 This can be done by the ACJMC rotating the meeting amongst its members; different members will play host at every meeting. 1.2 The chairman should write to the head of each criminal justice agency to seek cooperation with the ACJMC.		Continuous
4.	Section 470 (e-f): a. Collate, analyse and publish information in relation to the ACJA in Nigeria. b. Submission of quarterly report to the Chief Justice of Nigeria	1.1 All members of the committee should give a report on the implementation of the ACJA in their agencies and also report the challenges they are facing in the implementation of the ACJA. These should be discussed at the rotating meetings. 1.2 Each member should prepare to give to the committee, information which would in turn enable		Medium term

		it develop a quarterly report on the implementation of the Act to the Chief Justice of Nigeria.		
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2. ANTI-CORRUPTION AGENCIES (ACAs)

S/N	CHALLENGES	RECOMMENDED STRATEGY	RESOURCES REQUIRED	TIMELINE
1.	Trial de novo	<p><u>Observation</u></p> <p>One of the major causes of delay is the practice of starting trials afresh when the Judge previously trying a case could not continue with the trial on account of withdrawal, transfer, elevation or death.</p> <p>1.1 The CJ should issue a practice direction which would enable parties in Anti-Corruption cases follow a judge who has been posted while the hearing of their matter was pending, to the new station.</p> <p>1.2 All courts of criminal jurisdiction trying anti-corruption cases should be video enabled for recording of proceedings of the courts. That way, a</p>	<p>1.1 Video recording system to be installed in the courts.</p> <p>1.2 Compact disc (CD) and memory cards for recording proceedings.</p> <p>1.3 Funding for regular servicing and maintenance of the recording facilities.</p> <p>1.4 Database storage system accessible only to authorized personnel</p>	<p>1.1. Short term</p> <p>1.2. Medium term</p>

		<p>new judge on a case can from the video continue with the trial of a part-heard case without having to begin de novo. The demeanor of the witnesses during the examination and cross examination can be seen in the video.</p> <p>1.3 The CJ should establish a new ICT unit within the court to handle all IT related issues to be headed by a Deputy Chief Registrar. The unit should consist of trained technical personnel and ICT security personnel who would amongst other functions, record court proceedings on video, and ensure safe keeping of the recordings on a secured database to safeguard the authenticity of the recordings.</p>		1.3. Short term
2.	<p><u>Day To Day Trial: Delays in the conduct of trials at the instance of court, prosecution, or defence</u></p> <p>SECTION 396 (3) – (5):</p> <p>(3) Upon arraignment, the trial of the defendant shall proceed from day-to-day until the conclusion of the trial.</p> <p>(4) Where day-to-day trial is impracticable after arraignment, no</p>	<p><u>COURT:</u></p> <p>1.1. The heads of court should sensitize judges on the need to give priority to Anti-Corruption cases.</p> <p>1.2. The Chief Judge should as far as practicable assign less number of cases to himself, considering the enormous administrative and oversight duties he exercises.</p> <p>1.3. Adequate provisions should be made for all courtrooms to be well equipped with video</p>		

	<p>party shall be entitled to more than five adjournments from arraignment to final judgment provided that the interval between each adjournment shall not exceed 14 working days.</p> <p>(5) Where it is impracticable to conclude a criminal proceeding after the parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed seven days inclusive of weekends.</p>	<p>recording and data processing machine.</p> <p>1.4. Trained stenographers should be engaged to record the proceedings of the court and transcribe same.</p> <p><u>PROSECUTOR:</u></p> <p>1.5. The ACA's should encourage specialization of its prosecutors – that way capacity can be built which will enhance efficiency and curtail incessant delays of trials.</p> <p>1.6. Decentralization of prosecutors to regional, states and even where possible clusters of local government- This way, prosecutors required to prosecute a particular case would be those in charge of those areas and not necessarily from the headquarters of the ACAs.</p> <p>1.7. Classification of prosecutors of the ACAs into categories: pre trial, trial and appeal categories. This will enhance their capacity and efficiency.</p> <p>1.8. Prosecution should be done in teams, so that the absence of the head prosecutor either due to ill health, posting, or any other reason does not delay trial.</p> <p>1.9. Leaders of each prosecuting team should as much</p>		
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	<p>as practicable get everyone on the team involved in the cases the team is handling.</p> <p>1.10. Duty Tour Allowance (DTA) should be provided for at least two other members of the prosecuting team in addition to the head when the need arises.</p> <p>1.11. Prosecutors in the ACAs should endeavor to build synergy with their in house investigators by organizing official interaction fora as well as informal social interaction. This move is to be initiated by the head of the prosecuting unit by reaching out to the head of the investigating unit.</p> <p>1.12. The prosecuting personnel strength should be improved by engaging more lawyers interested in prosecuting anti corruption cases.</p> <p>1.13. The cost of providing the foregoing should be computed and provided for in the budget of the ACAs.</p> <p><u>DEFENCE</u></p> <p>1.14. The NBA leadership should issue practice guidelines to curb the excesses of lawyers with a view to eliminating unnecessary delays in the defence of such cases.</p>		
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		<p>1.15. Lawyers in default of these guidelines should be sanctioned.</p> <p>1.16. There is a need to address the emerging practice where defense lawyers embark on unnecessary elongated cross examination of prosecution witnesses.</p> <p>1.17. Where there is a complaint against a judge handling a case, such complaint should be raised in open court so that it can be promptly dealt with, recorded and a ruling made by the same court. it is observed that defence lawyers have developed a new tactic of complaining against judges who are regarded as unyielding to their dilatory tactics.</p>		
3.	<u>Welfare/Need of Anti-corruption agencies</u>	<p>1.1 The Chief Judge should issue practice direction to judges requiring that state counsel as well as prosecutors from the ACAs be given priority in the hearing of their cases and where appropriate granted access to sit in front rows along with members of the inner bar.</p> <p>1.2 The status of prosecutors in the public sector should be standardized, such that their welfare</p>	<p>1.1 Well equipped and functional library with electronic law report system that is regularly updated.</p> <p>1.2 At least one 14-seater bus for each prosecuting hub- whether regional, state or per category at each office of the particular ACA.</p>	<p>1.1. Short term</p> <p>1.2.</p>

	<p>package is in accordance with the minimum standards required by the international professional body.</p> <p>1.3 The AGF should write to the heads of courts requiring them to activate the provisions of the Legal Practitioners Act, which provides that State Counsel and other public prosecutor be heard in court before any other person as well as granted access to front row seats in the courts.</p> <p>1.4 The AGF should take seriously matters of breach of this privilege bestowed on the state and her representative.</p> <p>1.5 There is need for the provision of standard mobility for prosecutors within the ACAs. This can be achieved by purchasing buses for prosecutors or making available car loans at affordable and subsidized rates.</p> <p>1.6 Robbing allowance should be made available for prosecutors of all the ACAs and paid promptly.</p> <p>1.7 The AGF should liaise with the heads of the ACAs to compute all expenses required to accommodate these recommendations and insert the same into the Federal Budget.</p>		
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4.	<p><u>Witness Protection</u></p> <p>Section 232 (2):</p> <p>The names, addresses, telephone numbers and identity of the victims of such offences or witnesses shall not be disclosed in any record or report of the proceedings and it shall be sufficient to designate the names of the victims or witnesses with a combination of alphabets.</p>	<p><u>Observation</u></p> <p>There is need to develop proper legal framework for the implementation of this provision. The absence of this structure has scared the ACAs from utilizing it maximally.</p> <p>1.1. A uniform guideline on witness protection should be developed.</p> <p>1.2. There should be interactive meetings with judges, prosecutors and law enforcement agencies to brainstorm on the nature and procedure for applying the witness protection provisions of the ACJA.</p> <p>1.3. There should be training and capacity building for law enforcement personnel.</p>		
5.	<p><u>Intimidation/Blackmail of Judges</u></p>	<p>1.1 The CJ should issue practice direction requiring parties in criminal cases especially Anti-Corruption cases to fill a form before trial commences stating any reason(s) they believe should bar the judge assigned to a case from hearing it.</p>		

		<p>1.2 The ACAs should as a matter of urgency activate the provisions in their respective laws against false petitions and apply them in appropriate cases.</p> <p>1.3 ACAs should be cautious in giving heed to anonymous petitions against judges.</p> <p>1.4 Judges should apply the provisions of the ACJA authorizing the award of reasonable cost against counsel (prosecution or defense) who make frivolous applications aimed at delaying further proceedings.</p>		
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3. THE NIGERIAN POLICE FORCE & OTHER LAW ENFORCEMENT AGENCIES

S/N	CHALLENGES	RECOMMENDED STRATEGY	RESOURCES REQUIRED	TIMELINE
1.	<p><u>Criminal Records</u></p> <p>Section 16: Establishment of the Central Criminal Records Registry (CCRR)</p>	<p>1.1 Define with clarity, the purpose of the CCRR as a depository of all information pertaining to the criminal justice system— from investigation and arrest to trial, conviction, sentencing or release. (See Wikipedia on criminal records)</p>	<p>1.1. Window, R8 Server, least 20 sets of computers, inverters, CPUS, Printers, internet facility, biometrics machines, webcam and other accessories for the Police Headquarters where the CCRR Unit will be domiciled.</p>	<p>1.1 Short term</p>

