

EMERGING TRENDS IN CRIMINAL PROCEEDINGS

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PROTOCOLS

Society has always faced the challenges of combating Crime and maintaining law and order. The Criminal Justice System is consistently developing ways to deter and punish Crime as well as possibly reforming Criminals.

As Society develops, so does Crime and the modus operandi of Criminals. For instance, Information and Communication Technological Advancements have brought about the phenomenon of Cyber-Crime, meaning that the Criminal Justice System must adapt in order to combat the new phenomenon.

It is said of law, and rightly so, that law is dynamic. Therefore, just as substantive Criminal law embraces new provisions to deal with emerging trends in Criminal behaviour, so also must the procedural law evolve new mechanisms to deal with these emerging trends and maintain the objective of justice.

A look at our society today, vis-à-vis the Criminal Justice System reveals that current issues include the following:

1. The Upsurge In Terrorist Activities.
2. Social Media.
3. Prison Congestion.
4. Delay in trial of Criminal Cases.
5. Information Communication Technology.

There could not have been anytime more appropriate than this for a dialogue on the new trend in criminal proceedings in Nigeria. Until very recently, criminal procedure laws in Nigeria have remained generally static and most discussions before now were, more often than not, agitations for reforms comparing Nigerian laws with what is obtainable in other jurisdictions. Other controversies which dominated the field of criminal litigation before now, and even now, are those of plea bargaining and the agitation for a system of compensation for victims of crimes in Nigeria. Besides these topical and nagging issues, the whole gamut of criminal procedure law in

Nigeria has been applied slavishly through the years without a meaningful reform even though several provisions and practices under the applicable laws have outlived their usefulness.

The two principal legislations (the Criminal Procedure Act¹ and the Criminal Procedure Code²) which generally govern criminal proceedings in Nigeria have remained in force since 1945 and 1960 respectively, and have been applied generally to all offences in their respective regions.³ Some of the provisions in these two pieces of legislations, to say the least, have become somewhat obsolete and antithetical to the interest of criminal justice. The Criminal Procedure Act for instance was enacted as Ordinances No 42 of 1945 while the Criminal Procedure Code was enacted by the Northern Region in 1960 and applied only to the Northern Region. The scope of the application of the CPA on the other hand was restricted to the Southern Region. Over the years, both documents have proved to be insufficient in tackling the recent demands in the administration of criminal justice in Nigeria.

In addressing the dwindling social value of these old criminal procedure laws in Nigeria, Professor Osibanjo has this to say:

An effective criminal justice system is fundamental to the maintenance of law and order. Criminal justice, because it addresses behavioral issues, must be dynamic and proactive. ... Consequently, many of the provisions are outdated and in some cases anachronistic. Besides, the loopholes in the laws and procedure have become so obvious that lawyers especially defence lawyers have become masters in dilatory tactics. It has thus, become increasingly difficult to reach closure of

¹ Cap. C 41 Laws of the Federation of Nigeria, 2004. Hereafter simply referred to as CPA.

² Hereafter referred to as CPC.

³ See C. C. Ani, "Reforms in the Nigerian Criminal Procedure Laws (2011) Vol. 1 *NIALS Journal of Criminal Law and Justice* p. 52, particularly footnote 1, for the amendment history of the CPA.

any kind in many criminal cases. Convictions or acquittals have become exceedingly rare.⁴

For this reason “the issue of reforming the criminal procedure laws has, for several years, engaged the attention of criminologists, legal practitioners, judges, academic writers, legislature, police officers, prison officials, other government officials, journalists and members of the general community. Ideas have been expressed on the definition of crime, the penal policy, the issue of payment of compensation to victims of crimes, the relationship between the culture of the people and the law of crime, sentencing practices, the prison system, the police, human rights and the issue of a uniform system of criminal justice in Nigeria in various writings on criminal justice.”⁵

Arising from this agitations is the emergence of the Administration of Criminal Justice Act 2015(ACJA).⁶ The ACJA introduces a number of innovations into the array of Criminal Procedure Law in Nigeria as far as federal offences and offences publishable in the Federal Capital Territory are concerned. From the purpose of the Act as articulated in section 1, there appears on the face of the Act some assurances of an overwhelming overhaul of the administration of criminal justice in Nigeria. Thus, there can be no meaningful discourse in Nigeria at the moment on emerging issues in criminal proceedings without a curious examination of the ACJA.

