

IMPLEMENTATION STRATEGY FOR THE ADMINISTRATION OF CRIMINAL JUSTICE ACT 2015

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IMPLEMENTATION STRATEGY FOR THE ADMINISTRATION OF
CRIMINAL JUSTICE ACT 2015**

INTRODUCTION

- **Criminal procedure in Nigeria is governed by two principal legislations**
 - **Criminal Procedure Act (CPA) applicable in the South and the**
 - **Criminal Procedure Code (CPC) applicable in the North.**
- **Both legislations have been applied for many decades without significant improvement.**
- **The ICPC , EFCC and Code of Conduct Tribunal were established to address some of the constraints associated with criminal justice process but most of these challenges still persisted.**
- **The Administration of Criminal Justice Act 2015 seeks to respond to the challenges by eliminating delays in disposing of criminal cases and improving the overall efficiency of the criminal justice administration in Nigeria.**

VARIOUS IMPLEMENTATION AGENCIES/PUBLIC OFFICERS UNDER THE ACJA 2015

- **The Attorney General Federation, Federal Ministry of Justice**
- **The Nigerian Police**
- **Judiciary (Chief Judge, Magistrate, Chief Registrar and Registrars)**
- **Administration of Criminal Justice Monitoring Committee**
- **Legal Aid Council**
- **National Human Rights Commission**
- **Prisons**
- **Civil Society Organizations**

IMPLEMENTATION RESPONSIBILITIES OF PUBLIC OFFICERS/AGENCIES UNDER THE ACJA 2015

- **ATTORNEY-GENERAL OF THE FEDERATION/STATE**
 - **Institute, delegate, take over, discontinue criminal proceedings against any person in any court of law in Nigeria except Court Martial- Sec 104, Sec 106 & Sec 107 ACJA. See also Sec 174 and 211 1999 Constitution.**
 - **Establish an electronic and manual database of all records of arrests at the Federal and State level- Sec 29(5)**
 - **Receive from the IGP quarterly a record of all arrests made with or without warrant in relation to federal offences in Nigeria-Sec 29(1)**
 - **Issue and serve legal advice where the Magistrate court has no jurisdiction indicating whether a case exists against the defendant within 14 days after receipt of case file from the Police-Sec 376**
 - **Receive reports and advice from the Criminal Justice Monitoring Committee as to the trends of arrests, bail and related matters- Sec 33(3)**

ATTORNEY-GENERAL FEDERATION/STATE CONTD.

- **Request the Court to cancel a defendant's bail or require increased bail sum where necessary -Sec 169**
- **Appoint the Secretary for the Secretariat of the Administration of Criminal Justice Monitoring Committee- Sec 471(2)**
- **Member of the Administration of Criminal Justice Monitoring Committee (ACJMC) -Sec 469(2)(b)**
- **The Administration of Criminal Justice Monitoring Committee budgetary allocation shall be paid through the AGF's office-Sec 472(1)**

- **NIGERIAN POLICE**

- A. INSPECTOR GENERAL OF POLICE**

- **Establish a Central Criminal Records Registry –Sec 16(1)**
- **Establish Criminal Records Registry in every State/Police Command from where records will be transmitted to the Central Registry within 30 days of judgment- Sec 16(2)**
- **Remit quarterly record of all arrests made with or without warrant in relation to federal offences to the AGF-Sec 29(1)**
- **Member of the ACJMC- Sec 469(2)(d)**

NIGERIAN POLICE (CONTD.)

B. FCT/STATE COMMISSIONER OF POLICE

- **Remit court decisions in all criminal trials to the Central Criminal Records Registry-Sec 16(3)**
- **Remit quarterly record of all arrests made with or without warrant in relation to State offences to the AG State- Sec 29(2)**
- **Post one or more armed policemen to provide security during criminal trials Sec 93(3)**

NIGERIAN POLICE (CONTD.)

. POLICE GENERALLY

- Notify arrested suspect of cause of arrest and his rights including right to free legal representation by the Legal Aid Council-Sec 3-7**
- Humane treatment of suspect- Sec 8**
- Process of recording suspect's confessional must be concluded not more than 48 hours-Sec 15**
- Suspect's statement to be taken in presence of a Legal Practitioner, Legal Aid Officer, Civil society Organization official, Justice of the Peace or any person of his choice-Sec 17**

NIGERIAN POLICE (CONTD.)