		<p>1.2 The Inspector General of Police (IGP) should establish a unit within his office to serve as the Central Criminal Records Registry (CCR).</p> <p>1.3 The membership of this unit shall consist of designated senior police officers and at least 1 representative from each of the other law enforcement agencies: EFCC, ICPC, DSS, NSCDC, FRSC, NAPTIP & NDLEA, NAFDAC and NCS.</p> <p>1.4 The IGP shall write to the heads of all such agencies, requesting for a representative to be sent to his office to serve part-time on the CCR. Each nominee should possess reasonable ICT skills.</p> <p>1.5 The IGP, on the recommendation of the unit, shall engage software engineers to advice on and build a suitable and secure software for the CCR. The software must at least have a 4-Tier back up database as well as a manual backup of all the information entered unto the CCR which the Unit shall undertake. The</p>	<p>1.2. At least 5 sets of computers and accessories for the zones.</p> <p>1.3. At least 10 sets of computers and accessories for each of the 36 State Commands. Larger states with greater populations or more cases should have more.</p> <p>1.4. At least, 2 sets of computers and accessories for each Divisional Police Stations.</p> <p>1.5. Adequate numbers of printers, copiers, and scanners at the Police Headquarters; the 36 State Commands and each Divisional and local Police Stations as may be appropriate.</p> <p>1.6. Engagement of a software developing company to build the type of database envisaged for the CCR.</p> <p>1.7. ICT experts to build the intranet servers and security</p>	<p>1.3 Short term</p> <p>1.4 Short term</p> <p>1.5 Short term</p> <p>1.6 Short term</p> <p>1.7 Medium term</p>
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		<p>existing records should be scanned by the unit and uploaded to the CCRR.</p> <p>The contents of the CCRR should be categorised into four major segments:</p> <ol style="list-style-type: none"> a. pretrial records, b. trial records c. post-trial and d. special records.(i.e. all other information not covered by records 1-3) <p>1.6 Access to the CCRR should be categorised into 3 levels —</p> <ol style="list-style-type: none"> a. View only; b. View and upload information to the database; and c. Administrator level. <p>The Administrator shall have access to view and edit the information on the database as well as extract information and make structural and security changes to the database.</p> <p>1.7 At any point in time, not more than Five (5)</p>	<p>firewalls.</p> <p>1.8. Engagement of consultants to train and consistently retrain the officers and personnel involved in operating the CCRR.</p> <p>Stable power supply to Stations where these systems will be installed and administered. Or provision of alternative source of power that can power the department where the CCRR is administered within each Divisional Station of the Police Force.</p> <p>1.9 Gargets such as computer routers, internal servers (The IGP may adopt the Intranet servers method used by banks), hardware and software servers, firewalls.</p> <p>1.10 Internet facility.</p> <p>1.11 Communication mast</p>	<p>1.8 Short Term</p>
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		<p>officers within the CCRR should have access to the Administrator level.</p> <p>At the Zonal Command, the CR database should be manned by not more than three (3) officers who may upload only;</p> <p>At the State Command, not more 3 officers in each Command of the Nigerian Police Force should have the access to upload information on the database.</p> <p>1.8 Not more three (3) in every Police Station should have access to upload information but not edit information on the CR database in each Station.</p> <p>Not more than three (3) officers in each of the head office and other zonal offices of the other law enforcement agencies shall have the access to upload information but not edit the information on the CR database.</p> <p>1.9 The head of every office or agency shall bear the responsibility for ensuring that the</p>		
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information uploaded is accurate.

1.10 The IGP shall provide a template/guidelines showing:

- a) the structure or format of the information to be uploaded on the CCRR;
- b) who should have access to the information on the database;
- c) how editing should be done;
- d) what information can be viewed;
- e) what information can be printed or extracted.

(The IGP may adapt the PRAWA (Prisoner's Rehabilitation and Welfare Action) format which is used by the Nigerian Prisons Service).

1.11 The IGP to liaise with Galaxy backbone for the hosting of the server for the CCRR.

1.12 The IGP shall direct **intensive Training** of the officers and personnel to be appointed to the CCRR Unit at all levels including all personnel that will be involved in the day to day running of the CR database in the Zonal Commands, State Commands and Divisional Offices as well as in the offices of all other

		<p>law enforcement agencies.</p> <p>1.13 All police colleges shall review their courses to include practical lessons relating to data collection, storage, and retrieval as well as technical ability to handle the type of software used by the CCRR.</p> <p>1.14 Officers who show interest in and understanding of the courses relating to data collection, storage and retrieval should be posted to the CCRR database unit in a specified capacity.</p> <p>1.15 The President, at the request of the IGP, should designate the CCRR as a National Critical Infrastructure; the request of the IGP to the President should highlight the benefits of a functional CCRR. (This way, the funds for establishing the CCRR can be sourced from the National Security Fund.)</p> <p>1.16 The IGP must include the cost required for building, and maintaining the CCRR in the annual budget of the police and highlight the</p>		
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		<p>benefits of the CCRR during budget defence.</p> <p>1.17 CSOs and the Media should articulate the benefits of the CCRR so that the policy makers and legislators would understand its importance and the need for proper funding.</p>		
2.	<p><u>Remitting court decisions to CCRR</u> Section 16(3): Remitting court decisions in all criminal trials to the CCRR.</p>	<p>1.1 The IGP should write to the Heads of Court in the FCT and Federal Courts; while in the case of State Courts, the respective CPs should write to the Heads of Courts, intimating them of the requirement of this section and soliciting their support through court Registrars. The letter should also highlight the benefits of such records.</p> <p>1.2 The various Heads of Court should issue a directive to the registrars of all courts with criminal jurisdiction to transmit by text message to the nearest Police Station the outline of judgment in every criminal trial. For example the text may read thus: <i>'The High Court of the FCT presided by Justice ZY in suit No,,, FRN v. Ade Okoro Shehu & Felix Abah in a judgment delivered on July 10, 2016,</i></p>	<p>1.1 A smart mobile phone specially configured for sending judgment to the CCRR units in all the Divisional Stations nationwide.</p> <p>1.2 A USB Flash Drive for each CCRR unit in all the Divisional Station of the Police, so that soft copies of judgments can be obtained from courts.</p> <p>1.3 Court ICT Unit</p>	<p>1.1 Short term</p> <p>1.2 Short term</p>

sentenced the 1st defendant (Ade Okoro Shehu) to 5years imprisonment for fraud and the 2nd defendant(Felix Abah) was discharged and acquitted. The resume of the judgment will be forwarded.

Name, Designation of the sender.

1.3 The official telephone number of the nearest Police Station to a Court should be pasted on the board in the registrar's office. (These numbers should be within the custody of the CR unit in that station.)

1.4 The registrar shall promptly complete the judgment notification template, ensure it is duly signed and certified and transmitted to the police station.

1.5 The registrars should use personnel from the new court ICT unit (as recommend in Chapter 2- trial de novo) to liaison with Police station in transmitting both the hard copy and soft copy of the duly signed and certified judgment to the Police station. Please note that there is no sufficient security or credibility with text messages or information via USB. Fraudsters

1.3 Short term

1.4 Short term

1.5 Long term

		<p>and hackers can easily intercept/breach text messages coming from the court to the police station and/or send spam messages to the police which will have the resemblance that it originated from the court, all for their own agenda. Also, data on USB's are virus prone which can easily damage computer systems. Aside from damaging, this gap in security can be used to illegally hack into Police database or even court database to obtain information. It is therefore suggested that text messages and USB should not be used for their low security and if they <u>must</u> be used, ICT experts on security should be engaged to create secured messaging systems. Instead, Courts and Police stations should use secured email systems to transmit message. This will be more secured and uneasily intercepted.</p> <p>1.6 The designated officer in the Police Station or personnel in the Zonal Offices of the other law enforcement agencies, charged with the task of uploading information on the CCRR should be in responsible for liaising with the court registrar in order to obtain the judgment or</p>		
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		<p>summary of it from the court's registrar.</p> <p>1.7 Funding must be made available to the IGP to finance the movement of such officers and to pay for the airtime utilised by the court registrars to send such text messages.</p> <p>1.8 The funds required under this section must be computed and included in the budget of the Nigerian Police Force by the IGP.</p>		<p>1.6 Short term</p> <p>1.7 Medium term</p> <p>1.8 Medium term.</p>
3.	<p><u>To overcome trial delays</u></p> <p>Section 396: Overcoming delay in criminal trial caused by the absence of the Investigating Police Officers (IPO) owing to transfer, ill health and other causes.</p>	<p>1.1. The Nigerian Police authorities should direct investigating officers to conduct investigations in teams such that the transfer or absence of a single member of an investigating team does not stall an investigation as other members of the team can always attend court as witnesses.</p> <p>1.2. Unnecessary transfer of investigating police officers must be reduced by the authorities of the</p>	<p>1.1. Engagement of specialist consultants on criminal justice administration by the various CPs for a comprehensive sensitisation of officers of the force on the need to conduct investigation as a team</p>	<p>1.1 Short term</p> <p>1.2 Short term</p>

		<p>police. Alternatively, adequate provisions should be made to enable officers travel from their primary location to testify in court in other locations.</p> <p>1.3. The ACJMC (Administration of Criminal Justice Monitoring Committee) should immediately write a letter to the IGP to issue “<i>Operational Guidelines for Investigation</i>” to enforce the suggestions above.</p> <p>1.4. Internal seminars, sensitisation and awareness-raising meetings should be organised by the CPs (Commissioners of Police) nationwide for all officers of the Nigerian Police in line with the directives of the IGP on ‘Team Investigations’ and other ways of ensuring that IPOs are available when needed in court not only in their primary locations but also elsewhere.</p> <p>1.5. The IGP should make a request for funds in the budget to enable the recruitment of more officers where personnel are lacking to achieve this suggestion.</p> <p>1.6. Recognition and appreciation of Investigation</p>		<p>1.3 Short term</p> <p>1.4 Short term</p> <p>1.5 Medium term</p>
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		Teams that have displayed the highest level of teamwork by the end of the year. Incentive could include presentation of badges/medals of honour		1.6 Medium Term
4.	<p><u>Transfer of case files to AG</u></p> <p>Section 376(1): Submit to the Attorney-General of the Federation case files of suspects that the Magistrate Court has no jurisdiction to try the offence the suspects are charged with</p>	<p>1.1. Establishment of a task force which should consist of prosecutors from FMOJ and the police legal unit at FHQ and FCT command. The task force should function at an operational level to improve synergy between the police and the FMOJ.</p> <p>1.2. The Officer-in-Charge of the Legal Department (OC Legal) in the Headquarters should assign an officer/lawyer within the department to be responsible for compiling and dispatching these case files to the Attorney General's (AG's) office. Likewise the OC Legal in the FCT or State Command should assign an officer/lawyer within the department to compile such cases and cause the case files to be promptly dispatched to the AG's office.</p> <p>1.3. There should be an adequate number of officers designated at the FMOJ to receive case files from the police and these officers should preferably be legal practitioner, who will peruse the case files</p>	1.1. Additional receiving officers at the FMOJ.	<p>1.1. Short term</p> <p>1.2. Short term</p> <p>1.3. Short term</p>

		<p>and ensure that all necessary documents and endorsements are contained in the files.</p> <p>1.4. The case files should contain a checklist reflecting the documents in the file and the status of the case.</p> <p>1.5. There should be proper briefing by the former prosecutors to the receiving prosecutor. Both sides should work together for a reasonable time to enable the FMOJ prosecutors to properly take over the cases.</p>		1.4. Short term
5.	<p><u>Human rights compliant arrests/search</u> Adhering to the provisions of Sections 3–8 on arrests.</p>	<p>1.1. The IGP should, in collaboration with Civil Societies or Development Partners, organise vigorous training, awareness or sensitisation programmes for all officers of the Nigerian Police in all states of the Federation. The IGP may seek support from the State Governments. The ACJMC should collaborate with the IGP on this.</p> <p>1.2. The training and retraining of officers should be standardised in line with best international practices.</p> <p>1.3. The IGP should direct the CRU (Complaints Response Unit) of the police to be strict in</p>	<p>1.1 Engagement of Consultants who major in the development, promotion and advancement of human rights generally.</p> <p>1.2 Active and regularly updated social media accounts (specialized social media platform handles on Twitter, Facebook, WhatsApp, and Instagram) belonging to the CRU managed with the guidance and supervision of a</p>	<p>1.1. Medium term</p> <p>1.2. Medium term</p> <p>1.3. Short term</p>