The ACJA, no doubt, is intended to re-adjust the direction of criminal administration in Nigerian. It is against this backdrop that this paper principally seeks to examine some of the improvements brought into the Nigerian Criminal Procedure Law or Criminal litigation in Nigeria by the ACJA, new issues arising from the Act and the practicability of some of the innovations and objectives of the Act. The paper also seeks to highlight possible challenges that may be posed by some of the newly introduced procedures while suggestions are also proffered on the way forward. This paper therefore is majorly a comparative analysis of the practice under the CPA, CPC other related statutes against the background of the innovations brought by the ACJA.

⁴ See Forward by Y. Osinbajo in *Proposals for the Reform of the Criminal Procedure Laws of Lagos State of Nigeria*, (Lagos: Lagos State Ministry of Justice, 2004), cited in Ani, *Ibid*. Professor Akinseye-George in the same vein states: “the..Criminal Procedure Act (CPA) and the Criminal Procedure Code (CPC) ... These laws have been applied in Nigeria for many decades without significant improvement. As a result, the criminal justice system has lost its capacity to respond quickly to the need of the society to check the rising waves of crime, speedily bring criminals to book and protect the victims of crime.” See Prof. Akinseye-George, Innovative Provisions of Administration of Criminal Justice Act 2015, *The Nation*, June 2, 2015 accessed online at <http://thenationonline.net/innovative-provisions-of-administration-of-criminal-justice-act-2015/>

⁵ See Agenda for Criminal Justice Reform and Effective Law Enforcement Administration in Nigeria, by Centre for Criminal Justice Reform & Citizen Awareness, May, 1999, p. 4, cited in Ani, *supra* note 3 at p.53.

⁶ Or sometimes referred to as the Act.

Objectives of the ACJA

Section 1 provides

The purpose of this Act is to ensure that the system of Administration of Criminal Justice in Nigeria promote efficient management of Criminal Justice institutions, speedy dispensation of Justice, protection of the society from Crime and protection of the rights and interests of the suspect, the defendant and the victims.⁷

In order to realise these laudable objectives the Administration of Criminal Justice Monitoring Committee⁸ is established by the Act.⁹ The Committee is composed as follows:¹⁰

- (a) The Chief Judge of the FCT as the Chairman;
- (b) Attorney-General of the Federation or his representative who shall not be below the rank of a Director in the Ministry;
- (c) a Judge of the Federal High Court;
- (d) the Inspector General of Police or his representative who shall not be below the rank of Commissioner of Police;
- (e) the Comptroller-General of the Nigeria Prisons Service or his representative who shall not be below the rank of Comptroller of Prisons;
- (f) the Executive Secretary of the National Human Rights Commission or representative not below the rank of Director.
- (g) the Chairman of any of the local branches of the Nigeria Bar Association in the FCT to serve for two years only.
- (h) the Director-General of the Legal Aid Council of Nigeria or representative not below the rank of Director.
- (i) a representative of the Civil Society to be appointed by the Committee to serve for a period of two years only.

⁷ It should be noted that both the CPA and the CPC have no clearly articulated objectives.

⁸ Hereafter referred to as the Committee.

⁹ See section 469 (1) ACJA.

¹⁰ *Ibid*, Section 469(2).

The Committee is charged with the responsibility of ensuring effective and efficient application of the ACJA by the relevant agencies.¹¹ The Committee is further saddled with the responsibility of ensuring 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 exists maximum cooperation amongst the organs in the administration of justice in Nigeria; (f) collate, analyse and publish information in relation to the administration of criminal justice sector in Nigeria; and (g) submit report quarterly to the Chief Justice of Nigeria to keep the Chief Justice abreast of developments towards improved criminal justice delivery and for necessary action; (h) carry out such other activities as are necessary for the effective and efficient administration of criminal justice.

The Scope of Application of ACJA

The Act applies only to criminal trials in respect of offences established by an Act of the National Assembly and other offences punishable in the Federal Capital Territory, Abuja subject to Part 8 and 9 of the Act which extend the application of the Act to all Criminal trials and proceedings with respect to the matters contained under those parts unless express provisions are made in respect of any particular court or form of trial or proceeding.¹² As it is, the ACJA is not applicable to offences created by state laws but it does appear that the Act applies to federal offences punishable by State High Courts or any state's owned Courts.

For instance by section 14 of the Advance Fee Fraud and other Fraud Related Offences Act the Federal High Court or the High Court of the Federal Capital Territory *and the High Court of the State*¹³ have concurrent jurisdiction to try offences and impose penalties under the Act, yet offences created by the Act are federal offences. Also section 3 of the Dishonoured Cheques

¹¹ *Ibid*, Section 470(1).