- **Register of arrests kept in prescribed form in all police stations-Sec 29(4)**
- **Release on bail suspect arrested without warrant for offence not punishable with death where it is impracticable to bring suspect before a court within 24 hours- Sec 30(1)**
- **Submit monthly reports of all suspects arrested without warrants whether on bail or not to the nearest Magistrate-Sec 33(1)**
- **Submit original case file of an accused to the AGF's office where after investigation the Magistrate Court has no jurisdiction to try the offence-Sec 376(1)**

- **JUDICIARY**

- A. CHIEF JUDGE**

- **Designate Magistrate or Chief Magistrate to inspect police stations or detention centers to inspect record of arrests- Sec 34**
- **Receive and review quarterly returns of all cases from Courts with the need to ensure court congestion is reduced and cases are dealt with speedily- Sec 110(5)-(6)**
- **Receive returns of all ATIs held in prison beyond 180 days from the Comptroller-General of Prisons every 90 days-Sec 111**
- **Make regulations for licensing of Corporate bodies to act as bondspersons for suspects-Sec 187**

JUDICIARY(CONTD)

- **Assign Process Servers including courier companies to Courts to effect efficient service of court processes- Sec 241 &Sec 242**
- **Assign cases to trial Judge within 15 working days after filing-Sec 382(1)**
- **Establish Community Service Centers headed by a Registrar in every judicial division to oversee community service orders-Sec 461**

B. JUDGE JUDICIARY (CONTD)

- **Submit quarterly returns of all cases, remands and all other criminal proceedings to the Chief Judge-sec 110(5)**
- **Issue notice of trial to defendant, prosecution and witnesses within 10 days- Sec 382(2)**
- **May order payment to cover witness' expenses from the relevant vote appropriated by the Judiciary-Sec 252-254**
- **Judge of the Federal High Court shall be member of ACJMC-Sec 469(2)(c)**
- **Application for stay of proceedings in shall not be entertained- Sec 306**
- **Day-to-day trial and adjournments-Sec 396**
 - **Defendant's objection to validity of charge or information on the ground of imperfection or error would be considered along with substantive issues and ruling on it made at the time of delivery of judgment**
 - **Where day-to day trial is impracticable after arraignment, parties are entitled to not more than 5 adjournments each from arraignment to final judgment with interval between each adjournment not more than 14 working days**
 - **Where trial is not concluded after parties have exhausted their five adjournments each, the interval between one adjournment to another shall not exceed 7 days inclusive of weekends**
 - **Court may award reasonable costs to discourage frivolous adjournments.**
 - **A Judge of the High Court elevated to the Court of Appeal may continue to sit as a High Court Judge for the purpose of concluding any part-heard matter pending before him**

JUDICIARY (CONTD.)

MAGISTRATE

- **Admit to bail suspect detained for a non-capital offence after 24 hours where necessary-Sec 32. See also Sec 35 1999 Constitution**
- **Receive monthly reports of arrested suspects from the Police and forward to the ACJMC- Sec 33(1)**
- **Inspect police stations or detention centers every month to inspect records of arrest, direct arraignment of suspect or grant bail where necessary-Sec 34**
- **Submit quarterly returns of all cases, remands and and other criminal proceedings to the Chief Judge-Sec 110(5)**

JUDICIARY (CONTD)

➤ **Power to remand-Sec 296**

- **Remand in the first instance not more than 14 days.**
- **Make order extending remand period for not more than another 14 days.**
- **Issue hearing notice on IGP, AGF, State C.O.P at the expiration of remand order where suspect's trial has not commenced and adjourn the matter for not more than 14 days**
- **Extend remand order for a final period not exceeding 14 days where good cause is shown why suspect should not be released.**

JUDICIARY (CONTD)

