



REPORT OF THE NATIONAL STAKEHOLDERS FORUM

ON THE REVIEW OF THE
ACJA, 2015

24TH - 26TH OCTOBER, 2023
AT THE LADI KWALI HALL, ABUJA
CONTINENTAL HOTEL, ABUJA



INTRODUCTION

Ensuring Effective implementation of the Criminal Justice system is one of the key mandate of the Federal Ministry of Justice. Administration of Criminal Justice Act (ACJA) was enacted in 2015 with the purpose to ensure that the system of administration of criminal justice promotes efficient management of criminal justice administration. The Act has been described as a progressive piece of legislation due to its innovative and revolutionary provisions which aims at promoting quick dispensation of Justice. The enactment of ACJA, 2015 is indeed a major milestone in the administration of criminal justice system in Nigeria. However after operating the law for almost 9 years there is need to review the Act vis-à-vis implementation, in order to ascertain the impact the Act has made. Whilst ACJA has brought innovations to the Criminal Justice System, the implementation has not been without challenges.

Moving Forward, The Federal Ministry of Justice through the Administration of Criminal Justice and Reform Department conveyed a 3 - day National Stakeholders Forum on the implementation of ACJA, 2015 in collaboration with Center for Socio-

Legal Studies and with support from Rule of Law and Anti-Corruption (ROLAC 11).

The objective of the forum was to review the implementation of ACJA,2015, consider proposed amendments to the Act and develop National Minimum Standards for effective implementation of ACJA/L in various states of the Federation to achieve an effective, efficient and sustainable criminal Justice administration in Nigeria. The outcome of the forum will be used to strengthen the Amendment Bill currently in National Assembly .

The Forum commenced with a welcome address by the Solicitor-General and Permanent Secretary of the Federal Ministry of Justice.

OPENING REMARKS

1.0 SOLICITOR GENERAL/PERMANENT SECRETARY'S SPEECH REPRESENTED BY MRS LETICIA AYoola-DANIELS,DIRECTOR THE ADMINISTRATION OF CRIMINAL JUSTICE AND REFORM DEPARTMENT AT ACJA FORUM, HELD AT ABUJA CONTINENTAL HOTEL, 24TH -26TH OCTOBER, 2023

The Solicitor General/Permanent Secretary expressed her pleasure in welcoming all attendees to the National Stakeholders Forum, which was organized in collaboration with the Federal Ministry of Justice and various partners.

On the Significance of the ACJA (2015), the SGF/PS emphasised the importance of the Administration of Criminal Justice Act (ACJA) of 2015 in the legal landscape of Nigeria. It recognized that all 36 states have passed their versions of the ACJA,

though with some modifications. This collective effort, in her view, represents a commitment to improving the administration of criminal justice, strengthening the rule of law, protecting human rights, and ensuring a fair legal process for all citizens as the attendees' presence at the forum was noted as a testament to the shared commitment towards enhancing the administration of criminal justice in Nigeria.

On the purpose of the Forum, the Solicitor General described the forum as a crucial platform for collaboration, dialogue, and the exchange of ideas regarding the implementation of the ACJA (2015). The principles of justice, fairness, and accountability fundamental to any democratic society were emphasized.

On the areas of challenges and solutions, the Solicitor General acknowledged the dedication and hard work of legal professionals, law enforcement agencies, and the judiciary in the pursuit of justice. However, challenges persist, making it essential to address them collectively. Stakeholders were encouraged to actively engage, share their expertise, experiences, and recommendations for the betterment of the criminal justice system.

She stated that the decisions made during the forum would directly affect countless individuals seeking justice. The goal is to move toward a more responsive, efficient, fair, and accountable criminal justice system, providing hope to all Nigerians. She expressed gratitude to development partners and stakeholders for their support and encouraged stakeholders to actively participate, share their wisdom, and provide recommendations to ensure the success of the National Stakeholders Forum.

2.0 GOODWILL ADDRESS BY PROF AKINSEYE-GEORGE, SAN

The legal icon expressed appreciation to the Federal Ministry of Justice (FMOJ), particularly the Honourable Attorney General of the Federation (HAGF), for extending their partnership and support to the Center for Socio-Legal Studies (CISLAC) in the pursuit of collaborative efforts in the reform of criminal justice administration in the country. He recognize the Honorable Attorney-General of the Federation (HAGF) as the spearhead of justice system reform, and aligned himself with HAGF's vision for creating an inclusive and equitable system. He expressed gratitude for convening the forum, which, in his view, plays a pivotal role in achieving the shared goals and aspirations of stakeholders. It offers a unique platform for justice system leaders to engage in a pragmatic dialogue aimed at fortifying the Administration of Criminal Justice Act (ACJA), 2015. He stated that the law safeguards the rights of suspects, establishes standards for service providers, and, for instance, prohibits lay prosecution. The forum, in his view, also addresses critical aspects such as remand protocols, electronic recording, and criminal record management, all contributing to a more robust, fair, and effective justice system.

3.0 DANLADI PLANG ROLACII HEAD OF PROGRAMMES, RULE OF LAW AND ANTI-CORRUPTION PROJECT II (ROLACII)

In his remarks, Mr Danladi stated that ACJA, 2015 has been in place at the Federal level for 8 years, while Lagos and Enugu have implemented it for over 10 years. He stated that ROLACII has made efforts to promote the implementation of the law in Adamawa, Anambra, Lagos, and Kano states respectively. He added that one of the notable innovations in this law pertains to human rights and criminal justice reform, specifically the inspection of places of detention by magistrates. Had this inspection been consistently applied, in his view, it could have potentially prevented incidents like #EndSars crisis in the country in 2020.

The Head of Programmes further stated that another key ongoing element supported by ROLAC on the ACJA is the issue around handling of confessional statements via private witness interview rooms to avoid public exposure. The fourth innovation, according to him, involves the use of restorative justice to reduce the caseload in the judicial system. He stated that it is challenging to sustain these initiatives due to limited funds, while adding that many political leaders perceive justice and human rights as intangible and difficult to pursue. To address this, he suggested the need to allocate funds at the state level. He ended his remarks by expressing gratitude to the FMOJ and CISLAC for providing the platform for robust engagement by stakeholders.

4.0 GOODWILL MESSAGE BY Y.C MAIKYAU, SAN, OON, PRESIDENT OF THE NIGERIAN BAR ASSOCIATION

The President stated that the NBA prides itself as Africa's largest Bar Association, boasting a membership of 139,000 individuals. This achievement is attributed to an eight-year review of the ACJA within the country, and the insights gathered during the assessment and conference will be invaluable at the upcoming fora. He stated that the NBA is fully supportive of this commendable endeavor due to the positive impact the

ACJA has had on the country, while adding that it is worth celebrating that all 36 states have embraced the ACJA, with special recognition for the exceptional efforts made by Delta state. The forum, in his view, serves as a clear demonstration of the leadership in reforming Nigeria's justice sector by all relevant justice sector institutions. In conclusion, he thanked the organizers for hosting the forum and wished participants productive discussions.

5.0 GOODWILL MESSAGE BY HON. DR. OLUBUNMI TUNJI-OJO, THE HON. MINISTER OF THE INTERIOR

The Hon. Minister stated that as a supervisory Ministry responsible for overseeing various security agencies, it is willing to provide its insights towards the successful review of the ACJA. He stated that the solution to Nigeria's myriad challenges lies in a fusion of innovative ideas, which is precisely what the HAGF is actively engaged in. He offered a strong guarantee that the review will ultimately result in a more equitable society, where the rights of Nigerians will be firmly established as inherent rights, rather than as a mere privileges.

6.0 GOODWILL MESSAGE BY PROF BOLAJI OWASANOYE, SAN, OFR, CHAIRMAN, INDEPENDENT CORRUPT PRACTICES AND OTHER RELATED OFFENCES (ICPC)

Prof Bolaji expressed his appreciation to the Honourable Attorney-General of the Federation (HAGF) and congratulated him on the recently secured victory on the P&ID case in favour of Nigeria. He stated that the implementation of the Administration of Criminal Justice Act (ACJA) represents a significant milestone, with its widespread adoption across the nation, while adding that the primary objective of the ACJA is to establish uniform standards for criminal justice administration throughout the country, a goal that has been embraced by all states.

He stated that innovations such as the central criminal record system, Pretrial Detention, National Crime Register, and Restorative Justice have gained widespread acceptance, with 36 states having already adopted them. This achievement, in his view, reflects the dedication and hard work of the team involved in streamlining these initiatives. Under the leadership of the HAGF, he expressed believe that President Tinubu will make significant progress in enhancing the administration of justice in the country.

In addition, he recognized the pivotal role that the ACJA plays in the ongoing fight against corruption, and therefore, pledge the ICPC's solidarity with the Federal Ministry of Justice (FMOJ) by encouraging stakeholders to engage in purposeful and constructive dialogue. He expressed gratitude to the event organizers, and hope that the discussion will lead to lasting positive outcomes.