¹² Part 8 provides for the general authority of the court to compel the attendance of a suspect who is within the jurisdiction and is charged with an offence committed within the State, Federation or FCT. It also provides for lodgment of complaint, form of complaint, etc while Part 9 generally provides for the venue for trials and investigation, time frame within which to transfer a case file. For instance section 99 of the ACJA (under Part 9) provides that "within a reasonable period not exceeding seven days, send the case and all processes relating to the case to the head of court for re-assignment to that other court, and where appropriate, remand the suspect charged in custody or require him to give security for his attendance before that other court to answer the charges and to be dealt with accordingly." Note that under the CPA, by section 66, the CJ will first order a preliminary enquiry to be carried out in respect of such offences allegedly committed outside the jurisdiction of the court before the Court would remit the case to the appropriate magisterial district except the court is authorized to proceed with it by the CJ. Section 67(3) CPA which provides for the remittance of the case file to the appropriate court did not provide for time limit to do so unlike the ACJA which provides that re-assignment of cases must done within 7 days.

¹³ Italics is for emphasis.

(Offences) Act vest jurisdiction of the State High Court to try summarily offences created under that Act. To this extent I suppose that the application of the Act has nothing to do with the Court (except in Abuja where it is applicable to all offences and to all the courts) but has everything to do with whether the offence is a federal offence or not. Once the offence is a federal offence, the Act must apply whether before a State High Court or State owned courts or federal courts.

Note that the Act applies generally with respect to matters under Parts 8 and 9 where there is no express provision in the applicable state law. Furthermore, the ACJA can be termed as a restatement of some of the provisions of the CPA, CPC, the Constitution,¹⁴ as well as an improvement upon some provisions in the Police Act touching on arrest and in the Evidence Act relating to confessional statement. To this extent, the ACJA by section 493 repeals the CPA, the Criminal Procedure (Northern States) Act,¹⁵ and the Administration of Justice Commission Act.¹⁶

Some Provisions of the CPA, CPC, Police Act and the Evidence Act as they affect Criminal Litigation

One of the aspects of the CPA, CPC and Police Act which has fallen short of the interest of criminal justice is in the area of arrest and detention. These provisions have rather supplied ‘legal’ backing for unlawful arrest and illegal detention. Armed by some of these provisions, law enforcement agencies have been quick to arrest and detain members of the society, most of the time, arbitrarily. This is attested to by the volume of applications in the High Courts for the enforcement of fundamental rights year in year out. The Police Act for instance provides:

When a person is arrested without a warrant, he shall be taken before a magistrate who has jurisdiction with respect to the offence with which he is charged or is empowered to deal with him under section 484 of the Criminal Procedure Act *as soon as practicable* after he is taken into custody.¹⁷

Section 17 of the CPA in the same vein provides:

When any person has been taken into custody without a warrant for an offence other than an offence punishable with death, any officer in charge of a police station may, in any case, and shall, if it will not be practicable to bring such person before a magistrate or justice of the peace having jurisdiction with respect to the offence charged within 24 hours after he was so taken into custody, inquire into the case, and, unless the offence appears to such officer to be of a serious

¹⁴ See section 8 ACJA provides that a “suspect shall- (a) be accorded humane treatment, having regard to his right to the dignity of his person; (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment” in line with the constitutional fundamental right to human dignity.

¹⁵ Cap C42 LFN 2004

¹⁶ Cap A3 LFN 2004

¹⁷ See section 27 of the Police Act Cap P LFN 2004.

nature, discharge the person upon his entering into a recognisance with or without sureties for a reasonable amount to appear before a court at the time and place named in the recognisance, but where such person is retained in custody, he shall be brought before a court or justice of the peace having jurisdiction with respect to the offence or empowered to deal with such person by section 484 of this Act *as soon as practicable*, whether or not the police inquiries are completed. .