		<p>handling any genuine complaint against any police officer who flout the provisions of the law, irrespective of the rank of such officer.</p> <p>1.4. The ACJMC should create public awareness about the existence of the CRU and the need for its patronage by the public as a means of keeping the police on the right path of accountability. The ACJMC may seek the support of media organisations and collaborate with Civil Society groups and Development Partners to carry out this campaign.</p> <p>1.5. To encourage correspondence between the public and CRU, CRU should engage the public by active social media interaction; using social media as a platform to receive complaints and setting up hotlines which should be publicised via radio jingles, skits, and social media platforms like Twitter, Facebook, WhatsApp, Instagram, and YouTube etc. IGP may seek support of media houses to run brief ads about CRU hotlines and Universities whose students are on IT as well as National Youth Service Corps to work on the social media agenda.</p>	<p>professional social media content manager (at first) and subsequently, by students and Corps members.</p>	<p>1.4. Short term</p> <p>1.5. Short term</p>
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		1.6. The IGP must make provision in the budget of the Police for funds dedicated to the training and re-training of officers of the Force on respect for human rights and dignity in the treatment of suspects, witnesses, etc.		1.6. Medium term
6.	<p><u>Authenticating Criminal Records</u> The practical challenge of authenticating the records that will be entered into the CCRR, especially as it relates to personal identity of persons.</p>	1.1. The IGP should seek the support of the Director General of NIMC (National Identity Management Commission), Central Bank of Nigeria, Independent National Electoral Commission, etc. so that the administrators of the CCRR are allowed access to their database for confirmation of the information supplied by persons whose details are to be entered into the CCRR. <i>[NIMC has the mandate to collate all identity information on all citizens.]</i>		1.1. Short term
7.	<p><u>Recording Suspects Statements Section 17: Recording of Statements</u> in an authenticated manner to prevent the constant challenge of its voluntariness which delays criminal trials.</p>	<p>1.1. Sensitisation and training of police officers in taking of statements.</p> <p>1.2. The Police must grant lawyers if available access to suspects and witness when obtaining statements from them.</p> <p>1.3. The police should have concluded or made real progress with the investigation before arresting a suspect; this is to avoid/reduce friction between</p>	<p>1.1. One mobile smart phone, with a memory card not less than 4GB memory, and not less than 5mega pixels camera and accessories for each police Station nationwide.</p> <p>1.2. A list of names and telephone numbers of local Legal Aid lawyers at every police station.</p>	<p>1.1. Short term</p> <p>1.2. Short term</p> <p>1.3. Short term</p>

		<p>lawyers and police during interrogation.</p> <p>1.4. Every police station should have a list of names and telephone numbers of Legal Aid lawyers within the area, so they can be reached where private lawyers are not available to suspects.</p> <p>1.5. Every DPO should assign an officer the task of contacting the available Legal Aid counsel.</p> <p>1.6. The CPs of each State Command (including the FCT) should write to the heads of Legal Aid in each state requesting this list and explaining why the list is required. Request should also be made for quarterly update of the list by Legal Aid heads.</p> <p>1.7. The CPs should issue Directives to the DPOs to ensure the presence of a Legal Aid lawyer whilst recording statement, where private lawyers are not readily available to the suspects.</p> <p>1.8. Where video facilities are available, recording of statements must be done in the designated room and captured by the video camera.</p> <p>1.9. The video recording should be done in such a manner that it captures the suspect been read his</p>	<p>1.3. A simple mobile phone for contacting Legal Aid lawyers when the need arises.</p> <p>1.4. Retrievable video compact disc recorder at every police station for electronic recording of interrogation sessions and the taking of statements.</p> <p>1.5. Constant power supply and a well light interrogation rooms for recording.</p> <p>1.6. Funds to service and maintain the recording systems.</p>	<p>1.4. Short term</p> <p>1.5. Short term</p> <p>1.6. Short term</p> <p>1.7. Short term</p> <p>1.8. Medium term</p>
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		<p><i>Miranda right</i> and all persons present in the interrogation room at the time of the recording. There must be no hidden spot. This is to prevent a suspect from challenging its voluntariness which delays criminal trials.</p> <p>1.10. Where there are no video recording facilities, the DPOs should provide for a smart phone that can easily record with clarity and not less than 5mega pixels camera, which would be used to record the statement of suspects.</p> <p>1.11. In cases where making a video might cause the suspect to withhold the truth, the police can without informing the suspect, use a voice recorder, either with a tape or using a phone to obtain the statement of the suspect.</p> <p>1.12. The IGP is to compute the cost of purchasing and maintaining all electronic gadgets required to achieve the objectives of the ACJA related to recording of statements and make adequate budgetary provisions for them.</p>		<p>1.9. Short term</p> <p>1.10. Medium term</p> <p>1.11. Medium term</p>
8.	<p><u>Register of Arrests</u></p> <p>1. Section 29(4): Register of</p>	<p>1.1. The OC Legal should prepare a template for recording arrests; the template should be circulated to all Police Stations in Nigeria.</p>	<p>1.1. One cabinet where the records of arrests can be safely</p>	<p>1.1.Short term</p>

	<p>arrests kept in prescribed form in all police stations</p> <p><u>Monthly reports of suspects</u></p> <p>2. Section 33(1): Submit monthly reports of all suspects arrested without warrants whether on bail or not to the nearest Magistrate</p>	<p>1.2. The DPO should assign a unit in every Police Station under his control to keep records of all arrests in the prescribed form: Whether with warrant or without warrant.</p> <p>1.3. That unit should also be responsible for transmitting records of arrest without warrant to the nearest Magistrate.</p> <p>1.4. The officer on duty in that unit on the last working day of the 3rd week of every month should be responsible for transmitting same to the registrar of the Magistrate Court nearest to the Police Station.</p>	<p>kept at all Police Stations nationwide. A cabinet that is already in existence but is empty can be refurbished and used for this purpose.</p>	<p>1.2.Short term</p> <p>1.3.Short term</p> <p>1.4.Short term</p>
9.	<p><u>Quarterly records of arrests</u></p> <p>Remit quarterly records of all arrests made with or without warrant in relation to Federal offences under Section 29(1) to the AGF (Attorney General of the Federation) and State offences under Section 29(1) to the Attorneys-General of States.</p>	<p>1.1. DPOs should assign a unit in every Police Station under his control to keep records of all arrests in the prescribed form prepared in (7) above whether with warrant or without warrant.</p> <p>1.2. The unit so assigned by the DPO should, on the 3rd week of every quarter submit a copy of the record of arrest it has kept to the DPO responsible for the Police Station.</p> <p>1.3. The DPO should, in the last week of every quarter, convey such records of arrest to the CP</p>	<p>1.1. One cabinet where the records of arrests can be safely kept at all Police Stations nationwide and at each State Command of the Police. A cabinet that is already in existence but is empty can be refurbished and used for this purpose.</p>	<p>1.1.Short term</p> <p>1.2.Short term</p> <p>1.3.Short term</p>

		<p>in the State.</p> <p>1.4. The CP should assign an officer from the legal department in his command who shall be the depository of all records submitted by the DPOs.</p> <p>1.5. The lawyer-officer should be responsible for sorting the arrest records. Separating those made on federal offences from those made on state offences.</p> <p>1.6. The lawyer-officer should be empowered by the CP to make demand or send reminders to the DPOs in the FCT or in a State as the case may be.</p> <p>1.7. The CP should cause the sorted records, on the Federal offences, to be sent to the IGP's office for sorting and transmission to the AGF's office.</p> <p>1.8. The CP should cause the arrest records on State offences to be sent to the office of the Attorney-General of the State.</p>		<p>1.4. Short term</p> <p>1.5. Short term</p> <p>1.6. Short term</p> <p>1.7. Short term</p> <p>1.8. Short term</p>
10.	Section 93(3): Post one or more armed policemen to provide security during criminal trials	1.1. The ACJMC should write the IGP urging him to give effect to this Section by issuing a directive to the effect that, armed police officers should now be posted to courtrooms as Court Duty Officers.		1.1. Short term

		<p>1.2. The IGP should issue directives that at least one police officer shall be posted to each courtroom for securing its premises.</p> <p>1.3. Another officer who should be armed should be posted as Court Duty Officer to be responsible for the temporary safe keeping of defendants who are to be transferred to custody by reason of remand or inability to meet bail conditions.</p> <p>1.4. In order to meet the obligation, it may be necessary to recruit more officers for this purpose.</p> <p>1.5. The IGP should compute the cost of retaining armed personnel in all criminal courts in the country to ensure compliance with this Section of the ACJA and include same in the budget of the Nigerian Police Force.</p> <p>1.6. Police officers posted to guard the courts must be well trained for the assignment.</p>		<p>1.2. Medium term</p> <p>1.3. Short term</p> <p>1.4. Medium term</p> <p>1.5. Short term</p> <p>1.6. Medium term</p>
11.	<u>Investigator/Prosecutor synergy</u> The challenge to establish a	1.1. The IGP should establish a unit to serve as the	1.1. A smart mobile phone for	1.1. Short term