7.0 GOODWILL MESSAGE BY OLUKAYODE EGBETOKUN, PH.D, NPM, MNI, THE INSPECTOR-GENERAL OF POLICE GOODWILL MESSAGE

The representative of the IGP stated that the NPF boasts the largest assembly of legal professionals within any African organization, while noting that the Nigerian Police plays a pivotal role as a key participant in the criminal justice system, extending its

full cooperation to the FMOJ due to their perceived dynamism. He stated that the outcomes of the three-day stakeholder forum will shape the future of the criminal justice system, with ongoing evaluations having already influenced important legislation, such as the Anti-Torture Act, through the exchange of ideas and comprehensive reviews of the ACJA, all aimed at enhancing the justice system in Nigeria.

He stated that NPF remains committed to providing the necessary support to ensure that justice is not only served but visibly and effectively so. The NPF is eager to facilitate the success of the stakeholders' forum, aiming for a more robust ACJA that effectively covers the realm of criminal justice.

8.0 GOODWILL REMARKS BY HON. JUSTICE M.B. DONGBAN'MENSEM CFR, JP+, THE HONOURABLE PRESIDENT OF THE COURT OF APPEAL

Hon. Justice M.B. Dongban-'Mensem, the Honorable President of the Court of Appeal, expressed her gratitude to the Almighty God for the opportunity to be present at the 3Day National Stakeholders Forum on the Administration of Criminal Justice Act 2015. In her remarks, she commended the decision to hold the important forum, recognizing the significance of exchanging ideas and experiences. She also expressed appreciation to the Honorable Attorney-General of the Federation and Minister of Justice, Prince Lateef Fagbemi, SAN, for his intelligence and hard work, as well as the Federal Ministry of Justice and the Center for Socio-Legal Studies (CSLS) for organizing the event.

Hon. Justice of the Court of Appeal elaborated on the purpose of the ACJA, emphasizing its role in ensuring efficient management of criminal justice institutions, the speedy dispensation of justice, the protection of society from crime, and safeguarding the rights and interests of suspects, defendants, and victims.

She highlighted the broad and diverse nature of the criminal justice system, involving different agencies and stages, and stressed the importance of upholding human rights as enshrined in the 1999 Constitution of the Federal Republic of Nigeria.

The speaker pointed out various innovations introduced by the ACJA, such as the establishment of the Administration of Criminal Justice Monitoring Committee, provisions for speedy trial, the creation of a Central Criminal Record Registry within the Nigeria Police, and the elimination of discrimination against women acting as sureties.

Furthermore, she underscored the need for compliance with the Act's provisions, particularly by security agencies, and called for clear definitions of appropriate enforcement measures.

She urged stakeholders from various backgrounds to appraise the performance of the ACJA 2015, eight years after its implementation, to determine if any amendments or reforms are necessary. She stressed the importance of educating traditional rulers, religious leaders, and youth leaders about the Act's provisions, involving the National Orientation Agency (NOA) in the enlightenment campaign, and promoting collaboration and supervision to ensure strict compliance.

The establishment of the ACJMC was commended, with an emphasis on disciplinary measures against non-compliance. Encouraging synergy between security agencies and expanding the power to prosecute beyond the Attorney-General and authorized legal practitioners were proposed to improve the legal process.

The speaker concluded by expressing her expectation that all stakeholders would make valuable contributions to the process, leading to a comprehensive body of laws for the betterment of the Criminal Justice System and the nation. She encouraged the sharing of experiences with the amendment committee and wished all stakeholders a productive and industrious deliberation.

9.0 REMARKS BY HON. OLUMIDE BABATUNDE OSHOBA, CHAIRMAN, HOUSCOMMITTEE, HUMAN RIGHTS AND LEGAL MATTERS

In his remarks, he stated that the National Assembly has garnered their backing for the reception, modification, and approval of the Amendment Bill, in line with the outcome of the stakeholders engagement regarding the Act.

10.0 KEYNOTE ADDRESS BY THE ATTORNEY-GENERAL OF THE FEDERATION AND MINISTER OF JUSTICE, LATEEF O. FAGBEMI, SAN

The Attorney-General of the Federation and Minister of Justice, Lateef O. Fagbemi, SAN expressed his pleasure in addressing the audience at the Stakeholders' forum. He noted that the forum had gathered to review and gain an overview of the performance in implementing the ACJA and ACJLs of the various States of the Federation. He explained that the ACJA is a significant legislation shared by both the Federal and State Governments due to their common interests and concerns regarding the effectiveness of the criminal justice system and its impact on overall societal development, stability, and sustainability. He emphasized that the administration, under the leadership of President Bola Ahmed Tinubu, GCFR, is committed to making the criminal justice system more responsive to the demands

of Nigerians for a simple, fast, efficient, effective, fair, and trustworthy system for justice dispensation.

The HAGF expressed his pleasure at the passage of the Administration of Criminal Justice Law by all 36 States of the Federation, which provides a common ground to address critical issues and challenges in the criminal justice system.

He mentioned his recent engagement with the Nigerian Governors' Forum, where they discussed the need for collaboration and cooperation to meet the demands of the justice sector institutions. He thanked the Center for Socio-Legal Studies (CSLS), Rule of Law and Anti-Corruption (ROLAC), and the Facilitators for their partnership with the Federal Ministry of Justice in organizing the event.

He stated that the forum would enable participants to collectively evaluate and benchmark their performances in improving the criminal justice system. It would also, in his view, facilitate a peer review of State approaches to addressing the challenges of criminal justice administration.

The HAGF stressed the importance of considering strategic amendments to the ACJA and ACJLs, in response to societal needs. He mentioned the development of the National Policy on Justice in 2017 which identify the root causes of failures in the justice system, and plans for a National Summit on Justice to consider the draft Revised National Policy on Justice (2023 – 2028).

He addressed the recent constitutional changes that shifted Correctional Services from the Exclusive Legislative List to the Concurrent Legislative List, emphasizing the need for collaboration between States and the Nigerian Correctional Service to address related issues.

He highlighted the importance of mainstreaming anti-corruption principles at subnational levels within the criminal justice system and public administration. The HAGF acknowledged various challenges in the criminal justice system and called for the effective implementation of policies, programs, and laws to improve the system, while expressing optimism that the forum would lead to a consensus on developing a strategic plan for the review and amendment of the ACJA and ACJLs at both the Federal and State levels.

He pledged the Federal Ministry of Justice's commitment to work collaboratively with various stakeholders to improve justice sector institutions and establish National Minimum Standards to guide collective efforts.

He assured stakeholders of his willingness to work closely with the legislature, the judiciary, and the Nigerian Bar Association to ensure access to justice and deliver on the justice sector policies under the Renewed Hope Agenda.

In conclusion, the HAGF expressed his appreciation to all the Facilitators and wished the participants a productive deliberation.

11.0 OPENING REMARKS OF THE CJN HON. JUSTICE OLUKAYODE ARIWOOLA, CJN, GCON

The CJN expressed his delight at being a part of the event and commended the organizers for initiating the crucial conversation on the implementation of the Administration of Criminal Justice Act 2015, which was now in its 8th year of existence. He noted that the forum was even more relevant, considering that all 36 states of the Federation had passed similar legislation, the Administration of Criminal Justice Law. He acknowledged that the forum provided an opportunity for federal and state-level authorities to interact, share experiences, and collaborate on addressing common issues within the criminal justice system.

He mentioned that his understanding was that the forum's purpose was to review the implementation of the Administration of Criminal Act and the Administration of Criminal Justice Laws of the various states, which he considered a positive step. He praised the commitment of the Federal Ministry of Justice and the State Ministries of Justice in attendance to justice sector reform in general and the strengthening of the criminal procedure system in particular. He highlighted that the passage of the ACJA/Laws, which included innovative provisions, demonstrated the government's determination and political will to enhance the country's democracy by reinforcing the system of criminal justice administration, a critical instrument for promoting accountability and integrity in the country.

He urged that the same enthusiasm that led to the development and passage of such a progressive legislation be applied in its implementation and enforcement, while expressing believe that the discussions at the forum would lead to improvements in the dispensation of criminal justice in the country. He acknowledged the judiciary's consistent support for the laudable provisions of the Administration of Criminal Act and assured continued support.

While expressing gratitude for the opportunity to be part of this historic initiative, the CJN wished the participants fruitful deliberations, and officially declared the forum open.

12.0 VOTE OF THANKS BY THE DPPF

The DPPF thanked all participants for attending the forum and delivering inspiring words including the Honorable Attorney-General of the Federation and Minister of Justice. He highlighted the Attorney-General's leadership and unwavering commitment to justice reform in Nigeria as a source of inspiration for everyone.

He also extended gratitude to the Solicitor-General of the Federation and Permanent Secretary for her unwavering commitment to reforming the administration of criminal justice in the country.

He acknowledged the vital role played by development partners and stakeholders, emphasizing that their collaboration and support formed the foundation of the forum's success. All the participants were commended for their active engagement and thoughtful contributions, which were expected to contribute to the success of the forum. Their willingness to share knowledge, experiences, and recommendations was seen as enriching the discussions and shaping the way forward.