The phrase as “as soon as practicable,” contained in section 17 CPA and section 27 of the Police Act, apart from being unconstitutional¹⁸ have also encouraged the incidence of arbitrary arrest and unlawful detention and therefore inconsistent with the demand of criminal justice.¹⁹ Again by section 10(1) (i) of the CPA the police could arrest without a warrant, any person who has no ostensible means of sustenance and who could not give a satisfactory account of himself.²⁰ According to Prof Akinseye-George “[t]his particular provision has been greatly abused by the police who use it as a ground to arrest people indiscriminately.”²¹ Okpara in the same vein states that “Section 10 of the CPA and section 20 of the Police Act read together tend to have effect of throwing a helpless citizen to the subjectivity and caprice of individual police officers.”²² Another scholar observes:

The policeman has no discretion in the situation of arrest with warrant...The situation is different in an arrest without warrant. The CPA provides 10 scenarios in which a policeman may, on his own initiative, arrest or decline to arrest somebody...The police powers of arrest without warrant display an insensitive disregard for the right of the individual. They could have been justified when

¹⁸ Section 35(4) of the Constitution as amended provides, “Any person who is arrested or detained in accordance with subsection (1) (c) of this section shall be brought before a court of law within a reasonable time, and if he is not tried within a period of - (a) two months from the date of his arrest or detention in the case of a person who is in custody or is not entitled to bail; or (b) three months from the date of his arrest or detention in the case of a person who has been released on bail, he shall (without prejudice to any further proceedings that may be brought against him) be released either unconditionally or upon such conditions as are reasonably necessary to ensure that he appears for trial at a later date. Section 35(5) defines the expression “a reasonable time” to mean- (a) in the case of an arrest or detention in any place where there is a court of competent jurisdiction within a radius of forty kilometres, a period of one day; and (b) in any other case, a period of two days or such longer period as in the circumstances may be considered by the court to be reasonable.

¹⁹ The Supreme Court had observed *Nwadiogbu v. Anambra Limo River Basin Dev. Authority* (2011) All FWLR (Pt.562) 1612 at 1631`-1632 “the role played by the police using their powers of arrest and detention was totally unnecessary. It underscores the urgent need for building and nurturing a strong institution. It is a must especially where the strong influential man is still very much around. Such a man should no longer be relevant.” Per Rhodes-Vivour, JSC.

²⁰ This provision is omitted from the ACJA obviously because of the wide powers of discretion it gave to the Police.

²¹ Akinseye-George, *supra* note 4.

²² See Okpara Okpara “Right to Personal Liberty (section 35 of the Constitution)” in Okpara Okpara (ed.) *Human Rights Law and Practice* Vol. 1 (Enugu: Chenglo Ltd, 2005) p. 154.

they were made as an alien oppressor's necessary weapons to suppress the reaction of subdued natives. But how can Nigerians possibly explain this tools of degradation against their fellow citizen?²³

Though there are constitutional safeguards and remedies²⁴ against unlawful arrest and detention, they are usually the last resort after the harm has been done. Thus, circumstances abound where the Police embarked on mass raiding of people under the guise of reasonable suspicion with the threat of detention except they were ready to *pay* for their freedom. What is more, even when compensation is awarded in favour of a victim of police arbitrary arrest and detention, the enforcement of order of compensation against law enforcement agencies is as difficult as getting the agencies themselves to respect human rights.

The loose provisions of the CPA, CPC and the Police Act have encouraged the practice of arrest before investigation or fishing for evidence. This has also accounted for the huge failure of charges in court as Police hurriedly rush to arrest and detain suspects without proper investigation or sufficient evidence to prosecute. The Supreme Court had said:

I think I can say this that in a proper investigation procedure, it is unlawful to arrest until there is sufficient evidence upon which to charge and caution a suspect. It is completely wrong to arrest, let alone, caution a suspect, before the police look for evidence implicating him.²⁵

As long as the practice of *arrest before looking for evidence* continues, the police will never be able to comply with 35 (4) and (5) of the Constitution of the Federal Republic of Nigeria 1999 (as amended) which delimits the time a suspect shall remain with the Police after which he must be charged to court. Compliance with the aforesaid constitutional provision is only possible if the Police embarks first of all on a proper investigation and procures sufficient evidence before proceeding to arrest. Nowadays, it is common to hear of 200 counts in a charge sheet. Before the actual trial commences, sometimes, the counts would have been reduced to 10 by amendment and sometimes finally dismissed on a no-case submission. This is how many high profile criminal cases fail in Nigeria.

Furthermore, because of the wide power given to the Police, sometimes, they dabble into other functions e.g debt recovery, in a matter that is purely civil in nature. The Police have turned themselves into debt recovery agents. This practice has continued unabated inspite of several

²³ R. A. C. E. Achara, "Crime Control and Detection: An Appraisal of the Police Powers of Arrest, Interrogation and Detention under the Law" (2005) 5(1) *UNIZIK Law Journal*, p 84.

²⁴ See section 35 (6) of the CFRN 1999 as amended which provides: "Any person who is unlawfully arrested or detained shall be entitled to compensation and public apology from the appropriate authority or person; and in this subsection, "the appropriate authority or person" means an authority or person specified by law."