	<p>productive relationship between the Investigating Police Officers (IPOs), the legal department of the Police and the Federal Ministry of Justice (FMOJ). (See heading on duties of Prosecutors under ACJA (below) for more suggestions and needs assessment on this)</p>	<p>liaison office that will relate with the FMOJ on issues.</p> <p>1.2. The DPP should establish a unit to serve as the liaison office that will relate with the Police on issues.</p> <p>1.3. The membership of the two units in 6.1 & 6.2 shall be the task force referred to in page 20 - Transfer Of Case Files To AG.</p> <p>1.4. The membership of each unit shall consist of at least 6 designated senior police officers and at least 6 legal officers of the FMOJ.</p> <p>1.5. The DPP's office should make provision for a readily available and accessible fund to cater for the traveling expenses of IPOs who are required to testify in cases being prosecuted by the Ministry of Justice.</p> <p>1.6. The ACJMC should write the Heads of Courts in the FCT to issue a directive to all courts to mandate their registry to give advance notice via text messages or email where the court will not be sitting to avoid the IPOs incurring unnecessary</p>	<p>the registry of each court to serve the purpose of receiving and replying notices.</p> <p>1.2. Trained corps members to reply SMS or email from parties on whether court will sit or not on behalf of the registry.</p> <p>1.3. At least 6 senior police officers.</p> <p>1.4. At least 6 legal officers of the FMOJ.</p> <p>1.5. Computer and other accessories</p> <p>1.6. Internet facilities</p> <p>1.7. Secured email system</p>	<p>1.2. Short term</p> <p>1.3. Short term</p> <p>1.4. Medium term</p> <p>1.5. Short term</p> <p>1.7. Short term</p> <p>1.8. Medium</p>
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		<p>expenses. (The advance notice should be given at least 12 hours before the court scheduled sitting).</p> <p>1.7. All courts should make available a phone number that parties can send a simple text to inquire whether or not the court will sit on a scheduled date.</p> <p>1.8. Also where hearing in a particular case will not proceed for one reason or the other, Judges should notify the parties involved through the court registrars (at least 12 hours before the court scheduled sitting) so that where witnesses are to be brought from outside jurisdiction, such resources can be saved.</p> <p>1.9. The Heads of Court should organise a special briefing on this for judges and all court personnel.</p> <p>1.10. The Heads of Court are to compute the financial implication of this practice and make provision in the budget of the judiciary.</p> <p>1.11. Regular monthly meetings between the police and the FMoJ should be held at neutral venues such as conference halls or open parks or other relaxation places. This should be used for</p>		<p>term</p> <p>1.9. Medium term</p> <p>1.10. Short term</p> <p>1.11. Medium term</p>
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		<p>information sharing and building informal contact - cases being handled and challenges faced on both sides can be discussed and possible solutions shared. The meetings can also be held at the police or the FMoJ interchangeably to encourage IPOs, lay prosecutors and FMoJ prosecutors communicate more.</p> <p>1.12. There should be cocktail events and dinners where both sides can mingle socially and communicate informally.</p> <p>1.13. There should also be social media platforms such as WhatsApp, Facebook, Twitter, Instagram etc where both sides can communicate.</p> <p>1.14. FMoJ prosecutors should be involved at the early stage of investigation.</p> <p>1.15. The National Association of Prosecutors should be re-activated to create a platform for closer interaction amongst prosecutors in all agencies of criminal justice.</p>		<p>1.12. Medium term</p> <p>1.13. Medium term</p> <p>1.14. Short term</p> <p>1.15. Short term</p>
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4. ATTORNEY-GENERAL OF THE FEDERATION

S/N	CHALLENGES	RECOMMENDED STRATEGY	RESOURCES /ACTIVITIES REQUIRED	TIMELINE
1.	<p><u>Reports of arrest</u></p> <p>Section 29(1): The Inspector General of Police and heads of every agency authorised by law to make arrest are to remit quarterly to the Attorney-General of the Federation, a record of arrests made in relation to federal offences.</p>	<p>1.1. The AG should collaborate with the IGP and the heads of all law enforcement agencies to sensitise the agencies on the importance of these records which includes:</p> <ul style="list-style-type: none"> help criminal investigation; understand trends of criminality, enhance planning for crime prevention and assist in developing appropriate responses by the Attorney-General and other policy makers. <p>1.2. The AG should meet regularly with the IGP and the heads of all law enforcement agencies to promote collaboration and understanding amongst all the agencies; (having come under the definition of ‘police’ by virtue of the Interpretation section of the Act the agencies are obliged to supply to the Central Criminal Records Registry, the information prescribed in section 15 (3) of the Act.)</p> <p>1.3. Two categories of information required:</p> <ul style="list-style-type: none"> a. pre-trial information as contained in section 	<p>1.1 Sensitisation seminar</p> <p>1.2 Bulk SMS from IGP and heads of other law enforcement agencies to their members/officers</p>	Short term

		<p>15 and</p> <p>b. post-trial information.</p> <p>1.4. This information, as uploaded to the electronic database of Central Criminal Records Registry should be transmitted to the Attorney-General for his records.</p>		
2.	<p><u>Database of arrest records</u></p> <p>Section 29(5): Attorney-General of Federation to establish electronic and manual database of records of arrests at the federal and state levels.</p>	<p>1.1. AGF to write letters requesting the Inspector-General of Police and heads of every law enforcement agency to remit the statutory quarterly records of arrests.</p> <p>1.2. The AGF to set up a special unit in the Department of Planning, Research and Statistics (DPRS) of the Federal Ministry of Justice to receive and protect the data.</p> <p>1.3. AGF to convene a meeting with the law enforcement agencies on the importance of synergy amongst the agencies and other stakeholders.</p> <p>1.4. AGF to obtain from the Police the arrest data they had before the enactment of ACJA which should be uploaded to the database.</p>	<p>1.1. Adequate budgetary provision.</p> <p>1.2. Computers, accessories, computer routers, internal servers, (the AGF may adopt the Intranet servers method used by banks), hardware and software servers, firewalls, internet facility, and other relevant ICT gadgets.</p> <p>1.3. Software engineer/ICT expert to develop a software and adequate backup system for hosting the database.</p> <p>1.4. Power source like generators, inverters, UPS, solar panels.</p>	Short term

		<p>1.5.The record should be backed up manually by storing the hard copy documents.</p> <p>1.6.Uniform remittal template to be developed by the ACJMC and circulated for adoption by all relevant agencies.</p> <p>1.7. There should be technical capacity building for the personnel in the DPRS department of the FMoJ</p>		
3.	<p><u>Monthly report to Magistrate</u></p> <p>Section 33(1): Monthly report to a Supervising Magistrate of all suspects arrested with or without warrant within the limit of their respective stations or agency whether the suspect has been admitted to bail or not — Where the officer does not comply, the Supervising Magistrate is required to report it to the Chief Judge and the AGF for appropriate remedial</p>	<p>1.1 Chief Judge of the FCT to appoint Supervising Magistrates.</p> <p>1.2 Supervising Magistrates to write letters to officers in charge of police stations and agencies for the statutory report.</p> <p>1.3 The Chief Judge of the FCT and or the AGF to recommend any defaulting officer to be queried as a disciplinary measure for non-compliance with the provisions of section 33(1).</p>		Short term.

	action.			
4.	<p><u>Access to Police reports</u></p> <p>Section 33(4): Attorney-General, upon request, to make available, the monthly police report (as in (3) above) to the:</p> <ul style="list-style-type: none"> a. National Human Rights Commission, b. Legal Aid Council of Nigeria or c. other relevant Non-Governmental Organisations 	<p>1.1. The Attorney-General shall instruct the DPRS to make the records available to the listed agencies as they may request.</p> <p>1.2. Attorney-General of the Federation to designate the personnel in the new unit setup in the DPRS in paragraph 2- database of arrest records above to forward the Police monthly report to the relevant institutions upon request for it.</p>		Short term.
5	<p><u>Federal offences</u></p> <p>Section 104: Attorney-General may prefer information in any court in respect of an offence created by an Act of the National Assembly; See also Section 106</p>	<p>1.1 Police to hand over case files to the Department of Public Prosecution where there is no available police prosecutor (legal practitioner).</p> <p>1.2 Director of Public Prosecution to assign files to law officers in the department</p> <p>1.3 The IGP and AGF should institutionalise assignment and pairing of investigators with prosecutors for early engagement to create synergy between the police and prosecutors from the</p>	<p>1.1 Recruitment of more state counsel as prosecutors in the Ministry of Justice.</p> <p>1.2 Uniform salary scale for lawyers in the Ministry of Justice with their counterparts in other agencies such as EFCC, ICPC, NAPTIP, etc.</p> <p>1.3 Sensitisation, training and</p>	Short term

		<p>Ministry of Justice (See heading of Public Prosecution below for in-depth explanation on how this can be achieved).</p> <p>1.4 Director of Public Prosecution to monitor cases that are being assigned.</p>	<p>retraining of prosecutors to keep them abreast of the provisions of the ACJ Act.</p> <p>1.4 More prosecutors should be posted to the DPP.</p> <p>1.5 Special funds to the office the DPP</p>	
6	<p><u>AG's Directive to Police</u></p> <p>Section 105: Attorney-General may issue legal advice or such other directive to the Police or any other law enforcement agency in respect of an offence created by an Act of the National Assembly.</p>	<p>1.1 Attorney-General to forward the police case file to the DPP for legal advice and DPP to designate law officers to perform this specific task within stipulated deadline.</p> <p>1.2 There is need for the Director Public Prosecution to stipulate a timeline of 3 to 4 days within which the officer must perform the task.</p>		Short term
7	<p><u>Prisons returns on ATPs</u></p> <p>Section 111: Comptroller-General of Prisons to make returns every ninety days of all persons awaiting trial held in custody for a period beyond 90 days from the date of arraignment to the Attorney-General.</p>	<p>1.1 Attorney-General to write and make a demand on the Comptroller-General of prisons to forward the statutory report.</p> <p>1.2 Attorney-General to designate the personnel in the new unit setup in 2(2) above to receive the returns for proper documentation and upload to the database.</p> <p>1.3 There is need for Attorney-General to obtain from</p>		

	<p>Upon the receipt of such returns, the Attorney-General is required take such steps as are necessary to address the issues raised in the returns in furtherance of the objectives of the Act.</p>	<p>the Prisons previous data it had before the enactment of ACJA which will be uploaded to the database or records of convicts.</p> <p>1.4 Attorney-General to maintain both manual and electronic database for this purpose.</p> <p>1.5 There is need for synergy between the Prisons and Ministry of Justice particularly the personnel working in the new arrest records unit to ensure that the provisions of this section is promptly and properly complied with by the C-GP.</p>		
8.	<p><u>Cancellation of Bail</u></p> <p>Section 169: Attorney-General may in appropriate circumstances request a court to cancel a defendant's bail or increase the bail sum.</p>	<p>1.1 There is need for the Attorney-General to monitor the progress of cases especially cases involving Politically Exposed Persons (PEPs) and high profile cases in order for him to know when appropriate to apply the provision of section 169.</p>		Short term
9.	<p><u>Subpoena of Witness</u></p> <p>Section 241: The court may, on an application of the prosecution or the defence, issue a summon or writ of subpoena on a witness requiring him to attend court to</p>	<p>1.1 There is need for the Chief Judge (FHC and FCT) to include in their budgets, estimation for witness expenses.</p> <p>1.2 Chief Registrars of the Courts (FHC & FCT) shall prepare a template for the payment of witness expenses.</p>	<p>1.1 Adequate budgetary allocation for the judiciary to include witness expenses.</p> <p>1.2 Resources for public education to create awareness amongst the public of their responsibility to</p>	Short term