Appreciation was also expressed for the dedicated teams of professionals within the Federal Ministry of Justice, the Centre for Socio-Legal Studies (CSLS), and the Rule of Law and Anti-Corruption Program (ROLAC). Their hard work, meticulous planning, and attention to detail were acknowledged for ensuring the smooth running of the event. He concluded by emphasizing the long-lasting impact of the dialogue and recommendations generated during the event, emphasizing that these efforts would lead to a more just, transparent, and equitable criminal justice system in Nigeria, one that safeguards human rights, upholds the rule of law, and ensures fairness for all citizens.

TECHNICAL SESSION

13.0 EXAMINATION OF THE IMPLEMENTATION OF THE ADMINISTRATION OF CRIMINAL JUSTICE ACT (ACJA) BY CISLAC: ASSESSING NEEDS AND DEFICIENCIES

In this analysis, the learned Prof delved into the evaluation of the ACJA implementation, as conducted by CSLS, while focusing on a comprehensive needs assessment, akin to a 'shopping list' to identify the existing resources and pinpoint the requisites that are currently lacking for the effective implementation of the ACJA. He stated that the following key components will be explored:

- i. Establishment of a Criminal Records Registry (Both Manual and Electronic):**
 - Evaluating the current status of criminal records management.
 - Identifying the requirements necessary for a robust records system, both in manual and electronic formats.

- ii. **Provision of Statement Taking Rooms:**
 - Assessing the availability and adequacy of designated rooms for recording statements.
 - Determining the additional requirements for creating conducive statement-taking environments.
- iii. **Utilization of Electronic Facilities in States (Electronic Recording Machines):**
 - Examining the extent to which electronic facilities, particularly electronic recording machines, are employed.
 - Highlighting the technological needs and deficiencies in this aspect.
- iv. **Ensuring Witness Protection (Addressing the Lack of Which Results in 1Year Imprisonment):**
 - Investigating the measures in place to safeguard witnesses during legal proceedings.
 - Addressing concerns related to out-of-pocket expenses for witness fees, which are supposed to be covered by the court's Registrar.
 - Analyzing the registration of Bondsmen (bail bond providers), which is limited to Ogun State.
 - Discussing strategies to prevent suspect abscondment.
- v. **Presentation of Reports on the Implementation of States' ACJL (Administration of Criminal Justice Law):**
 - Offering insights into the presentation of reports pertaining to the implementation of ACJA in specific states, namely Abia, Adamawa, Akwa-Ibom, Anambra, Bauchi, Bayelsa, Benue, Borno, Cross, River, Delta Kano, Kebbi, Katsina, Sokoto etc

14.0 STATE PRESENTATIONS OF THE STATUS OF IMPLEMENTATION OF ACJLs IN THEIR STATES

1. Ekiti State

In 2014, the ACJL was passed into law, and amended in 2022. Sensitization efforts have been initiated for judges, magistrates, the police, the public, traditional leaders (obas) in the 16 local government areas, and in all secondary schools in the state. The responsibility of maintaining criminal records now rests with the police.

The State Attorney-General (AG) is not provided with reports of record of arrests by the police. Statements of suspects are electronically recorded using mobile

phones. The Department of State Services (DSS) possesses the necessary facilities for electronic recording, while the Nigeria Security and Civil Defence Corps (NSCDC) does not. A maximum of 7 days is currently allowed for the issuance of a Legal Advice (LA). The police involve the Ministry of Justice (MOJ) in their investigations. Correctional centers send monthly records of inmates who have been in custody for more than 180 days to the AG.

Electronic recording facilities within the state is not currently in place. The endorsement by the President crucial at the federal level to the achievement of implementation of the Act. In Ekiti state, the Governor supported the enactment of the Civil Justice Law, emphasizing the importance of forward-thinking individuals in leadership roles across the executive, legislative, and judicial branches

2. Ebonyi State

Sensitization efforts targeting various stakeholders within the state have been conducted. Currently, there is no existing criminal record registry in place. Additionally, records of arrests have not yet been forwarded to the Attorney General's office.

Correctional service provide quarterly reports to the Attorney General regarding inmates classified as ATPs (Awaiting Trial Persons). The police use smartphones for video recording of suspect statements, a practice that has proven beneficial in court, preventing the loss of crucial evidence in two cases.

The police do not routinely deliver case files to the Ministry of Justice; instead, the DPP designates an officer to collect case files from the courts every two days. Police only refer case files to the Ministry of Justice in cases of legal uncertainty or when no intervening factors or political influences are present.

It takes approximately 4-7 days to issue a Legal Advice (LA) in the state. The police typically do not involve the Ministry of Justice in their investigations. The implementation of e-recording in court proceedings has not been realized, and day-today trial schedules remain unachieved.

Criminal trials in the state often take 12 months or more to conclude. The Ministry of Justice currently has 82 lawyers. The effective functioning of the ACJMC (Administration of Criminal Justice Monitoring Committee) has been a challenge. The Ministry of Justice has established a Center for Mediation, which has successfully resolved numerous cases. Furthermore, a committee has been established to review the Ebonyi ACJL.

3. Adamawa

Its ACJL was passed in 2018, there was a public awareness campaign carried out through radio jingles, aimed at sensitizing the public. Additionally, stakeholders were provided training on the new law in the state. However, a needs assessment had not been conducted at that time. There were no pretrial procedures established, and the police did not forward records of arrests to the Attorney-General but rather, to Magistrates. The introduction of e-recording of statements of suspects was underway, with standard statement-taking rooms at the state CID being equipped with ROLAC/mobile phones and video recorders.

Non-lawyers are involved in prosecutions in the state, and it takes the police two months to send casesfiles to the Director of Public Prosecutions (DPP), with legal advice taking three months to be issued. There is a Justice Sector Reform Team (JRT) in the state, with members representing various stakeholders, and a secretariat was established to support its functioning.

The Chief Judge assigns cases within one day of filing to prevent forum shopping, a practice also followed in the magistracy. Five Legal Aid officers are providing free legal services in the state. However, courts did not have electronic recording systems for recording proceedings.

Manuals and guidelines are available for Sentencing Guidelines, plea bargain, and the ACJMC was inaugurated in 2021 in the state, though it lacked rules, guidelines, and a budget provision. There are currently no quarterly reports submitted to the Chief Justice. Efforts are being made to address these challenges. When it comes to the enablers for achieving some of these accomplishments, it was noted that judges were instrumental in not adjourning cases beyond two weeks after advocacy visits to the Chief Judge by the JRT of the State. Additionally, DPPs were appointed to vet First Information Reports (FIRs) and criminal cases, ensuring that civil cases were not mistakenly prosecuted as criminal cases. The JRT was seen as more effective than the ACJMC in promoting the speedy dispensation of justice in the state.

4. Akwa-Ibom

On May 26th, 2022, the ACJMC was inaugurated in the state, and it officially commenced its operations on October 18, 2023. Public awareness campaigns continue through sensitization workshops conducted in various local government areas, enlightening citizens about their legal rights.

Stakeholder training included seminars for judges in the state in 2022, with additional support from the McArthur Foundation. However, a needs assessment has not been conducted yet. There are three Legal Aid Council officers in the state.

In terms of pretrial procedures, the criminal record registry is yet to witness compliance by the police in the state. Nevertheless, provisions have commenced sending quarterly reports to the State AG's office in October 2023. Unfortunately, there has been no remittance of records of arrests to the AG by the police, indicating a lack of compliance. Regarding e-recording, while police sometimes use their phones to record confessional statements, both the State Security Service (SSS) and the Economic and Financial Crimes Commission (EFCC) have dedicated e-recording facilities. Non-lawyers are not authorized to prosecute cases in the state.

In terms of case management, it typically takes the police two to three months to send case files to the Department of Public Prosecutions (DPP), and the DPP advises within 3 to 14 days before sending the file back to the police. Although there is synergy between the DPP and the police, it occurs with less frequency. There are four Legal Aid Council officers providing pro bono services to the public within the state, and quarterly reports are submitted to the AG for inmates who have been in custody for more than 180 days.

The courts do not have e-recording capabilities; they rely on manual recording and lack e-filing systems. Witness expenses are promptly paid through transfers facilitated by the Ministry of Justice, with approval made by either the AG or the Solicitor-General. Some key observations and points for discussion include the need for context to understand the underlying factors behind these facts. Magistrate oversights are conducted twice a month to police cells and other detention facilities. Trial cases can last up to 3 months to 1 year, or in more complex cases, 9 months to 3 years. The ACJMC is still in talks with the government to fully implement the ACJA in the state. In 2023, the CJ issued Practice Directions (PD) to ensure the effective implementation of the ACJA in the state. The licensing process for bondsmen is ongoing, and there is an absence of adequate data, including unknown numbers of judicial staff and courtrooms. Additionally, records of funding for these initiatives are currently unavailable.