²⁵ See *Fawehinmi v IGP* (2002) 7 NWLR (pt. 767) 606 at 681, per Uwaifo JSC

pronouncements of the court deprecating the practice. In *Oceanic Securities Int'l Ltd v. Balogun*²⁶ the Court of Appeal had this remark to make:

It has been stated many times that the Police has no business in the enforcement of debt settlement or recovery of civil debts for banks or anybody. Only, recently in the unreported decision of this court in the case of *Ibiyeye & Anor. v. Gold and Ors.* In appeal No. CA/IL/M/95/2010, delivered on 7 December, 2011, I had cause to scream thus, in my contributory judgment.

I have to add that the resort to the police by parties for recovery of debts outstanding under contractual relationship has been repeatedly deprecated by the court. The police have also been condemned and rebuked, several times, for abandoning its primary duties of crime detection, prevention and control to dabbling into enforcement or settlement of debts and between quarreling parties and for using its coercive powers to breach the citizen's right and/or promote illegality and oppression. Unfortunately despite all the decided cases on this issue, the problem persists and the unholy alliance between aggrieved contractors/creditors with the police remains at the root of many fundamental rights breaches in our court.

The ACJA has clearly addressed this lingering malady by section 8(2) that “a suspect shall not be arrested merely on a civil wrong or breach of contract.”

Confessional Statements

Another very crucial issue which is posing challenge to the administration of criminal justice is the growing reliance on confessional statement under the Evidence Act. Most times, once the Police have been able to extract a confession from the accused, one way or the other that is the end of investigation. This is because a confession without more, by the law, is sufficient to ground conviction. Section 27 of the Evidence Act 2011 provides:

If, in any proceeding where the prosecution proposes to give in evidence a confession made by a defendant, it is represented to the court that the confession was or may have been obtained —

(a) by oppression of the person who made it; or

(b) in consequence of anything said or done which was likely, in the circumstances existing at the time, to render unreliable any confession which might be made by him in such consequence, the court shall not allow the confession to be given in evidence against him except in so far as the prosecution proves to the court beyond reasonable doubt that the confession (notwithstanding that it may be true) was not obtained in a manner contrary to the provisions of this section.

²⁶ (2012) All FWLR (Pt.643) 1880 at 1906-1907, Per Mbaba JCA.

In criminal trial, it is very often to see the Police parade the confession of an accused person without more. Rather than carrying out investigation, sometimes the Police resort to torture to enable the suspect volunteer information for the purpose of prosecution him. While the admissibility of a confession is a sound practice in criminal procedure everywhere for securing conviction, in Nigeria, reliance on a confessional statement has become prevalent as it has become the easiest way to secure conviction,²⁷ with a heavy burden on the accused in a trial within trial to convince the court of the involuntariness of the confession if he dares to challenge its admissibility. Under the ACJA the temple has changed. Section 15 (4) provides

Where a suspect who is arrested with or without a warrant volunteers to make a confessional statement, the police officer shall ensure that the making and taking of the statement shall be in writing and *may be recorded electronically on a retrievable video compact disc or such other audio visual means.*²⁸

The introduction of this provision in the ACJA is in answer to the abuse of the power of the Police as far as confessional statements are concerned. Even though the Act uses the word ‘may’ the court should be wary under the ACJA in accepting confessional statements without evidence of video or audio coverage. The position under the Administration of Criminal Justice Law of Lagos State 2007 is preferable. Section 9(3) of the ACJL Lagos 2007 mandates the Police to ensure that confessional statements are recorded on video and the said recording and copies thereof are to be filed and produced at the trial. In the absence of a video facility, the statement is to be made in writing in the presence of a legal practitioner of the suspect’s choice. Prosecutors

²⁷ It has been stated over and again that confession is the strongest evidence of guilt against an accused person. It is stronger than the evidence of an eye witness because the evidence comes out from the horse’s mouth who is the accused person. See *Mbang v. the State* (2011) All FWLR (Pt. 562) 1766 at 1784

²⁸Section 15 (5) of the ACJA provides, “notwithstanding the provision of subsection (4) of this Section, an oral confession of arrested suspect shall be admissible in evidence.” This is rather worrisome. If we had issues with written confession then we will certainly have more issues with oral confession. Admissibility of oral confession is a violation of an accused right. Oral confession lacks the platform for testing its veracity. A confession is too serious to be accepted in oral form. That subsection should be deleted outrightly.

in Lagos State now have to present video recorded evidence where they intend to rely on a confession obtained at the police station.²⁹

The Right of the suspect to be informed

Other concerns in criminal proceedings before the arrival of the ACJA is in the area of the right of the suspect to be informed promptly in the language that he understands of the basis for his arrest and the details of the nature of the offense except where the suspect is arrested in the course of the commission of the offense or is pursued immediately after the commission of the offence or escaped from lawful custody.³⁰ Violation of these procedures has been merely treated as constitutional breaches of the accused human right but not as vitiating criminal proceedings against him. Thus, this rule is merely honoured in its breaches by the police than in its observance.