	<p>give evidence in respect of the case, and to bring with him any specified documents or things and any other document or thing relating to them which may be in his possession or power or under his control.</p>	<p>1.3 The Chief Registrar shall insert in the Witness Summon or Subpoena a clause to the effect that <i>“witness will be entitled to payment of reasonable expenses as may be approved.”</i></p> <p>1.4 Registrars of courts to ensure that witnesses are paid their entitlement without any delay.</p> <p>1.5 The Head of court shall establish a method of obtaining feedback from witnesses on the ease/difficulty they experienced in receiving their reimbursement and take steps to minimise such experiences/sanction defaulting Registrars.</p> <p>1.6 Heads of Courts should also encourage judges to inform witnesses of this provision at the commencement of trial and follow up on whether or not they have been reimbursed at the closing of their testimony.</p>	<p>attend court as witness when called upon.</p>	
10.	<p><u>Private prosecution</u> Section 268(1): Where a private legal practitioner prosecutes on behalf of the Attorney-General or a public officer prosecutes in his official capacity in any criminal</p>	<p>1.1 Private legal practitioners prosecuting on behalf of the AG to constantly submit progress report to update the office of the Attorney-General especially in cases relating to terrorism, economic crimes or cases involving Politically Exposed Persons (PEPs) and other high profile cases. This may be done electronically via emails to save the</p>	<p>1.1 Functional internet connection for the AG’s office to receive such mails and respond accordingly.</p>	

	proceeding, the private legal practitioner or public officer shall prosecute subject to such direction as may be given by the Attorney-General of the Federation.	time of meetings and so that such mails can be retrieved at any time. 1.2 Such mails should be printed and included in the case files for ease of access.		
11.	<u>Delegation by AGF</u> Section 268(2): The Attorney-General of the Federation may delegate to the Attorney-General of a State the powers conferred on him by this section either generally or with respect to any offence or class of offences and such offence shall be prosecuted in the name of the Federal Republic of Nigeria.	1.1 The Attorney-General of the Federation is encouraged delegate to the Attorneys-General of states as many cases as would appear more practicable for the AGs of States to prosecute especially where the alleged offence was committed in the state e.g. vandalism cases. 1.2 Where such power is delegated there is need for the Attorney-General of the Federation to monitor the progress of such cases. 1.3 AGF should demand reports via e-mail of outcomes of cases prosecuted by states AGs on behalf of the AGF.		
12.	<u>Proof of Previous Conviction</u> Section 272: Where the fact of a previous conviction of a defendant is a fact in issue, the prosecution shall prove the same	1.1 The electronic database established by the Attorney-General should include record of convictions. This would enhance the proof of previous convictions. 1.2 Access to view this database should be granted to		

	in accordance with the provisions of the Evidence Act.	State Counsel.		
13.	<u>Defendant of Unsound Mind</u> Section 278(6): Attorney-General of the Federation may be required, at any stage of the trial, to apply to the court for an order for a defendant who is suspected to be of unsound mind to be sent to an asylum or other suitable place for observation. See also Section 286(1) and (2)	1.1 The prosecutors representing the Attorney-General should be made aware of this responsibility. 1.2 At least twice a year, the Attorney-General should visit the facility where such defendants are kept to ensure that it is conducive, safe, and of good sanitary condition.	1.1 Adequate budgetary provision for the maintenance of such mental facility. 1.2 Sensitisation and capacity building for the personnel in the facility	
14.	<u>Opening of case after plea</u> Section 300: After a plea of not guilty has been taken or no plea has been made, the prosecutor may open the case against the defendant stating shortly by what evidence he expects to prove the guilt of the defendant.	1.1 Greater collaboration between prosecutors and IPOs (See heading under Nigerian Police for methods of collaboration and transportation of IPOs	1.1 Well-equipped library facility and availability of access to e-library. 1.2 Internet facility, laptops and other helpful devices for research.	
15.	<u>Non-detention of persons of unsound mind</u>	1.1 Defendants whose mental state is unsound should not be detained in the regular prisons.	1.1 Facility for mental health asylum at government	Medium Term

	<p>Section 438: A person detained in a safe custody or suitable place other than prison or mental health asylum may, at any time, be discharged by the Attorney-General on licence.</p> <p>The Attorney-General may, at any time, revoke or vary a licence and where this is done, the person to whom the licence relates shall proceed to such place as the Attorney-General may direct and if he fails to do so may be arrested without warrant and taken to the place.</p>	<p>1.2 Attorney-General to collaborate with the Minister of health and hospital management authorities to make provision in government hospitals for the reception of the persons of unsound mind as may be referred from time to time by the courts.</p>	<p>psychiatric hospitals.</p> <p>1.2 Adequate security personnel for monitoring the defendants detained in such facility.</p>	
16.	<p><u>Prerogative of Mercy</u></p> <p>Section 410: Attorney-General to prepare and submit the record of cases for recommendation of prerogative of mercy to the Council of State.</p>	<p>1.1 The Attorney-General to liaise with the prisons authority to obtain information about prisoners who may be recommended for the prerogative of mercy. The CCRR will, in the long term, be a source of information on prisoners within the system deserving of mercy.</p> <p>1.2 The Attorney-General to collaborate with the</p>		Short term

		prison authorities to develop a guideline for convicted persons on the procedure involved in the application for mercy or pardon.		
17.	<p><u>Secretariat of the ACJMC</u></p> <p>Section 471(2): The Secretariat of the ACJMC shall be headed by a Secretary who shall be appointed by the Attorney-General of the Federation.</p> <p>Section 473: The Secretary of the ACJMC to submit to the Attorney-General not later than 30th September in each financial year, an estimate of its expenditure and income during the next financial year.</p>	<p>1.1 Attorney-General to appoint a Secretary for the Administration of Criminal Justice Monitoring Committee (ACJMC).</p> <p>1.2 The Secretary should be a dynamic individual with sound knowledge of the criminal justice system and sufficient clout to mobilise all the members of the committee to work proactively.</p> <p>1.3 Attorney-General to propose a supplementary budget to the Federal Executive Council to cover the expenditure of the Secretariat.</p> <p>1.4 Attorney-General to write the Secretary of the Administration of Criminal Justice Monitoring Committee two months before then deadline, to submit its annual expenditure estimates.</p> <p>1.5 Hosting of the meetings of the Administration of Criminal Justice Monitoring Committee may rotate among the agencies represented.</p>	<p>1.1 Well-equipped Office in the FMoJ to serve as the Secretariat of the Administration of Criminal Justice Monitoring Committee.</p> <p>1.2 Recruitment of personnel for the Secretariat.</p> <p>1.3 Training and capacity building workshop/seminar for personnel of ACJMC.</p> <p>1.4 Paragraphs 1-3 above will require funding for the Committee</p>	Short term

5. PUBLIC PROSECUTORS

S/N	CHALLENGE:	RECOMMENDED STRATEGY	RESOURCES REQUIRED	TIMELINE
1	<u>Day-to-day trial of cases.</u> Section 396	<p>1.1 They should ensure thorough and detailed investigation of cases before arraignment.</p> <p>1.2 Investigators should work closely with prosecutors.</p> <p>1.3 They should develop case prosecution strategy from scratch-anticipate likely causes of delay and prepare ahead.</p> <p>1.4 Avoid multiplicity of charges.</p> <p>1.5 Ascertain witnesses, ensure their availability and arrange for their protection including reimbursement of their expenses.</p> <p>1.6 Prosecutors should not arraign until the casefile is ready and witnesses are ready and available.</p> <p>1.7 They should work out and agree on case management or trial schedule with the court and the defence.</p>	<p>1.1 Funds for case file development</p> <p>1.2 Fund for gathering of evidence including forensic analysis and preservation of evidence.</p>	
2	<u>Prosecution of offences:</u>	<u>Observation</u>	1.1 Comprehensive questionnaire	Short Term

	<p>Section 106: Subject to the provisions of the Constitution, relating to the powers of prosecution by the Attorney-General of the Federation, prosecution of all offences in any court shall be undertaken by:</p> <p>(a) the Attorney-General of the Federation or a Law Officer in his Ministry or Department;</p> <p>(b) a legal practitioner authorised by the Attorney-General of the Federation; or</p> <p>(c) a legal practitioner authorised to prosecute by this Act or any other Act of the National Assembly.</p>	<p>Despite seeming rather basic, State Counsel are currently prevented from effectively prosecuting offences largely due to funding challenges. With monthly allowance for prosecution drastically cut from N70,000 to N20,000 without warning or explanation, basic expenses like transportation from court to court, issuance of bench warrant, compilation of record of appeal etc. are unaccounted for and thus stall/bring some cases to a halt for want of diligent prosecution.</p> <p>1.1 DPP should conduct a realistic assessment of costs expended in the process of diligent prosecution through an anonymous survey among State Counsel.</p> <p>1.2 Permanent Secretary, FMOJ/ Solicitor-General of the Federation (SGF) and DPP should liaise with the courts on the possibility of providing some services free for State Counsel upon the presentation of valid Identification.</p> <p>1.3 Prosecutors should be adequately protected against possible hazards of their job. [They</p>	<p>touching on all costs involved in prosecution of criminal cases.</p> <p>1.2 Correspondence between the AGF and Heads of Courts on services that can be provided freely to State Counsel.</p> <p>1.3 Ministry of Justice to set aside some of its budgetary allocation for Prosecution Expenses to be monitored by DPP's office.</p> <p>1.4 Funding for self-defence courses.</p> <p>1.5 Police protection for prosecutors handling serious cases of terrorism, PEPs</p>	<p>Short Term</p> <p>Medium Term</p> <p>Short term</p>
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		<p>sometimes receive phone calls from strangers threatening them on cases they are working on.] It is recommended that prosecutors involved in dangerous cases be taught self-defence courses and basic intelligence tips and provided security for the duration of the case.</p> <p>1.4 The IG and AGF may organize how lay prosecutors who are willing to further their education to become lawyers but have no funds, can be assisted to get trained so that their years of experience as prosecutors and technical know-how will not go to waste.</p>		Long term
3.	<p><u>Deadline for trial of a charge preferred under S110 (1) (a) and (b)</u></p> <p>Section 110 (3): The trial of a charge preferred under subsection (1)(a) and (b) of this section shall commence not later than 30 days from the date of filing the charge, and the trial of the person brought</p>	<p><u>Observations:</u></p> <p>Meeting up with the 180 days deadline is challenging because:</p> <p>a. Prosecutors have a hard time bringing Police witnesses to Court.</p> <p>b. The Police are generally not forthcoming making it difficult for trial to commence on time.</p> <p>c. The Police continuously fail to remit the original case file to the FMOJ on time.</p> <p>d. Thus, after arraignment/taking of FIR,</p>	<p>1.1 At least 6 police officers</p> <p>1.2 At least 6 legal officers of the FMOJ</p> <p>1.3 Token Contributions from both FMOJ and State Command towards a small end of year meet and greet for prosecutors and officers to foster relationship building</p>	Short term