5. Nasarawa State

The ACJL was enacted in 2019. Various stakeholders, including the police, DSS, courts, and correctional officers were sensitized, but this awareness campaign did not extend to the general public. The criminal records registry does not exist in electronic form; it is maintained manually. There is no system in place for the police to report records of arrests to the AG.

E-recording is not implemented; instead, manual methods are used. The Police StateCID has been provided with video recorders and mobile phones for taking witness statements, under the supervision of the Ministry of Justice. The DSS has

installed CCTV cameras in Lafia for recording purposes, but other Law Enforcement Agencies (LEAs) do not utilize e-recording.

Non-lawyers are involved in prosecuting cases in the state, with oversight by the Ministry of Justice. It takes 2-3 weeks after an investigation for the police to send the case file. The issuance of Legal Advice (LA) from the Director of Public Prosecutions (DPP) takes two weeks. The Ministry of Justice has not traditionally been involved in police investigations in the state.

Cases are assigned to courts within two days of filing. There are only two lagai aid officers in the state. The National Correctional Service sends their reports to the AG on the number of inmates they have.

Electronic facilities are not available in the courtrooms. Witness protection in criminal cases is funded through the Ministry of Justice's budget, and witnesses request to receive payments before appearing in court. Magistrates rarely conduct oversight functions in police cells. The duration of criminal cases from arraignment to conviction is approximately 5-6 months in magistrate courts and 2 years in High Courts. ACJMC, led by a retired Chief Judge of Nasarawa state, is in place. Practice direction has been issued in 2023 to enhance the administration of justice. The ACJMC, supported by a well-funded secretariat and staff, submits quarterly reports to the Chief Judge. The State Governor, who is supportive of the ACJA, has initiated a comprehensive collaboration with security agencies. This initiative includes sensitization efforts in partnership with the Commissioner of Police (CP), the Nigerian Corrections Officers, and Road Safety officers. Additionally, a specialized prosecution team has been established within the AG's office.

6. Edo state

The ACJL was passed in 2018 in the state. Sensitization efforts were conducted more than four months ago in the state. The process remained manual, with no reports submitted to the AG.

Although equipment for electronic recording was installed, the police preferred using phones for recording, while the Department of State Services (DSS) had recording rooms available.

Non-lawyers continued to prosecute cases in the state. It took two months to send case files to the Director of Public Prosecutions (DPP), who takes three weeks to issue legal advice.

Cases are assigned to judges within one week. The state had four criminal courts, and eight judges were recently appointed.

The Correctional Service submits quarterly reports, in line with the recent alterations to the Constitution allowing the management of correctional centers by the states. Edo state acquired land for this purpose but was working on the necessary legal framework for implementation.

Six legal aid officers were in place to provide services, and there was a registration system for pro bono lawyers.

Currently, it takes two years for cases to be resolved in the magistrate court and three years in the high court. A significant challenge encountered by the state is the issue of personal payment of witnesses, including witnesses that are medical professionals, to testify in rape cases, which was facilitated by the Solicitor-General.

The Police Duty Solicitor Scheme (PDSS) is functioning effectively, and Legal Aid Council (LACON) services for indigent citizens were performing well. Notably, stenographers are no longer utilized in the courts, and electronic recordings were employed, with subsequent transcription implemented.

7. Ogun State

The ACJL had been passed in 2018. It was mentioned that there had been no collaboration with NGOs in the sensitization efforts conducted by the judiciary. Public sensitization had not been carried out, and there was no establishment of a criminal record registry. Additionally, no reports had been submitted to the State AG's office by the police.

It was observed that the police were using phones to record statements, which resulted in some issues. Other law enforcement agencies like the DSS and NSCDC were also reported to be using phone recorders. Non-lawyers were reported to be prosecuting minor offenses in magistrate courts under the supervision of the Officer in Charge of Legal, and they had received training for this role.

Concerning the process of bringing cases to the Ministry of Justice for Legal Advice (LA), it was mentioned that police were required to bring their case files to the MOJ. Adjudication would not occur unless there was proof that the case file had been submitted. The process of issuing Legal Advice took approximately 8 to 10 weeks in the state. A forum for meetings between the police and the AG's office was highlighted. It was reported that criminal cases took about 6 to 8 weeks to be assigned to a court for adjudication. The police were noted not to involve the MOJ in their investigations. It was reported that there were two officers offering legal aid in the state, as well as the office of the public defender and the pro bono unit of the NBA, who served as suspects' legal representation. Correctional centers were reported to provide periodic reports to the AG. Electronic recording of court

proceedings was reported as unavailable in the court system. It was mentioned that funds for witness protection were released on a quarterly basis. These funds were used to support witnesses and were noted to have been abused by witnesses in terms of their travel distances to secure additional funds. The average duration for cases in magistrate courts was reported to be 3 to 6 months, while cases in the High Court took about 1 year.

It was observed that criminal cases were not stayed due to interlocutory applications. It was reported that there practice direction for an effective application for the administration of justice, as well as the presence of the ACJMC. However, it was noted that there was no budget allocated for the ACJMC, and their meetings were irregular.

8. Kano State

The ACJL was passed in the state in 2019. It was reported that there was an increase in awareness and stakeholder engagement, especially regarding the Rule of Law and AntiCorruption Program (ROLAC). Grants were allocated to Civil Society Organizations (CSOs), and in-house training sessions were conducted to educate participants on the innovations in the law. Additionally, it was noted that the Criminal Records Registry was established and was under the jurisdiction of the police.

At that time, it was also reported that the police were not providing written reports, and the statements of suspects were being recorded manually. In contrast, other agencies such as the DSS and NAPTIP were using electronic recording facilities, primarily through the use of mobile phones.

It was observed that individuals who were not lawyers within the police force were not responsible for prosecuting cases; instead, state counsels handled prosecutions in all courts. Furthermore, it takes approximately two months for the police to send case files to the Department of Public Prosecutions (DPP) and an additional two weeks for the DPP to issue Legal Advice (LA).

Justice Reform Team and the Administration of Criminal Justice Monitoring Committee (ACJMC) were reported to meet every second day of the month, indicating their regular engagement in overseeing and monitoring the criminal justice process. It was noted that the police were not involving the Ministry of Justice (MOJ) in the investigation of cases, and cases were typically assigned to courts within one week. In addition, there were 9 Legal Aid Council Officers working in the states.

Correctional services were reported to submit monthly reports to the AG and CJ regarding inmates who had been detained for over 180 days. While electronic facilities like projectors are used when necessary, there were no provisions for the protection of witnesses in criminal cases, except for cases of sexual violence.

Periodic oversight visits were reported to be conducted to police stations every month. Magistrates' cases typically take six months to resolve, while cases in the high court took approximately one year.

Furthermore, it was reported that criminal proceedings were put on hold upon the submission of an interlocutory applications. Additionally, it was mentioned that practice direction was in place for effective application of the Act, including Sentencing Guidelines, and Plea Bargain.

The Administration of Criminal Justice Monitoring Committee (ACJMC) was inaugurated in 2021, and its secretariat is located within the Ministry of Justice, although it operated without a budget. However, it was mentioned that the Justice Reform Team had a budget.

9. Kebbi State

The State's ACJL was passed in 2021. Public sensitization through media programs was conducted. Stakeholders received training. The criminal records registry is manually maintained. No records are sent to the AG. Electronic recording was introduced in 10 police stations, using phones. The Department of State Services (DSS) established dedicated statement-taking rooms. Non-lawyers within the police still prosecute cases in the state. It took 1-2 months to send case files to the Director of Public Prosecutions (DPP). Legal advice is issued within 2-3 days.

The police currently do not involve the Ministry of Justice in investigation. Cases are assigned to within 2-3 days. There was one Legal Aid Council (LACOn) officer, but some private lawyers provide pro bono services. The Nigerian Corrections do not regularly submit reports to the State AG. Criminal courts lacked electronic facilities. Witness protection measures are in place in the state, but Magistrates do not conduct oversight functions. Criminal cases in Magistrate courts are dispensed within 30 days. Criminal proceedings are not halted due to interlocutory applications. Public defenders were in place.

The Administration of Criminal Justice Monitoring Committee (ACJMC) was established with operational guidelines, but it lacked a budget and a secretariat. It does not submit quarterly reports to the Chief Judge. There is no Justice Sector Reform Team in the State.

10. Katsina State

In 2021, the ACJL was passed in the state. Criminal records are maintained in 38 police divisions, 5 Area Commands, and the State CID, but data collection is done manually. The police struggles to consistently send records to the AG. Electronic recording systems have been installed, but not all confessional statements are being captured. Police officers also use phones for electronic recording, and the DSS uses phones for erecording as well. In some instances, laypersons still handle prosecutions, and it takes 3 months to send a case file to the DPP, with a 2-3 week lag in the issuance of legal advice by the DPP. There is a shortage of law enforcement officers, and courts do not make use of electronic facilities. The Sentencing Guideline was adopted in 2023 and ACJMC has been inaugurated.