Every day, citizens are detained by the Police with some suspects having no idea as to why they are in detention. Under the ACJA, some innovations have been introduced. Through the provision for the right of a suspect to be informed of the nature of the offence is retained, the ACJA in section 6 extends the right from mere information to other rights including the right to remain silent.³¹ The section provides that:

The police Officer shall inform the suspect of his right to:

- (a) remain silent or avoid answering any question until after consulting with Legal Practitioner or any other person of his choice,
- (b) consult a legal Practitioner of his choice before making endorsing or writing any statement or answering any question put to him after arrest,
- (c) free Legal representation by the Legal Aid Counsel of Nigeria where applicable.

²⁹ Ani equally suggested that this provision be inserted in the ACJA. Ani, *supra* note 3 at p71.

³⁰ See section 5 of the CPA and section 38 of the CPC. See also section 36(6) (a) of the CFRN, 1999.

³¹ On the right to remain silent see generally Shajobi-Ibikunle, G. "The Right to Remain Silent and Its Implication for the Police Interrogation in Nigeria" (2013) 5 *Ekiti State University Law Journal*, pp 166-180 and M. I. Gwangndi and S. M. Tagi, "The Right to Silence in Nigeria" (2011) 4 (1) *Nasarawa State University Law Journal*, pp 155-166.

Arrest of Innocent Persons in Lieu of the Suspect

Section 7 of the ACJA provides that a person shall not be arrested in the place of another. However, at the police station, the right of the suspect to remain silent is merely being echoed to the suspect as a mere ritual before taking his statement. Where the suspect insists on discussing with his lawyer before answering, where he chooses to remain silent, he incurs the wrath of the Nigeria Police. He can be thrown into detention until he is ready to talk. Thus, suspects are quizzed for hours in the police station without being allowed access to their Legal Practitioner. Under this section, the suspect also has the right to a free Legal representation by the Legal Aid Council where applicable.³²

The Challenge of Writing in Longhand under the CPA and CPC.

It has been observed that “the manual documentation of files and recording of cases in long hand by the judges in court adversely affects the dispensation of justice and contributes to the delay in most trials in Nigeria. In this 21st Century where the world has gone digital and information technology is the driving force of most developments in the political and legal fields, the Nigerian judiciary [appears to have been] left behind in the analog world where files and judicial activities are manually conducted.”³³

Judges and Magistrates had a major challenge under the CPA and CPC with respect to migrating from longhand into electronic recording not necessarily that the courts could not afford the cost of electronic recording but because such practice had no legal backing these statutes. The system of writing in longhand, no doubt, is contributing to the delay³⁴ in the administration of justice and sometimes leading to miscarriage of justice as the process of paraphrasing or recording of the witnesses in the expression of the Judge has at some occasions whittled down the substance of the evidence.

³² The proceedings in a court to which Legal Aid is applicable are listed in the 2nd Schedule to the Legal Aid Act. They are proceedings in cases of Murder, Manslaughter, Maliciously or willfully wounding or inflicting grievous bodily harm, culpable homicides, Assault occasioning harm, affray, stealing, rape and aiding and abetting, etc of the above listed offences.

³³ “The Way Forward for Nigerian Judiciary” available at <http://hubpages.com/education/The-Way-Forward-for-Nigerian-Judiciary>, last accessed February 15, 2016.

³⁴ The point has been reiterated that: “Writing in long-hand wears judges out and thereby causes delay in delivery of justice.” See “NBA Chairman Identifies Problems Facing Judiciary” available at <http://www.nigerianbulletin.com/threads/nba-chairman-identifies-problems-facing-judiciary.30139/>

A Judge may out of fatigue or haste fail to record important evidence. Not all Judges are fast writers. Again, no matter the speed of a Judge there is a natural limit to the extent he can go. By section 364 of the ACJA, Court proceedings may now be recorded electronically and verbatim such that at the end of each day's proceeding a transcript of such recording shall be printed to enable certification or authentication by the Judge or Magistrate who conducted the proceedings. By subsection (3) of section 364 ACJA the record so kept or a copy of it purporting to be signed and certified as a true copy by the Court shall at all times, without proof be admitted as evidence of the proceedings as statement made by the witness. This last provision has also put paid to the delay experienced in obtaining certified true copies of record of proceedings from the court.