	<p>under the charge shall be completed within a reasonable time.</p> <p>Section 110 (4): Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.</p>	<p>prosecution is unable to continue in the absence of the original case file.</p> <p>e. Currently, prosecutors have to write to the State Command as telephoning the officers directly does not produce much result.</p> <p>f. The officers insist that the request be made in writing to the Command which leads to the problem of bureaucracy, hence, the delay.</p> <p>1.1 The Task force “Joint FMOJ/Police prosecutors” which was established at page 20 - Transfer Of Case Files To AG and also recommended at page 28 under Investigator/Prosecutor synergy should be as the liaison officer between the FMOJ and the police should be used to communicate for the release of original case files and for Police witness attendance in Court.</p> <p>1.2 The new task force will serve as a link between Police and Prosecutors. FMOJ Prosecutors can telephone their liaison officer at the Command to mount direct pressure on officers and to directly</p>	<p>and networking.</p>	
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		<p>forward files with approval of superior.</p> <p>1.3 DPP should bridge the gap between State Counsel and Officers by encouraging after-hours engagement e.g. interactive seminars, joint social activities such as jogging, End of Year Party</p>		
4.	<p><u>Expenses of witnesses for the prosecution</u></p> <p>Section 251: Where a person attends court as a state witness, the witness shall be entitled to payment of such reasonable expenses as may be prescribed.</p>	<p><u>Observations:</u></p> <p>Status quo is that prosecutors paid from their own pockets for witness expenses as no budgetary provision is available. Up till 2015, prosecutors were able to apply for witness expenses and funds were released to them. Since the coming into force of the ACJA it has stopped. “As may be prescribed” does not place the responsibility on either the Court or the Ministry. Unlike the provision for defendant witnesses in Section 252 which expressly places the duty on the Court to make payment through the Registrar.</p> <p>1.1. FMoJ should continue to assume responsibility of paying witness expenses as it did up until 2015.</p>	1.1 Continued funding for FMoJ to pay witness expenses when prosecutors apply.	Short Term
5	<u>Plea Bargain & Guidelines</u>	Observation:		

	<p>Section 270 (1) - (17)</p>	<p>PB is currently being applied to high profile cases but is yet to be used in regular cases. The reason is because when cases are received, counsel usually writes a legal opinion on whether to prosecute or not. From the legal opinion, they decide on whether or not there is sufficient evidence to prosecute the matter. If the evidence is insufficient, the FMoJ does not prosecute the matter. Thus, a key ingredient for PB which is lack of sufficient evidence to go to trial is unmet where the prosecution does not decide to prosecute the matter for the same reason.</p> <p>1.1 The FMoJ should issue additional guidelines for the operationalization of plea bargaining.</p> <p>1.2 There should be capacity building for prosecutors on when on plea bargaining should be used.</p>		
6	<p><u>Duty to amend charge where defendant pleads guilty to an offence not charged:</u></p> <p>Section 275: Without prejudice to other provisions of this Act, where the defendant pleads guilty to an offence not</p>	<p>1.1 Defendants who have been denied bail on the earlier charge(s) tend to apply for bail again on the new charge after taking a fresh plea which is an abuse of legal process by defence counsel and a tactic to delay the trial.</p> <p>1.2 Subsequent amendments should expressly</p>	<p>1.1 Written directive from Heads of Court to Judges and Magistrates</p> <p>1.2 Amendment/Update/ Issuance of Practice Direction</p>	<p>Short Term</p> <p>Short Term</p>

	<p>contained in the charge or information on which he was arraigned, the Court shall direct the prosecution to amend the charge or information accordingly to include the admitted offence, in which case, a fresh plea of the defendant shall be taken on the amended charge or information.</p>	<p>prohibit fresh application for bail if based simply on fresh plea taken and if the defendant was already refused bail on the previous charge(s). Meanwhile a directive to this effect should be issued by the Heads of Court to the Judges and Magistrates.</p> <p>1.3 Inclusion of the directive in Practice Direction</p>		
7	<p><u>Duty to provide evidence of previous conviction on finding of guilty:</u></p> <p>Section 310 (2): After the defendant has made his statement, if any, in mitigation of punishment the prosecution shall, unless such evidence has already been given, produce evidence of any previous conviction of the defendant.</p>	<p>1.1 Absence of Central Criminal Records Registry implies that Prosecutors do not have information on convict's criminal records thereby rendering this provision generally impracticable. Development of CCRR is of immediate urgency.</p> <p>1.2 Where application for allocutus is made by defence counsel for mitigation of sentence, the address is usually a whitewash speech presenting unfounded claims of the convict's previous good character. However, counsel's address is not evidence and courts must demand that evidence of good character be provided to warrant court to</p>	<p>1.1 Creation of CCRR and granting of viewing access to DPP to assist state Counsel in fulfilment of Section 310(2) duty</p> <p>1.2 Written directive from Heads of Court to Judges and Magistrates on entertaining allocutus address without supporting evidence.</p> <p>1.3 Amendment/Update of</p>	<p>Medium - Long Term</p> <p>Short Term</p> <p>Short Term</p>

		mitigate sentence. Mere address from the bar should not suffice.	Practice Directions on entertaining allocutus address without supporting evidence	
8	<p><u>Duty of prosecution where Comptroller-General of Prisons makes a good report of a prisoner:</u></p> <p>Section 468 (1): ... the court may, after hearing the prosecution and the prisoner or his legal representative, order that the remaining term of his imprisonment be suspended, with or without conditions, as the court considers fit, and the prisoner shall be released from prison on the order.</p>	<p>1.1 This provision relates to parole for prisoners of good behaviour but necessary facilities for parole are yet to be put in place therefore rendering this provision largely ineffective.</p> <p>1.2 Regular communication between AGF and ACJMC.</p> <p>1.3 DPP should encourage/remind AGF to write often. To make this practicable, a particular counsel can be put in charge of letter-writing to be signed by AGF.</p>		Short Term (Continuous)
9	<p><u>Issuance of legal advice within 14 days</u></p> <p>Section 376 (2)</p>	<p><u>Observation</u></p> <p>Counsel usually faces the challenge of meeting up within 14 days because the department is understaffed and overworked as only counsel in DPP</p>	<p>1.1 Improved Supervision by DPP</p> <p>1.2 Deployment of Task Management Application for the Department of Public</p>	

		<p>can write advice. Currently, some staff have too much work while others have too little or nothing at all because the senior officers who delegate duties are not familiar with some staff/do not know they exist. To avoid delay therefore, the case files should be sent to the designated law officer in the Department of Public Prosecution for prompt attention and there must be a timeline of 3-4 days of the receipt of file within which the officer must perform whatever duty was assigned.</p> <p>1.1 The AGF should create a separate unit within DPP for writing of legal advice and the unit should be headed by the deputy DPP, as the DPP is overburdened.</p> <p>1.2 The current uneven distribution of duties among counsel in FMoJ should be addressed. A monthly meeting should be held in the department to familiarize senior officer who delegate duties with junior officers.</p> <p>1.3 There should be a timeline of 3-4 days of the receipt of the file within which the officer who</p>	<p>Prosecution to assist in electronic task assignment. This requires funding.</p> <p>1.3 Funding for regular training of young prosecutors.</p> <p>1.4 Funding for special incentive packages to reward outstanding performance by legal officers.</p>	<p>Short Term/Continuous</p> <p>Short Term/Continuous</p>
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		<p>receives a case file for legal advice must perform whatever duty was assigned.</p> <p>1.4 The special unit can consist of existing counsel in FMoJ if the problem of uneven distribution is properly addressed. Where the FMoJ is understaffed, more counsel can be employed.</p> <p>1.5 There should be improved supervision by DPP. There should be monitoring and evaluation of the lawyers in the department.</p> <p>1.6 Incentives should be designed to reward outstanding performance by legal officers.</p> <p>1.7 Electronic/automated task management System should be considered.</p> <p>1.8 The AGF should consider using the electronic database created to collate data on all case files coming in and out of the FMoJ to determine productivity of the Ministry and for easy tracking of case files.</p>		<p>Short Term/Continuous</p> <p>Medium Term/Continuous</p>
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6. THE JUDICIARY

6.1 CHIEF JUDGE

S/N	CHALLENGE	RECOMMENDATION/STRATEGY	RESOURCES REQUIRED	TIMELINE
1.	<p><u>Monthly Inspection of Police stations by Designated Magistrates</u> Section 34(1): The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.</p> <p><u>Judicial Inspection of other detention facilities</u></p>	<p>1.1 Ascertain and compile a list of police stations and other detention facilities in the FCT with their addresses and telephone numbers with the assistance of the Commissioner of Police (CP Legal).</p> <p>1.2 The CJ FCT should designate supervising magistrates to all police stations and NSCDC Stations (this is because the NSCDC operates like the police as they also have detention places) within the FCT.</p> <p>1.3 The CJ FCT is to notify the Inspector General of Police (IGP) of these designations and request that the IG communicate same to all police commissioners for their maximum co-operation.</p> <p>1.4 The CJ should issue a memo designating specific Judges to visit EFCC, NDLEA, ICPC and other detention centres in the FCT.</p> <p>1.5 The CJ should request by letter heads of all law</p>	<p>1.1 Budgetary Allocation: Specific funds should be earmarked for this periodic inspection to cover provision of official vehicles, servicing and fuelling.</p>	Short term

	<p>Section 34(4): With respect to other Federal Government agencies authorised to make an arrests, the High Court having jurisdiction shall visit such detention facilities for the purpose provided in this section.</p>	<p>enforcement agencies to inform and sensitise officers of the provision of Section 34(5) of the implication of non-compliance with the provision.</p> <p>1.6 These inspection visits should be impromptu (i.e. without prior notice to the police/agency).</p> <p>1.7 Lawyers from the Legal Aid Council and NGOs involved in <i>pro bono</i> services should accompany the Visiting Magistrate/Judge for the visits to police stations and other detention centres.</p>		
2	<p><u>Community Service Centre</u></p> <p>Section 461: The Chief Judge shall establish in every Judicial Division a Community Service Centre to be headed by a Registrar who shall be responsible for overseeing the execution of Community Service Orders in that Division. See also S. 462-466</p>	<p>Observations:</p> <p>For this provision to be effective, Judges and Magistrates need to actually issue Community Service Orders (CSOs) in place of some sentences or fines for misdemeanour and first time offences.</p> <p>1.1 The CJ should commence by issuing Practice Directions on the conditions and requirements for granting CSOs.</p> <p>1.2 This should be followed by Sensitisation and training of Magistrates and Judges for the purpose of capacity building in community service sentencing.</p> <p>1.3 The CJ should empanel a technical committee to recommend guidelines for the operation of these</p>	<p>1.1 Practice Directions on issuing CSOs</p> <p>1.2 Basic Facilities for the centres e.g. computer systems and accessories, furniture and other facilities</p> <p>1.3 Manpower for the centres- Secondment from other departments, recruitment and training.</p> <p>1.4 Budget allocation for the running and maintenance of</p>	Short term

		<p>centres.</p> <p>1.4 The guidelines should first be implemented at a single centre to be operated as a pilot.</p> <p>1.5 Some pioneering officials may be sent to understudy the system in Lagos to see what lessons may be learnt.</p> <p>1.6 In order to minimise expense, some staff may initially be seconded from the Judiciary and other parastatals of government to pioneer the Community Service Centres (CSC).</p> <p>1.7 Although the CSCs are alternatives to prisons, it is necessary to leverage on the experience of prison authorities in setting up the CSCs.</p> <p>1.8 The CJ should liaise with the Social Welfare Departments in the Area Councils with a view to leveraging on their Facilities in the Short term.</p> <p>1.9 Build or rent Structures for the centres-The CJ may seek the assistance of the Minister of the FCT and the Attorney-General of the Federation.</p> <p>1.10The role and relationship of the judiciary, police, prison service and other relevant agencies should be</p>	<p>the centre.</p>	
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clearly defined and established.