11. Sokoto State

In 2019, the ACJL was passed, and various workshops and awareness programs were established. Stakeholders, including the NBA, judiciaries, Law Enforcement Agenciess, Corrections Officers, and CSOs, received training on the law through development partners, on the issue of clarifying the roles of stakeholders in the implementation of the Law in the state. However, there are some shortcomings in the current system. There is no criminal record registry in place. The remittance of arrest records to the AG has only been carried out by the NDLEA, while other Law Enforcement Agencies have not complied. The police have implemented e-recording and dedicated statement-taking rooms, along with the use of phones. Non-lawyers within the police force still prosecute cases, particularly those that are non-capital in nature.

It takes 1 to 6 months for a case file to reach the DPP from the police, while the issuance of a Legal Advice (LA) takes 3 days to 1 week to be rendered. There is a cordial relationship between the Police and the Ministry of Justice (MOJ), but there are no reports sent to the AG.

Manual court proceedings are in practice. There is no oversight function for police cells and detention facilities.

Magistrate cases take 1 to 6 months on trial, while High Court cases take 3 months to 1 year for trial. There is no provision for a stay of prosecution in line with interlocutory applications, except when an issue of jurisdiction is raised. No formal structures are in place for parole and similar processes. Practice direction was issued in 2020 regarding confessional statements. The ACJMC was established in 2022 with a secretariat at the High Court, but there is no allocated budget.

12. Yobe State

It was conveyed that the state's ACJL in 2020, and LEDAP conducted sensitisation for stakeholders. However, JRT was making efforts to translate it into the Hausa language. The criminal record registry is being maintained manually. The police are not transmitting records to the AG's office.

There are no electronic recording facilities, and police used personal phones for recording confessional statements. In contrast, other law enforcement agencies like DSS, NSCDS, and NAPTIP utilized CCTV cameras.

Police officers initiated cases in magistrate courts but sometimes took charge of sensitive cases. It takes 30 to 40 days to send case files to DPP while it takes 3 to 7 days for the Department of Public Prosecutions (DPP) to issue Legal Advice (LA). The police do not involve the Ministry of Justice (MOJ) in their investigations.

Assigning cases to courts takes 5 to 7 days. There is only one Legal Aid Officer in the state, and some lawyers provided pro bono services as well. Nigeria Corrections remit quarterly records of suspects of ATPs to their centers, where the records have kept for over 180 days.

Courts did not use electronic facilities, but sometimes they use public address systems in some cases.

Magistrate court cases take 3 to 6 months to conclude, while high court cases took 4 to

7 months to conclude. Rulings are not postponed due to interlocutory applications.

While practice direction and sentencing guidelines and bondsmen have been issued. The ACJMC has also been inaugurated.

13. Zamfara State

The state's ACJL was passed in 2022 and statement-taking did not involve electronic recording, except in cases of banditry and kidnappings. The Department of State Services (DSS) utilize electronic recording facilities extensively. The regular police handles simple offenses, while Sharia court prosecutors were also actively involved. The Director of Public Prosecutions (DPP) takes one week to present a Legal Advice (LA). Courts operated manually, except for the Federal High Court (FHC), which operates electronically. It takes 2-3 weeks to assign cases and one year to conclude criminal cases at the High Court. The Correctional Service submits quarterly reports.

14. Bauchi State

In 2022, the ACJMC was established without an allocated budget, resulting in only one officer serving on the Legal aid.

15.0 COMMENTS/DISCUSSIONS

In the discussions that ensued, several notable concerns were brought up. One primary issue of contention revolved around the Ministry of Justice's apparent lack of active involvement in the investigation processes at the state level. In particular, it was strongly asserted that this state of affairs was deemed a serious concern in the criminal justice administration.

In Ogun state, a specific provision regarding e-recording was highlighted, and it was underscored that this provision played a crucial role in ensuring that statements could not be dismissed solely on the grounds of not having been taken in the presence of a legal practitioner. This point stood out as a significant highlight in the conversation. A central focus of the reform initiative was to enhance the existing system, but this intention was not without its share of scrutiny. Many questions were raised regarding the underlying motives behind certain provisions. It was noted that lower-level courts appeared to readily defer to Law Enforcement Agencies (LEAs), given their role as the initial entry point to detention facilities. As a result, there was a strong emphasis on the need for vigilant monitoring of these gateways and a clear demonstration of commitment to enforcing the law in this context.

Another key point that emerged in the discussion was the challenge faced by the various Attorneys-General and Directors of Public Prosecutions (DPPs) in the states when it came to asserting that the Administration of Criminal Justice Act (ACJA) was not functioning effectively. It was underscored that a critical aspect of evaluating and potentially revising the ACJA's effectiveness lay in presenting an honest assessment of its implementation status in their respective states, as opposed to providing a sanitized or misleading representation.

Moreover, the provision outlined in section 296(4)(b) of the ACJA was highlighted as a significant point of concern, as it was reportedly being greatly misused.

Proceedings for day one ended at 5.25pm

PROCEEDINGS FOR DAY TWO

15. Borno

The ACJL of the state was passed into law in September 2023. It was noted that the necessary structures for implementation were not yet in place. Ongoing efforts were being made to raise awareness about this Law. Statements were being manually recorded in police stations, and the Department of State Security (DSS) was already utilising video recording in its taking of statements. The police were actively

prosecuting cases, but it take approximately two months to send case files to the Ministry of Justice (MOJ). The process typically take 5 to 7 days to issue legal advice, and about one to two weeks for cases to be assigned by the court. Notably, there are only three legal aid officers available in the state.

Proceedings in the courts are primarily conducted manually, and witnesses were not paid fees but were provided with transportation allowances ranging from 20,000 to 30,000 Naira. Oversight functions were already implemented before the law was signed, and interlocutory applications had the effects of delaying trials in the state.

The Administrative Criminal Justice Management Committee (ACJMC), chaired by the Chief Justice, had not been inaugurated yet, and there are budgetary and secretarial challenges. Despite these challenges, there was no congestion in the correctional centers in the state.

16. Delta State

In the state's justice sector, the Executive Governor and the AG are both reform-minded and this is an enabler in the effective administration of criminal justice in any state. One of the significant achievements in this regard is the substantial reduction in the number of awaiting trial persons (ATPs) from 1500 to 500. The ACJL, which was initially passed in 2016 and came into force in 2017, was subsequently amended in 2022 due to challenges encountered during its implementation. There has been a conscientious effort to create awareness for the law's effective execution, including the translation of its provisions into Pidgin English. Various stakeholders, such as judges, magistrates, the Department of State Services (DSS), police, the Nigerian Bar Association (NBA), and Civil Society Organizations (CSOs), have received training to ensure its proper implementation.

One key aspect of the ACJL is the recording of criminal records, both manually and electronically, by the police. The police currently sends the records of arrest to the AG's office, and the Corrections also provide quarterly reports on inmates who have spent more than 180 days in their facilities, sometimes including their photographs. Additionally, police statement-taking rooms have been established in the police headquarters within the state, where statements are recorded through audio-visual means, but manual recording is also allowed when there is no facility for the former. In addition, the police currently comply with the provisions of the Law that ensures the presence of relatives, laymen, representatives from the Office of the Public Defender (OPD), or any chosen legal practitioner is required during statement-taking, and their endorsement is necessary to prevent torture. Therefore, any confessional statement presented before the Court without the above prerequisites

is considered invalid. Furthermore, Lay prosecutors are involved in prosecuting cases in the state, and it is the

High Court registrar that forwards case files to the Director of Public Prosecutions (DPP) for Legal Advice (LA). Remand proceedings occur at the High Court and are subsequently sent to the MOJ within 2 to 3 days following the remand of suspects. However, it takes 11 days to issue the LA, even though the law allows for a 15-day window.

Regrettably, there is no formal platform for regular meetings and coordination between the Police and the Attorney-General in the state. However, they meet intermittently or during the Quarterly Chief Judge Bar-Bench forum. The state has nine Legal Aid Council Officers and eleven officers from the Office of the Public Defender (OPD), including a register of lawyers who volunteer for pro bono cases.

While some courts have acquired additional facilities for electronic case filing, they are yet to be installed in some locations. The state has implemented witness protection facilities, which include a video link and a dedicated room in the Ministry of Justice (MOJ). This has been successfully used in four cases, and the associated fees are covered by the judiciary.

In terms of trial duration, criminal trials in magistrate courts typically take 3 to 6 months to conclude, while High Court cases stretch from 12 to 18 months. There is also a practice of pre-trial conferences where prosecutors and defense counsel engage in negotiations at an early stage to arrive at agreed charges, guided by the Attorney General's consent. Similarly, there is a provision for sentence indication at an early stage, where defense counsel can gauge the likely punishment from the judge, potentially leading to a reduced sentence.