The need to migrate all Court Proceedings into electronic record has long been overdue. It is only regrettable that such move is for the first time being generally and statutorily provided for at an age like this.

Central Criminal Registry

Another major challenge facing the Criminal Justice System is the absence of Central Criminal Registry both at the Police station and under the Court System. It has been said that Justice System can be describe as a network of independent organizations (Courts, Law firms, Police, prosecutors, prisons departments etc.) exchanging data and documents.³⁵ A properly controlled Central Criminal Registry will lead to transparency of Court operation, improve the legitimacy and the authority of Courts and the justice Systems.³⁶ This Central Registry is necessary to ensure that all arrest and convictions are properly documented.³⁷ Ani posits that “the recordings and the returns to the Registry will provide a tool for checking arbitrary arrest and detentions or

³⁵ See Contini,F “Legal Informatics and the Technological Landscape of Justice System” in U. Eri, (ed) *Proceedings of 2007 All Nigerian Judges Conference* (Abuja: National Judicial Institute, 2010) p. 361

³⁶ *Ibid*

³⁷ Ani, *supra* note 3 at p.68

unwarranted detentions. It will go far in helping to stop and minimize cases where people are arbitrarily arrested and detained without anyone being able to give adequate account of them.”³⁸

In Nigeria, the need for establishing a central database has been re-occurring. This was attempted via voters’ card registration, National Identity Number registration, SIM card registration and recently Bank Verification Number (BVN) registration, yet there is no accessible comprehensive record in Nigeria about any individual. It is worse that as a nation, there is no complete identification database. It is therefore not surprising while it has been almost impossible for the Judiciary and in conjunction with the police to maintain a Central Record for the identity of suspect, accused persons and convicts. The Ibori saga of whether Chief James Onanefe Ibori, the then Governor of Delta State was one and the same person earlier convicted by the Bwari Upper Area Court in case N0. CK 81-95 is still a very fresh embarrassment to the judiciary.

It was so much humiliating that the trial Area Court Judge had to come to court to testified that James Onanfe Ibori was an ex-convict and the one convicted by him. James Onanfe Ibori on the other hand, contented that Exhibit A, the said Suit No. CK81-95 did not conform to section 157 (1) of the Criminal Procedure Code. The Court agreed with James Onanfe Ibori and that was the end of the case. The action to disqualify Ibori from re-running as a gubernatorial candidate on the basis of being an ex-convict was dismissed.

If the judiciary had a Central Criminal Record the argument as to whether Ibori had been convicted would not arise. By section 16(3)- (4) of the ACJA it shall be the duty of the Chief Registrar of the courts to transmit the decision of the court in all criminal trials to the Central Criminal Records Registry within thirty-days after delivery of judgment. Where there is default by the Chief Registrar to transmit the records referred to in this section within thirty days after judgment, he shall be liable to disciplinary measures by the Federal Judicial Service Commission for misconduct.

MAJOR INNOVATIONS UNDER THE ACJA

Security of victims and witnesses

³⁸ *Ibid.*

The ACJA introduces a number of innovations into the practice and procedure of criminal litigation in Nigeria. For instance “where in any proceedings the court determines it is necessary to protect the identity of the victim or a witness the court may take any or all of the following measures: (a) receive evidence by video link; (b) permit the witness to be screened or masked; (c) receive written deposition of expert evidence; (d) any other measure that the court considers appropriate in the circumstance.³⁹ The provision of this section shall apply to: (a) offences under section 231 of this Act (b) offences under the Prevention of Terrorism Act , (c) offences relating to Economic and Financial Crimes, (d) Trafficking in Persons and related offences. (e) any other offence in respect of which an Act of the National Assembly permits the use of such protective measures.”⁴⁰ These are completely new innovations and are very relevant to criminal litigation in a modern world. These offences are high profile cases and as such it could be a matter of risk exposing the victim or accepting to give evidence in these cases.