1.11The CJ should establish a written eligibility criteria and screening procedures available to assist the court in determining those offenders who are appropriate candidates for community service.

1.12Community Service Orders should be based upon an assessment of established criteria in respect of both the nature and gravity of the offence and the personality and background of the offender, the purposes of sentencing and the rights of the victims.

1.13The offenders should be entitled to make a request or complaint to a judicial or other competent independent authority on matters affecting his or her individual rights in the implementation of the Community Service Order.

1.14Community Service Orders should not involve medical or psychological experiment on, or undue risk of physical or mental injury to the offender. The dignity of the offender should be protected at all times.

3.	<p><u>Timelines for commencing and concluding trial</u> Section 110(4): The CJ to receive returns from courts of particulars of a charge where it has been preferred and trial has not commenced for 30 days, or Where trial has commenced but has not been concluded within 180 days.</p> <p><u>Quarterly Reports of criminal cases</u></p> <p>Section 110(5): The CJ to receive Quarterly Reports from Courts of Particulars of all Criminal Cases.</p>	<p>1.1 The CJ to issue circulars directing Judges and Magistrates to comply with this timeline. They may, in response, relay to the CJ through the appropriate channel what challenges they have faced/are facing with compliance so that a resolution may be reached.</p> <p>1.2 The CJ to cause a template to be developed for this reporting, train and equip staff with the technical know-how for managing this information.</p> <p>1.3 The CJ should establish an ICT unit (as recommended in page 5-trial de novo above) who will handle all IT related issues to be headed by a deputy chief registrar. The ICT unit should consist of trained technical personnel and ICT experts who would build a data system for storing the reports.</p> <p>1.4 The CJ to make necessary budgetary allocations for setting up the data system.</p> <p>1.5 ACJMC to support the CJ to make this provision operative.</p>	<p>1.1 Computers and accessories</p> <p>1.2 A viable software, and data storage and retrieval facilities</p> <p>1.3 Trained personnel to update the software with new information when received.</p>	Short term
4.	<p><u>Licensing of bondspersons</u></p> <p>Section 187: the Chief Judge to make regulations for licensing Corporate bodies to act as</p>	<p>1.1 The CJ to conduct a study of how the bondspersons operate in similar jurisdictions especially in the United States followed by the issuance of guidelines for operations of bondspersons.</p>	<p>1.1 Funding for the study tour, research and publication of guidelines</p>	Short term

	bondspersons.	<p>1.2 Run a pilot project on the operation of bondspersons.</p> <p>1.3 Direct a unit in the Sheriff Section to oversee the administration of bondspersons.</p> <p>1.4 Make necessary publication requesting interested persons to register as bonds persons; these publications have to reflect the benefits of the programme.</p>		
5.	<u>Engaging Process Servers</u> Section 242: Authorise and assign process servers including courier companies to courts to effect efficient service of court processes.	<p>1.1 The CJ to issue guidelines for the operation of process servers.</p> <p>1.2 The CJ to direct a unit in the Bailiff Section to supervise process servers.</p> <p>1.3 Make necessary publication requesting interested persons to apply for consideration for engagement as process servers.</p>		Short term
6.	<u>Timely assignment of cases</u> Section 382(1): to assign cases to trial Judges within 15 working days after filing.	<p>1.1 The Chief Judge should decentralise the filing and assignment of cases.</p> <p>1.2 The new ICT unit (as recommended in page 5-Trial de novo above) should develop an E-assignment software for assigning criminal cases. The E-assignment software will take into consideration: (a) the special experience of each Judge in handling certain cases</p>	1.1 An E-assignment software to be built by the Court IT professionals — preferably a team based in Nigeria which can offer constant technical and administrative support at any time the Court may require.	Short term

		<p>(b) their schedule</p> <p>(c) the possibility of conflict to interest (d) other relevant factors.</p> <p>Thus, the system automatically assigns cases to Judges based on these factors. The assigned cases and assignees are then forwarded to the CJ for approval. Once the CJ signs, a copy is stored for future reference and the Judges are informed of their new assignments thus cutting assignment time and enabling the 15-day deadline to be met.</p>	<p>1.2 The IT team will also have to train the CJ's Legal Assistants in using the software.</p>	
7.	<p><u>Witness Protection</u></p> <p>Section 232:</p>	<p>1.1 The CJ should issue guidelines for witness protection in the Practice Directions.</p> <p>1.2 The forms of witness protection permissible under the ACJA should be clearly defined.</p> <p>1.3 Designate one or two rooms as video link centres in any of the courts for the purpose of taking evidence.</p> <p>1.4 Equip each of these 2 courts with video-link facilities.</p> <p>1.5 Designate and Train Staff to man the video-link technology</p> <p>1.6 Acquire screens or blinds and masks for screening</p>	<p>1.1 Screens or blinds, masks</p> <p>1.2 Internet connection for video link</p> <p>1.3 Alternative power supply like generators, inverters, solar panels specifically for the video link centres.</p> <p>1.4 Workshops to build capacity on witness protection</p>	<p>Short terms</p> <p>Medium term</p> <p>Short term</p> <p>Short term</p> <p>Short term</p> <p>Short term</p>

		witnesses. 1.7 Conduct training of judges on how to protect witnesses.		
8.	<p><u>CGP Returns on ATPs held for over 180 days</u></p> <p>Section 111 (1): The Comptroller-General of Prisons shall make returns every 90 days to the</p> <ul style="list-style-type: none"> • Chief Judge of the Federal High Court, • Chief Judge of the Federal Capital Territory, • the President of the National Industrial Court, • the Chief Judge of the State in which the prison is situated and to the • Attorney-General of the Federation of all persons 	<p>1.1. CJ to develop templates for these returns.</p> <p>1.2. Set up of a data collation point or centre</p> <p>1.3. The Comptroller-General of Prisons and comptrollers in the states need to be sensitised on the existence of this legal duty.</p> <p>1.4. This sensitisation should be through letters and seminars.</p> <p>1.5. The CJ should write the Comptroller-General to request for the returns where need be.</p> <p>1.6. The Comptroller-General may delegate this duty to a Deputy C-G and impose sanction for default.</p>	<p>1.1. Equipment for the data collation centre</p> <p>1.2. Training of staff on the use of the return template</p>	Short term

	awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.			
9.	<u>Day-to-day trial of cases.</u> Section 396	<p>1.1. Some courts in the FCT should be designated as Criminal Divisions which are subdivided into Specialist courts, for Homicide cases, Economic and Financial Crimes, Corruption Cases, Terrorism cases etc</p> <p>1.2. There should also be appointment of more Judges.</p> <p>1.3. The prisons officials should be equipped with functional vehicles to convey defendants to courts regularly.</p> <p>1.4. Courts should avoid granting long adjournments.</p> <p>1.5. Prosecutors should get their witnesses ready before commencement of trial.</p> <p>1.6. Hearing should go on as scheduled. Where scheduled hearing will not go on, notice should be given to parties ahead of time to avoid expenses of bringing witnesses.</p>	<p>1.1. Purchase and installation of Electronic recording gadgets and software for Criminal Division courts; Simple systems are recommended for ease of use, lower costs and maintenance.</p> <p>1.2. At least 10 Vehicles for the Prisons, FCT command;</p> <p>1.3. Detention places built around courts.</p>	<p>Medium term</p> <p>Medium term</p> <p>Medium term</p> <p>Short term</p> <p>Short term</p> <p>Short term</p>

		<p>1.7. Funds should be provided to equip the court with electronic recording tools.</p> <p>1.8. Some mini detention places should be built in the Court complex for the Criminal Divisions.</p> <p>1.9. Court Duty Officers from both the Nigeria Police and Nigeria Prison should be stationed in all courts.</p> <p>1.10. Locate some Criminal Division of courts close to the Prisons especially for capital offences.</p>		<p>Medium term</p> <p>Medium - Long term</p> <p>Medium - Long term</p> <p>Short/Long Term</p>
6.2 MAGISTRATES				
1.	<p><u>Criminal Records</u></p> <p>Section 16(3): The State or Federal Capital Territory (FCT) Police Command shall ensure that the decisions of the court in all criminal trials are transmitted to the Central Criminal Records</p>	<p>1.1. Registrars should be trained in the use of IT and stipends should be provided for the registrars for this purpose in the interim.</p> <p>1.2. IT knowledge should be a requirement for appointment/promotion.</p> <p>1.3. The Deputy Chief registrar should request for the</p>	<p>1.1. Computers and accessories</p> <p>1.2. Copiers</p> <p>1.3. Stipends</p>	

	Registry within 30 days of the judgment.	<p>criminal records from the registrars of the Magistrates on monthly/weekly basis.</p> <p>1.4. These reports should contain passports, names, date of birth, local government area, state, marital status, education, offences, outcomes of the case, the name of the magistrate and registrar.</p>		
2.	<p><u>Speedy Trial</u></p> <p>Section 110(4): Where a charge is preferred under subsection (1) (a) and (b) of this section and the trial does not commence within 30 days of bringing the charge, or trial has commenced but has not been completed after 180 days of arraignment on that charge, the Court shall forward to the Chief Judge the particulars of the charge and reasons for failure to commence the trial or to complete the trial.</p>	<p>1.1. The CJ should develop and issue practice direction to facilitate day to day trial.</p> <p>1.2. The CJ should conduct a detailed study or review of the Magistrate court system in order to understand the problems that may make day-to-day or even speedy trial impracticable and address them.</p> <p>1.3. The CJ should set up a committee of senior magistrates and practitioners to recommend case management system for Magistrates to facilitate day to day conduct of trial.</p> <p>1.4. The CJ should conduct a study of adjournment of cases with a view to understanding root causes of frequent and long adjournments.</p> <p>1.5. The Chief Magistrates should be designated to handle either civil matters only or criminal matters</p>	<p>1.1. Increased funding for Magistrates courts.</p> <p>1.2. More court rooms.</p> <p>1.3. Generators, inverters and solar energy.</p> <p>1.4. Computers, internet facility, basic court recording system for criminal divisions.</p> <p>1.5. Defined condition of service outlining remuneration and entitlement of Magistrates.</p> <p>1.6. Smart phones with external memory cards.</p>	