There is a notable presence of bondsmen in the state's criminal justice implementation; however, they are yet to be officially registered. The effective functioning of the Administration of Criminal Justice Monitoring Committee (ACJMC) has been instrumental in the oversight of magistrates to police cells and other detention facilities in the state, with quarterly meetings and subcommittees assisting in the execution of its mandate. The ACJMC has also secured an award from the Centre for Socio-Legal Studies and has an annual budget for its operations. An innovative tool, the ACJWorkbook, has been introduced to simplify the ACJL's application in the state.

17. Bayelsa:

In 2019, the state passed its ACJL into law. State courts now reject confessional statements lacking supporting evidence to ensure that suspects receive a fair hearing.

Both the police and the Department of State Services (DSS) started using phones for recording statements, while the DSS has its own video recording facilities. The Police authorities struggled to adhere to deadlines, taking 2 to 9 months to send case files to the Ministry of Justice (MOJ). In some cases, matters are charged to court without consulting the MOJ. The MOJ has no direct involvement in investigations.

Courts in the state deliver judgments expediently, often within one day, including the utilization of Plea Bargaining (PB) procedures. The MOJ is responsible for the payment of witnesses' fees.

Trial durations ranged from 2 weeks to 36 months, including Trial Within Trial proceedings.

The police fail to comply with periodic reporting requirements to the AG. Both criminal and civil proceedings transition to electronic filing, although this transition face initial challenges.

The Legal Aid Council of Nigeria (LACON) and the Criminal Records Department (CRD) within the MOJ were understaffed, affecting the provision of free legal services to citizens.

Trials in Magistrate courts are concluded within 2 weeks to 6 months. Interlocutory applications does not lead to the stay of criminal cases in the state. Procedures are established to address Trial Within Trial issues. The state implements alternative sentencing measures, such as the court-ordered sweeping of the court premises. The state inaugurated the Administration of Criminal Justice Monitoring Committee (ACJMC) in 2022, which collaborated with magistrates to oversee police cells and detention facilities. A Parole Board was put in place in 2022 in the state.

The system grappled with several challenges, including non-cooperation of the police, cases being presented in court without the consent of the Director of Public Prosecutions (DPP), failure to remit periodic reports to the AG of the State, lack of electricity for video recording and virtual trials, and constitutional conflicts, particularly concerning the presumption of the innocence of suspects.

16.0 PRESENTATION OF THE PROPOSED ACJA AMENDMENT BILL 2023 BY PROF YEMI AKINSEYE-GEORGE, CENTER FOR SOCIO-LEGAL STUDIES

Below are the highlights of the presentation:

- The Administration of Criminal Justice Act, 2015 (ACJA 2015) was enacted in May 2015.

- The ACJA 2015 has been described as a progressive piece of legislation due to its innovative and revolutionary provisions and its ability to fulfil its major objective, which is, quick dispensation of justice.
- The law has contributed immensely to reducing delays in trials especially in high profile cases across the country.
- Despite the successes recorded by the ACJA 2015, it is not a perfect law which led to some of its provisions being struck down by the Supreme Court.
- Other lapses have been revealed hence, the need for improvement in the law.
- The ACJ Bill 2023 introduces further changes and innovations to the 2015 ACJA.
- These includes re-numbering and rephrasing of many provisions.
- The Bill also introduced issues which were not covered by the 2015 ACJA.
- The ACJ Bill 2023 is an outright repeal and re-enactment because mere amendment may make the law untidy and not user friendly.

Other highlights of the presentation are as provided below:

- Clause 4: Communication of arrest in suspect's language
- Clause 16(4): Pre-trial parade of suspects - The police shall not parade a suspect before the media.
- Clause 18: Recording of statement of suspect
- Clause 18(5): Prosecutor to show voluntariness of confession
- Clause 18(7): No more trial-within-trial
- Capital offences to be referred to the AGF - Clause 31:
- Clause 38: Arrest of suspect who has refused to answer invitation
- Clause 104: This clause was lifted from the Criminal Procedure Code. It is to prevent trial *de novo*.
- Clause 108(2): Victim participation in criminal justice system
- Reward for Supporting Law enforcement - Clause 109:
- Proviso for search of closed place - Clause 152:
- Clause 236(1): Sex Offender Register
- Clause 236(2): Sex Offender's particulars to be published
- creation of Victim of Crime Trust Fund - Clause 235(4):

- Trial and Conviction in absentia - Clause 270: Presence of Defendant at trial
- Frontloading of Defence Witness Disposition - The Bill mandates defence to file witness disposition to promote speedy trial of criminal cases
- Effective case management - Clause 400(1):
- Dispensation to conclude part-heard criminal cases - Clause 400(8): Dispensation to judges elevated to Court of Appeal
- Alternatives procedure where it is impracticable for elevated judge to continue - Clause 400(9):
- Consistency with Nigerian Correctional Service Act, 2019 - Clause 472: Eligibility and conditions for Parole
- Establishment of the Administration of Criminal Justice Monitoring Council - Clause 473(1):
- Admissibility of electronic court proceedings - Clause 503:

Proceedings for day 2 ended at 16:53pm

Proceedings for Day 3

The event commenced at 10.00am

Below are highlights of Plea Bargain Presentation and Report on Oversight Workshops Implementing Sections 29, 33, and 34 of the ACJA by Leticia Ayoola-Daniels (Mrs), Director, Administration of Criminal Justice Reform Department.

Below are the key points from the presentation:

The FJSRCC through the FMOJ, conducted robust oversight functions of the Judiciary over the Police Cells and other Detention facilities as well as other Reporting Obligation have been activated through the organization of Zonal Sensitization Workshops across the country

- o Sensitization workshops were organized to build capacity of stakeholders from the six geo-political zones of the country to drive the implementation of Sections 29, 33 and 34 of the Administration of Criminal Justice Act, between 2017 - 2022:

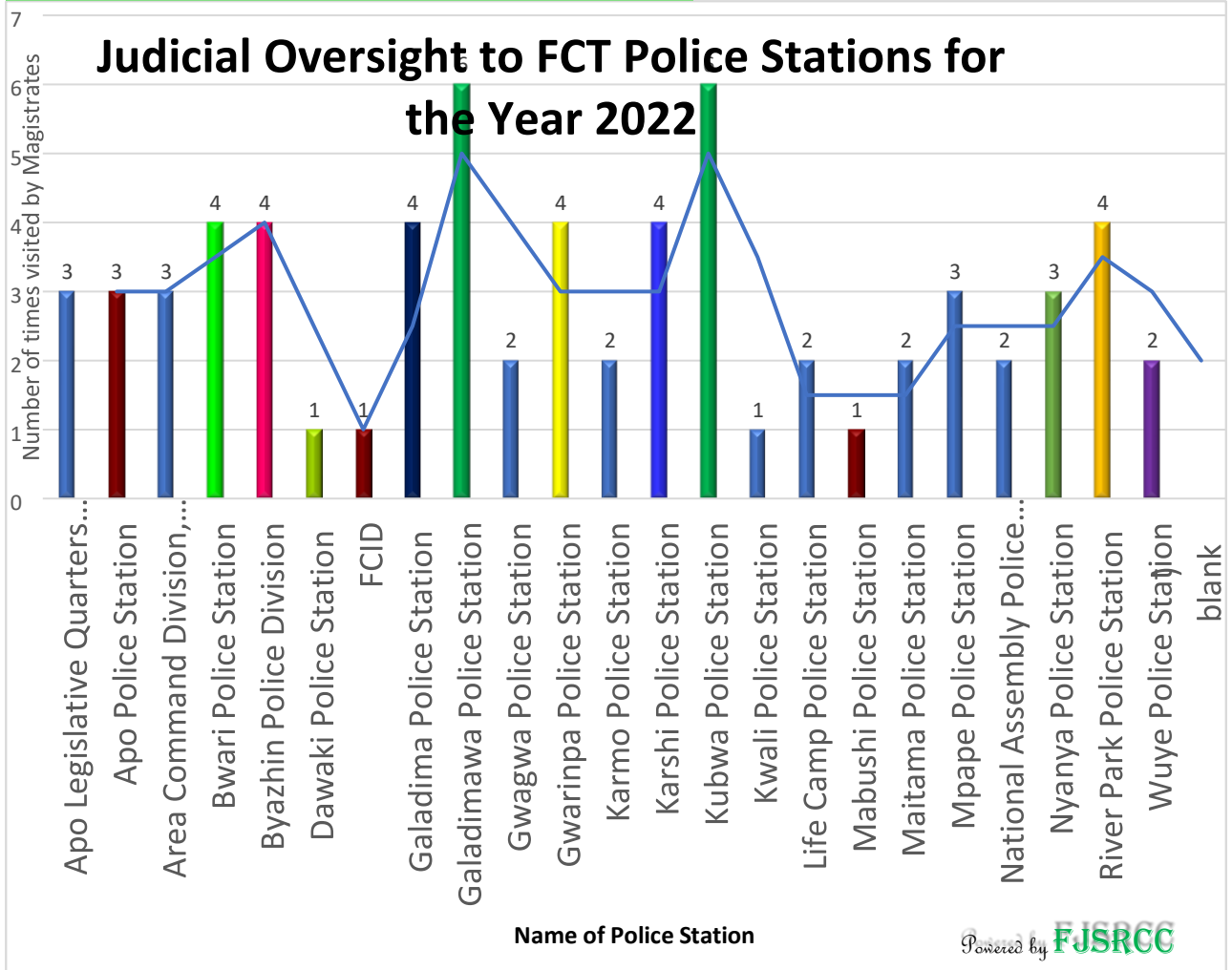
- ✦ 280nos. Police Officers – DCP(Admin), DPOs and O/C-Legal
- ✦ 280nos. Chief/Senior Magistrates
- ✦ 48nos NDLEA Officers – State Commanders, DSC-Operations and Head-Legal