- **REGISTRAR**

- **CHIEF REGISTRAR**
 - **Process and pay witness' expenses from the relevant vote appropriated by the Judiciary on Judge's order-Sec 252-254**
 - **Notify defendant who wishes to be represented by a Legal Practitioner of the Legal Aid Council within 14 days of the representation arranged for him-Sec 376(10)**
 - **Forward defendant's form requesting legal representation to the Legal Aid Council-Sec 376(11)**

REGISTRAR

- **Head Community Service Centre-Sec 461(10)**

- **ADMINISTRATION OF CRIMINAL JUSTICE MONITORING COMMITTEE**
- **Consider all quarterly returns submitted to the CJ for the purpose of ensuring cases are disposed of expeditiously- Sec 110(7)**
- **Ensure cordial relationship and maximum cooperation between organs responsible for administration of justice in Nigeria –Sec 470(2)**
- **Collate, analyse and publish information relating to criminal justice administration and submission of quarterly report to the CJN on developments towards improved criminal justice delivery and for necessary action-Sec 470(2)**
- **Publish annual report of the Committee’s activities-Sec 474**
- **Access all records of the organs in the administration of justice sector and may in writing request a person in charge of the organs to furnish the Committee with information within a stipulated time- Sec 475**
- **Committee members are; CJ of the FCT as Chairman, AGF, a Judge of the Federal High Court, IGP, Comptroller General of the Nigeria Prisons Service, Executive Secretary of the National Human Rights Commission, Director General Legal Aid Council, any NBA branch Chairman in the FCT to serve for two years and representative of the Civil Society working on human rights and access to justice or women’s rights to serve for two years-Sec 469**

- **LEGAL AID COUNCIL**

- **Provide free legal representation for a suspect where applicable-Sec 6(c)**
- **Request report of particulars of suspects arrested from the AGF- Sec 33(4)**
- **Director-General of Legal Aid Council shall be a Member of the ACJMC-Sec 469(2)(h)**

- **NATIONAL HUMAN RIGHTS COMMISSION**

- **Access all quarterly returns of cases made to the Chief Judge on request to the Chief Judge-Sec 110(7)**
- **The Executive Secretary of the NHRC shall be a member of the ACJMC-Sec 469(2(f))**

- **PRISONS**

- **Submit returns in the prescribed form every 90 days to the CJ Federal High Court, CJ FCT, President of the National Industrial Court, the CJ State where the prison is situated and to the AGF of all ATIs held in custody in Nigeria for more than 180 days from date of arraignment- Sec 111**
- **The Comptroller General may recommend a prisoner's release to the Court before completion of his sentence- Sec 468(1)**
- **A prisoner so released shall undergo a rehabilitation programme in a government facility which the Comptroller General shall make adequate arrangement and budgetary provision for- Sec 468(2)**

- **Civil Society Organizations**

- **Provide legal representation for arrested suspect- Sec 17**
- **Representative of the Civil Society working on human rights and access to justice or women's rights to serve for two years on the ACJMC -Sec 469**

FACILITIES/STRUCTURES REQUIRED FOR EFFECTIVE PERFORMANCE OF AGENCIES

- **Adequate communication facilities for Police to notify families of detained suspects**
- **Retrievable video compact disc for electronic recording of suspect's confession in police stations**
- **Retrievable video compact disc or any audio visual recording equipment in all courts**
- **Central Criminal Records Registry**
- **Criminal Records Registry in every State/FCT Police Command**
- **Register of arrests at all Police Stations**
- **Electronic and Manual database of all records of arrest at Federal and State level.**
- **Police diaries to record oral complaints in all Police Stations.**

- **Adequate police vehicles to convey ATIs to court for trial**
- **IT facilities to aid taking of evidence via video link.**
- **Functional Community Service Centre in every Judicial Division**
- **Rehabilitation and Correctional Centers.**

CONCLUSION

- Administration of criminal justice in Nigeria has been severely criticized for being slow and the wheels of justice is said to turn slowly particularly where the suspects are poor.
- All Stakeholders involved in the administration of criminal justice as provided under the ACJA need to collaborate to ensure the intents and purpose of the law are realized, that is ensuring speedy dispensation of justice to all.
- Federal and State Government need to ensure that the facilities/structure necessary for the implementation of the Act are also put in place.

THANK YOU FOR YOUR ATTENTION