		<p>only and should be assigned legal assistants to reduce workload pressure.</p> <p>1.6. All courts, Registrars and Magistrates should be provided with internet facilities. Existing court rooms can be refurbished.</p> <p>1.7. There should be creation of well defined condition of service for Magistrates which will end their classification as civil servants and creation of a separate cadre as obtainable in Lagos State. This will motivate the magistrate and result in speedy trials.</p> <p>1.8. Creation of a separate cadre for Magistrates as obtainable in Lagos State to motivate Magistrates.</p> <p>1.9. There should be continuous training of support staffs and Prosecuting counsel.</p> <p>1.10. There should be capacity building training and retraining for Magistrates quarterly.</p> <p>1.11. Legal assistants should be assigned to Chief Magistrates.</p> <p>1.12. Magistrates should enforce cost sanction on defaulting parties in the production of witnesses.</p> <p>1.13. There is need for greater media coverage and</p>		
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		scrutiny of proceedings in the Magistrate court.		
3.	<p><u>Magistrates to inspect Police Stations or detention centers every month</u></p> <p>Section 34 (1): The Chief Magistrate, or where there is no Chief Magistrate within the police division, any Magistrate designated by the Chief Judge for that purpose, shall, at least every month, conduct an inspection of police stations or other places of detention within his territorial jurisdiction other than the prison.</p>	<p>1.1. The CJ should designate visiting magistrates and issue directives and guidelines to these Magistrates.</p> <p>1.2. Magistrates should mark specific days on their calendar for the visits; however some of the visits should be impromptu.</p> <p>1.3. Magistrate should endeavour to have a representative of the Legal Aid Council, NGOs and the National Human Rights Commission in their team during visitation</p>		
4.	<p><u>Arrest report to ACJMC</u></p> <p>Section 33(1) & (3): Receive and forward reports on Arrest from the Police to the Criminal Justice Monitoring Committee</p>	<p>1.1. The CJ should designate magistrates and issue directives and guidelines to these Magistrates to comply with this provision.</p> <p>1.2. Magistrates should in turn communicate this directive to the Police and communicate an oral reminder on the monthly inspection visits.</p>		
5.	<p><u>Quarterly returns to the CJ</u></p>	<p>1.1. The CJ should develop a template for preparing the</p>		Short term

	<u>on cases and remand</u> Section 110(5): Submit quarterly returns of all cases, remands and other criminal proceedings to the Chief Judge	information or returns. 1.2. Magistrates should compile records of all cases including charges, remand orders, and other proceedings commenced and dealt with in their courts within the quarter to the CJ. 1.3. The record can be transmitted every last Friday of every quarter.		
	6.3 CHIEF REGISTRAR			
1.	<u>Witness Expenses to be paid</u> Section 251-254:	1.1. The CJ should instruct the Chief Registrar to produce a witness expenses payment scale based on kilometres and other reasonable costs that may be incurred by witnesses in attending court. 1.2. Payments should be calculated and made immediately after each court sitting. 1.3. Budgetary provisions should be made for the implementation of these.		
2	<u>Community Service Centre</u> Section 461(1): The Chief Judge shall establish in every Judicial Division a Community Service Centre to be headed by	1.1. The Chief Registrar should familiarise him/herself with the provisions of Sections 462-466 of the Act which provide guidelines for the overseeing of the execution of CSOs.	1.1. Suitable personnel to supervise the implementation of the CSOs.	Short term

	a Registrar who shall be responsible for overseeing the execution of Community Service Orders in that Division.			
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7. NIGERIAN PRISONS SERVICE

S/N	CHALLENGE:	RECOMMENDATION/STRATEGY	RESOURCES REQUIRED	TIMELINE
1.	<p><u>Returns from Comptroller-General of Prisons</u></p> <p>Section 111: The Comptroller-General of Prisons shall make returns every 90 days to the Chief Judge of the Federal High Court, Chief Judge of the Federal Capital Territory, the President of the National Industrial Court, the Chief Judge of the State in which the</p>	<p>1.1 Computerisation of the database of prison inmates to facilitate easy collation, circulation and transmission of electronic data.</p> <p>1.2 Pending the installation of the database, a summarised data of ATIs should be culled from the manual records stored in a compact disc and forwarded to the C-G's office from the state commands.</p>	<p>1.1 Minimum of 10 computers at the Prison Headquarters; internet facilities for transmission.</p> <p>1.2 Biometric data capturing devices to be designed and installed by software developers</p>	<p>Medium Term</p> <p>Short term</p>

	<p>prison is situated and to the Attorney-General of the Federation of all persons awaiting trial held in custody in Nigerian prisons for a period beyond 180 days from the date of arraignment.</p>			
2.	<p><u>Day to Day Trial</u> Section 396: Day to Day Trial is hampered by lack of adequate logistics for transportation of prison inmates to courts. There are only 268 vehicles traversing 5,022 courts in 774 local governments all over the Federation.</p>	<p>1.1. Provision of adequate number of operational vehicles to ease transportation of inmates to court for trial as at when due. <i>(CSLS to partner with NPS to present a powerful position to the Minister of Interior on this.)</i></p>	<p>1.1. Additional vehicles. A minimum of 10 vehicles for the FCT command of the Nigerian Prisons Service.</p>	<p>Short - Medium term</p>
3.	<p>Section 461(1): Appointment of Registrars to head Community Service Centres</p>	<p>1.1. The Chief Judge of the FCT to exercise his power to appoint a Registrar to head the Community Service Centres in collaboration with the NPS.</p>		
4.	<p><u>Consideration in sentencing</u> Section 416(2)(e): In</p>	<p>1.1 The Chief Judge to issue a practice direction mandating all prosecutors to, on the day of</p>	<p>1.1 Practice Direction by the Chief Judge</p>	

	exercising its discretion of sentencing or review of sentence, the court shall take into consideration the following factors, in addition to the provisions of section 401 of this Act, the period spent in prison custody awaiting or undergoing trial shall be considered and computed in sentencing a convict	<p>judgment, inform the court about the period already spent by a defendant in prison to enable the court exercise its power and discretion under the section.</p> <p>1.2 Prison records must be up-to-date and easily accessible for this provision to take effect</p>	1.2 Synergy between prosecutors and prisons.	
5.	<p><u>Implementation of an effective parole regime under the Act</u></p> <p>Section 468 (1):</p> <p>A prisoner released under subsection (1) of this section shall undergo a rehabilitation programme in a government facility or any other appropriate facility to enable him to be properly reintegrated to the</p>	<p>1.1. The ACJMC should collaborate with the NPS to ensure creation of more halfway homes.</p> <p>1.2. The Chief Judge, in collaboration with the NPS, should create a unit for skill acquisition in the Community Service Centres and engage the Nigerian Artisan Registration Council to supervise the unit and report to the Registrar.</p> <p>1.3. The CJ may, via a press conference, reach out to private persons by encouraging those with</p>	<p>1.1 Workshop spaces and skilled artisans</p> <p>1.2 Tripartite memorandum of Understanding between the Judiciary, NPS and the National Artisan Registration Council.</p> <p>1.3 Press Conference by the CJ</p>	<p>Long term</p> <p>Medium Term</p>

	society.	farms or construction sites to hire the ex-convicts with the incentive of cheaper labour costs		Short Term
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8. THE LEGAL AID COUNCIL

S/N	Challenges	Recommended Strategy	Resources Needed	Timeline
1.	<p><u>The right of a suspect to free legal representation</u></p> <p>Section 6(2)(c):</p> <p>The police officer or the person making the arrest or the police officer in charge of a police station shall inform the suspect of his rights to free legal representation by the Legal Aid Council of Nigeria where applicable.</p>	<p><u>Observation</u></p> <p>The challenge here is that the Police neither inform suspects of this right nor contact the Legal Aid Council when the need arises to provide a suspect with free legal representation. Also, lawyers in the employment of the Council are too few compared to the volume of cases requiring attention.</p> <p>1.1. The Inspector General of Police (IGP) should issue a directive to all Commissioners of Police directing them to contact Legal Aid Officers when there is need to do so. The contact information of local Legal Aid Counsel should be pasted in the stations for easy contact.</p>	<p>1.1.Small phones and recharge cards for the police rank and file to contact legal aid officers.</p> <p>1.2.A proposal on the new NBA/Legal Aid Council Pro-Bono Partnership to be presented by the DG at the next NBA Conference or at any other suitable time.</p>	<p>Short Term</p> <p>Short Term</p>

		<p>1.1 The IGP should issue a directive to all Commissioners of Police directing them to contact Legal Aid Officers when there is need to do so. The contact information of local Legal Aid Counsel should be pasted in the stations for easy contact.</p> <p>1.2 The commissioners of police should issue a directive to all DPOs in their respective states to assign an officer in their stations to contact the nearest office of the Legal Aid Council for legal representation before the statement of the suspect is taken. (The 1st recommended strategy in (1) above should be adopted.</p> <p>1.3 The ACJMC should facilitate synergy between the police and the Legal Aid Council since the IGP and DG Legal Aid Council are members.</p>	strengthen the police-solicitor duty scheme (To be facilitated by ACJMC)	
3.	<p><u>Police station visit</u></p> <p>Section 33 (2): An officer in charge of a police station or an official in charge of an agency authorised to make arrest shall,</p>	<p>1.1 The Legal Aid Council should be represented on the team of the Magistrate inspecting police stations in accordance with S.34(1) of the Act so that the Council can have proper information on arrests within the jurisdiction concerned and</p>		Short term

	on the last working day of every month, report to the nearest Magistrate the cases of all suspects arrested without warrant within the limits of their respective stations or agency whether the suspects have been admitted to bail or not.	form a working relationship with the Magistrates		
4.	<u>Lack of operational vehicles for Legal Aid Officers</u>	1.1 Increment of the budgetary allocation of the Legal Aid Council to accommodate purchase of operational vehicles. 1.2 Car Loans for Legal Aid Officers	1.1 Funding 1.2 Car loans	Short term Medium term
5.	<u>Capacity Building of Legal Aid Officers</u>	1.1 The Legal Aid Council should organise In-house training and workshops for Legal Aid Officers on current trends in the criminal justice system.	1.1 Trainings and workshops 1.2 Funding to facilitate the training sessions	Short term

TIMELINE KEY:

0-2 YEARS — SHORT TERM

2-5 YEARS — MEDIUM TERM

ABOVE 5 YEARS — LONG TERM