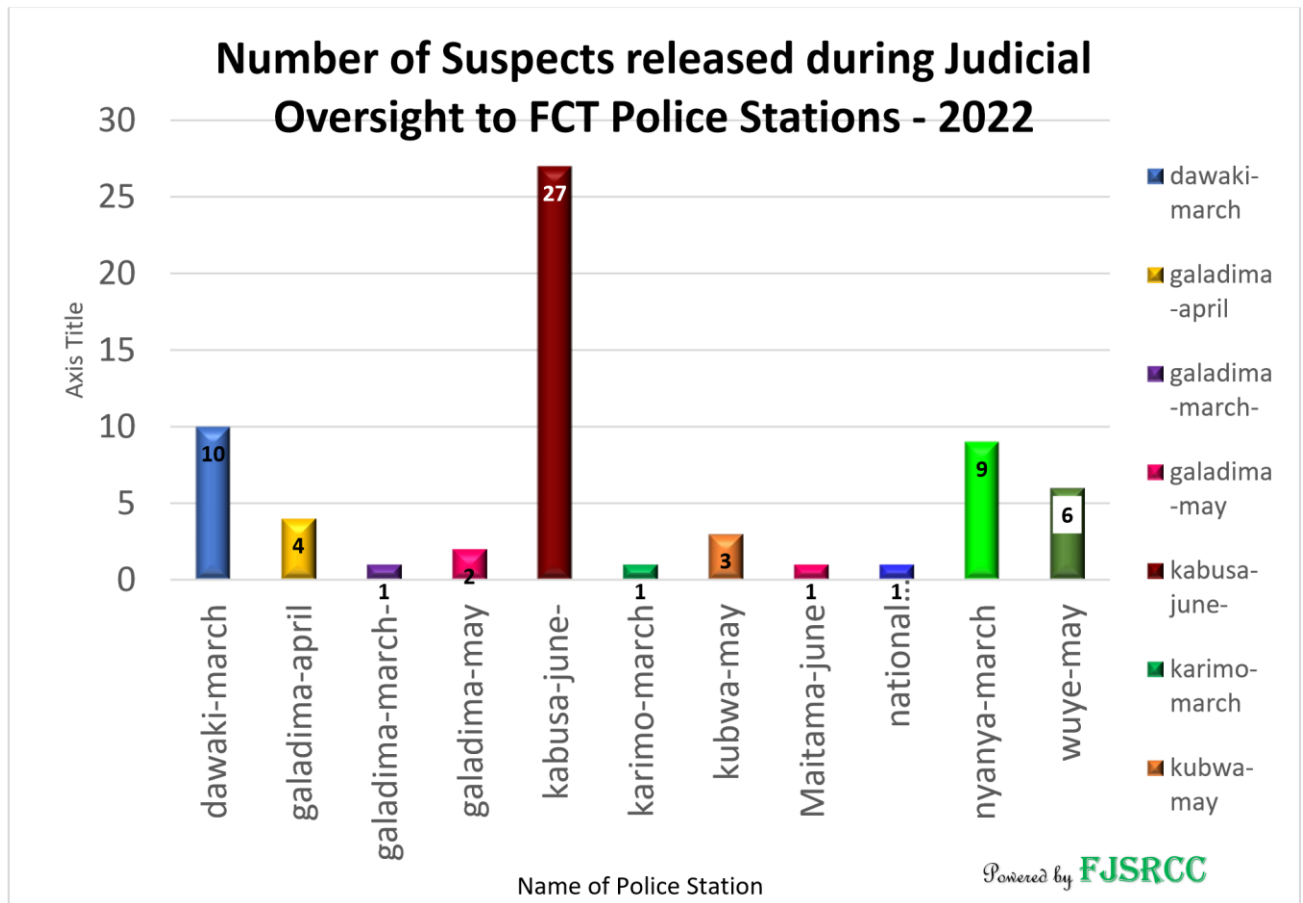
- ✦ 48nos NSCDC Officers – State Commanders, DSC-Operations and Head-Legal
 - ✦ 48nos DSS – State Directors, Deputy Director(Operations) and Head-Legal
 - ✦ 42nos LACoN officers
- | | |
|---|-----|
| Total number of participants trained in North-West | 210 |
| Total number of participants trained in South-East | 132 |
| Total number of participants trained in South-South | 145 |
| Total number of participants trained in North-East | 194 |
| Total number of participants trained in North-Central | 213 |
| Total number of participants trained in South-West | 189 |

The total number of participants trained in 6 Geo-Political Zones across the country = **1083**

17.0 EFFECTS OF THE IMPLEMENTATION OF SECTIONS 29, 33 AND 34 OF THE ACJA, 2015 SO FAR IN THE FCT-ABUJA BY MAGISTRATES TO POLICE STATIONS AND EFFECTED RELEASES OF SUSPECTS IN POLICE

CELLS AND OTHER DETENTION CENTRES





18.0 PRESENTATION ON THE KEY PROVISION OF THE SENTENCING GUIDELINES IN THE FCT BY P.C. OKORIE

Below are the highlights of his presentation:

- Standard for determining the appropriate sentencing. The purpose establish the principles of app of NCS under the ACJA/Ls
- Reason for disparity in sentencing is because of discretion and it remains unfertile, not regulated in any way. It exists pre and post ACJA/Ls
- Appropriate sentencing on the whims and caprices of the judges
- So far, states like CRS, Edo, Adamawa and the FCT now have
- Sentencing guidelines tell us the principles that should be applied
- The FCT's SG establishes the requirements for imposing custodial and noncustodial sentencing
- It does not apply to children
- Interest of the victim and the community must be considered before imposing sentence
- Aggravating and mitigating factors

- Where the statute provides punishment for the offence, NCS should not be imposed
- NCS can be imposed where the law prescribes low culpability and limited harm would
- Some steps to take to impose sentencing include: determining whether there are discretion or not, Offence categories, Starting point, Adjustment based on aggravating and mitigating factors, Guilty plea, Totality of the case

19.0 PRESENTATION BY ADERONKE REPRESENTATIVE OF THE DIRECTOR, PUBLIC PROSECUTION OF THE FEDERATION

Below are the highlight of the presentation:

- i. Plea bargain 370 ACJA, PB agreement and arrangement
- ii. Reduce reliance on confessional statements
- iii. Stakeholders have been engaged in advocacy to reduce confessional statements
- iv. Early engagement of prosecutors (HAGF) joint investigation in terrorism case prosecutions
- v. Office do take over the conduct of criminal cases from the Police
- vi. Video link evidence to reduce taking witnesses from outside Abuja
- vii. Very strong ACJMC in the FCT and enjoying a lot of collaboration with the stakeholders. Currently oversee by Leticia Ayoola-Daniels and assisted by Felix

Ota-Okojie viii. Review of the RJ framework. The ACJMC with FMOJ convene interactive stakeholders meeting and development documents, bills and etc. plan to visit Lagos to study their RJ programme and validate the document.

- ix. Witness payment fee. The provision of ACJA puts the burden on the Court, but the FMOJ is the one paying

20.0 PRESENTATION ON THE MINIMUM STANDARDS IN THE ADMINISTRATION OF CRIMINAL JUSTICE ACROSS THE COUNTRY BY

PROF YEMI AKINSEYE-GEORGE, SAN

Below are the highlights of his presentation:

1. All the 36 states have passed their ACJLs
2. **Lay Prosecution:** The presentation emphasized the importance of lay prosecution, ensuring that individuals without legal backgrounds can effectively present cases in court. This approach aims to enhance access to justice and fairness in the legal system.

3. **Stay of Proceedings Complete Abolition:** The presentation advocated for the complete abolition of the practice of staying proceedings in criminal cases. This move is aimed at expediting the legal process and reducing delays in the justice system.
4. **Case Management:** The presentation stressed the need for efficient case management, from the investigation stage to trial. Effective case management helps streamline legal proceedings, reduce delays, and ensure timely justice delivery.
5. **ACJMC (Administration of Criminal Justice Monitoring Committee):** The ACJMC, inaugurated in several states, plays a crucial role in overseeing police cells and detention facilities. It serves as a key mechanism to ensure that the rights of individuals in custody are protected and that the criminal justice process operates in accordance with established standards.

20.1 COMMENTS:

The President of the NBA highlighted the importance of distinguishing between custodial and non-custodial sentencing. He emphasized that while rules of procedure are significant, they should not supersede the procedures outlined in substantive statutes. He also noted that a blanket ban on the stay of proceedings should be avoided, citing the provisions of Section 36(9) of the Constitution.

Felix Ota-Okojie, on the other hand, pointed out that the challenge lies not in the absence of the law but in the willingness to implement it. He cited instances where provisions in the law regarding oversight visits to detention facilities by Magistrates had not been enforced by the states. He drew attention to the issue of congestion in correctional centers and highlighted Magistrates and Area courts as gateways to these centers. He expressed concerns about the unrestricted access of the police to these lower courts, leading to an increase in the number of suspects in detention centres. He also raised the issue of the lack of political will within the courts and law enforcement agencies.

Chinwe Obasi brought up questions related to the discretionary nature of sentencing, prompting further discussion on this aspect of the legal process.

21.0 CONSTITUTION OF THE TECHNICAL TEAM

A 30-member team, comprising representatives from both the Federal and State levels, was been constituted, Each geopolitical zone is represented by two states, with each member serving a 2-year term. After this period, another two states take their turn, ensuring that within six years, all the states will have had their representation. The team includes 5 representatives from the Federal Ministry of

Justice (FMOJ), as well as members from the Federal Capital Territory High Court (FCT HC), Federal High Court (FHC), the Police, the Economic and Financial Crimes Commission (EFCC), the National Corrections Service (NCors), the Independent Corrupt Practices and Other Related Offenses Commission (ICPC), and the International Committee of the Red

Cross (ICRC). Additionally, there are 3 representatives from Civil Society Organizations (CSOs) and 1 representative from the media.

Below is the breakdown according to geo-political zones:

SW: Ogun and Ekiti

SS: Bayelsa and Delta

SE: Ebonyi and Anambra

NW: Katsina and Zamfara

NC: Nasarawa and Plateau

NE: Bauchi and Borno

Total: 12 states

Federal Institutions:

- (LACON, FCT HC/ FHC Police, EFCC NCors, ICPC ICRC, NHRC)
- Media: the Crib Publications
- CSOs: LEDAP, Juri Trust and CSLS

Terms of Reference (TOR) for the Technical Committee:

1. Assessment of ACJLs: The Technical Committee is to thoroughly evaluate the Administration of Criminal Justice Laws (ACJLs) in place and identify those that do not meet the Minimum Standards (MS) mentioned during the presentation at the forum. This assessment aims to pinpoint areas in which the ACJLs require improvement to align with established standards.
2. Public Awareness Enhancement: The Committee is responsible for promoting increased public awareness of the ACJLs. This includes developing strategies to raise awareness among the general population about the provisions and implications of these laws. Such efforts may involve organizing campaigns, workshops, and outreach programs.
3. Translation and Localization: The Committee is to translate and print of key legal documents related to the ACJLs into various local languages. This step ensures that the legal information is accessible to a broader segment of the

population, thereby fostering greater understanding and compliance with the laws.

22.0 COMMUNIQUE



COMMUNIQUE:

NATIONAL STAKEHOLDERS FORUM ON THE REVIEW OF

ACT/LAWS(ACJA/ACJLs) HELD ON 24TH - 26TH OCTOBER 2023 AT ABUJA

IMPLEMENTATION OF THE ADMINISTRATION OF CRIMINAL JUSTICE

CONTINENTAL HOTEL, ABUJA, NIGERIA

Participants, at the National Stakeholders Forum on the review of the implementation of the Administration of Criminal Justice Act (ACJA) and its state-level counterparts (ACJLs), convened from the 24th to the 26th of October 2023, at the Abuja Continental Hotel, Abuja, to deliberate on ways to strengthen the criminal justice system and promote fairness, accountability, and efficiency.

2. Throughout the workshop, participants engaged in thoughtful discussions and review of the implementation of ACJA/ACJLs and recognized their vital role in the Nigerian justice system. They acknowledge that these laws are fundamental to the principles of justice, fairness, and accountability that underpin Nigeria's democracy.

3. In view of the thematic areas covered during the workshop, participants hereby present this communique, outlining the resolutions and commitments made:

a. Review and Amendment of ACJA and ACJLs:

- Participants provisionally adopt the draft ACJ Bill, 2023 as presented at the forum. However, participants undertook to submit further inputs ...

- They further commit to reviewing and amending the ACJA and ACJLs to address the evolving needs and challenges within the criminal justice system.
- They also seek a consensus on the necessary strategic amendments to make ACJA and ACJLs more responsive to today's challenges.

b. Addressing Constitutional Changes and Responsibilities:

- Participants acknowledged the recent Constitutional Alterations that placed Correctional Services under the Concurrent Legislative List.
- They emphasized the need for states to collaborate with the Nigerian Correctional Service (Federal), to structure and delineate custodial and correctional responsibilities in their various states.

c. Strengthening Implementation of ACJA/ACJLs:

- Participants acknowledged the importance of continuous implementation and review of ACJA and ACJLs.
- Participants strongly encourage all states to enforce these laws diligently to ensure a more efficient and accountable criminal justice system.
- The need to promote strict compliance with the provisions of ACJA and ACJLs was also emphasised, especially concerning the arrest process and evidence collection.

d. Mainstreaming Anti-Corruption Principles:

- In addition, they recognised the importance of incorporating anti-corruption principles across all sectors of the criminal justice system and subnational public administration.
- They further underscore the need for a comprehensive awareness campaign to educate Nigerians about their rights and responsibilities under the ACJA/Ls.

e. National Minimum Standards:

- Participants commit to collaborating with various justice sector stakeholders to establish and adhere to National Minimum Standards in the administration of criminal justice across the country. This will promote a more balanced, effective, inclusive and flourishing justice system in Nigeria.

f. Continuing Dialogue and Cooperation:

- Participants encourage ongoing dialogue and cooperation between Federal and State institutions, the judiciary, the legislature, the Nigerian Bar Association and other Civil Society Organisations.
- Mutual support and close coordination will play a significant role in improving justice sector institutions.

g. Upholding Justice Sector Reform:

- Participants pledge to uphold justice sector reform as it is essential for promoting accountability and integrity in Nigeria and ensure the reduction of the 70% ATPs in the correctional centers.
- The judiciary will continue to uphold the provisions of ACJA and ACJLs and ensure their proper enforcement.
- Participants recommend the implementation of plea bargaining, the establishment of clear Sentencing Guidelines, and the phasing out of the "trial within trial" approach, in favor of more modern and efficient approaches to legal proceedings.
- They further emphasize the need to encourage the use of restorative justice practices across the entire justice sector, as a means of decongesting correctional facilities and promoting reconciliation and rehabilitation.
- In addition, they recommend the establishment of a comprehensive sex offenders register to enhance the tracking and monitoring of individuals with a history of sexual offenses.
- They propose the strengthening of the Administration of Criminal Justice Monitoring Committee (ACJMC) across the country to ensure effective monitoring and compliance with the law.
- They call for the creation of a National Restorative Justice Forum to provide a platform for sharing best practices and promoting restorative justice principles.
- They recommend the formation of a technical committee to identify and address areas where compliance with National Minimum Standards falls short.
- They emphasize the need to increase public awareness of the ACJA and its provisions, including translating and printing materials in various local languages for broader accessibility and understanding

h. Thematic Areas for Examination:

- Participants also understand the need for concrete actions in seven (7) core thematic areas and pledge to work together to improve them. They also recognize the importance of the seven thematic areas examined during the forum as provided below:

i. Criminal Records Management (Both Manual and Electronic)

- ii. Statement Taking Rooms
- iii. Utilization of Electronic Facilities in States (Electronic Recording Machines)
- iv. Witness Protection
- v. Presentation of Reports on the Implementation of States' ACJL
- vi. Training and Sensitization
- vii. Judicial Support and Oversight

i. Funding of criminal justice administration:

- i. Participants appeal to political leaders and heads of Ministries, Departments, and Agencies to provide adequate funding for the administration of criminal justice, recognizing its pivotal role in ensuring justice and upholding the rule of law.
- ii. They advocate for the establishment of a Victims Trust Fund to support and assist victims of crimes, recognizing their essential role in the justice system.

4. Participants also express their gratitude to the Federal Ministry of Justice, the Center for Socio-Legal Studies (CSLS), the Rule of Law and Anti-Corruption (ROLAC), and all participants for their commitment to strengthening the criminal justice system in Nigeria. They expressed confidence that these resolutions and commitments, as outlined in this communique, will contribute significantly to the advancement of the justice sector and the promotion of a more equitable and efficient legal process for all citizens.

Dated this26thday of October, 2023

Prince Lateef Fagbemi, SAN

*Honourable Attorney-General of the Federation
and Minister of Justice*

23.0 ADOPTION OF THE COMMUNIQUE

A motion for the adoption of the communique was moved by the AG-Bauchi and was seconded by DPP-Ekiti

Proceedings for day three ended at 14:42 GMT

ACJRD SECRETARIAT

27th November, 2023