In the same vein, mention should also be made of section 362 ACJA which states that where it appears to the court that a person who is seriously ill or hurt may not recover, but is able and willing to give material evidence relating to an offence and it is not practicable to take the evidence the during trial, the Judge or Magistrate shall take in writing the statement on oath or affirmation of the person. The Judge or Magistrate shall preserve the statement and file it for record. This section akin to the frontloading system in the High Court Civil Procedure Rules. It is another welcome innovation.

In Area of Arrest and Detention

In the area of unlawful arrest and illegal detention, the ACJA introduces some provisions aimed at improving on the state of the law. Section 8 (2) of the ACJA for instance deals with the longstanding problem whereby people employ the machinery of criminal justice wrongly for civil matters. It is not uncommon for people to maliciously instigate the arrest and detention of others for a breach of contract, failure to pay debt owed or for other civil wrongs. Section 8(2) provides that “a suspect shall not be arrested merely on a civil wrong or breach of contract.” This direct prohibition of arrest over purely civil matters is likely going to check arbitrary arrest of persons and torture by law enforcement and security agencies.

³⁹ See section 234 (3) ACJA

⁴⁰ Ibid, section 234(4).

Plea Bargaining

One of the major innovations by the ACJA is the direct introduction of the practice of plea bargaining. To this extent I find it necessary to set the elaborate provision of the ACJA in this regards in *extenso*. Section 270 provides:

(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;*

(b) *offer a plea bargain to a defendant charged with an offence.*
Defendant may plead guilty for lesser offence(s) than offence charged.

(2) *Where the Prosecutor is of the view that the offer or acceptance of a plea bargain is in the interest of justice, the public interest, public policy and the need to prevent abuse of legal process, he may offer or accept the plea bargain.*

(3) *The prosecutor and the defendant or his legal practitioner may before the plea to the charge, enter into an agreement in respect of –*

(a) *the term of the plea bargain which may include the sentence recommended within the appropriate range of punishment stipulated for the offence or a plea of guilty by the defendant to the offence(s) charged or a lesser offence of which he may be convicted on the charge; and*

(b) *an appropriate sentence to be imposed by the court where the defendant is convicted of the offence to which he intends to plead guilty.*

(4) *The prosecutor may only enter into an agreement contemplated in subsection (3) of this section –*

(a) *after consultation with the police responsible for the investigation of the case and the victim or his representative, and*

(b) *with due regard to the nature of and circumstances relating to the offence, the defendant and public interest.*

Provided that in determining whether it is in the public interest to enter into a plea bargain, the prosecution shall weigh all relevant factors, including:

(i) *the defendant's willingness to cooperate in the investigation or prosecution of others;*

(ii) *the defendant's history with respect to criminal activity;*

(iii) *the defendant's remorse or contrition and his willingness to assume responsibility for his conduct;*

(iv) *the desirability of prompt and certain disposition of the case;*

(v) *the likelihood of obtaining a conviction at trial, the probable effect on witnesses;*

(vi) *the probable sentence or other consequences if the defendant is convicted;*

(vii) *the need to avoid delay in the disposition of other pending cases; and*

(viii) *the expense of trial and appeal.*

(ix) *The defendant's willingness to make restitution or pay compensation to the victim where appropriate.*

The doctrine of plea bargaining⁴¹ was alien to the Nigerian criminal procedure law until it found its way into the system through the Economic and Financial Crimes Commission (Establishment) Act.⁴² The EFCC Act provides:

Subject to the provisions of section 174 of the Constitution of the Federal Republic of Nigeria 1999 (which relates to the power of the Attorney-General of the Federation to institute, continue, takeover or discontinue criminal proceedings against any person in any court of law), the Commission may compound any offence punishable under this Act by accepting such sums of money as it thinks fit, exceeding the maximum amount to which that person would have been liable if he had been convicted of that offence.⁴³

The ACJA further provides in 270 (5)-(12)

(5) The prosecution shall afford the victim or his representative the opportunity to make representations to the prosecutor regarding –

(a) the content of the agreement; and

(b) the inclusion in the agreement of a compensation or restitution order.

(6) An agreement between the parties contemplated in subsection (3) shall be reduced to writing and shall –

(a) state that, before conclusion of the agreement, the defendant has been informed –

(i) that he has a right to remain silent;

(ii) of the consequences of not remaining silent;

(iii) that he is not obliged to make any confession or admission that could be used in evidence against him.

(b) state fully, the terms of the agreement and any admission made, and

(c) be signed by the prosecutor, the defendant, the legal practitioner and the interpreter, as the case may be.

(d) A copy of the agreement signed by the parties in paragraph (c) of subsection

(6) of this section shall be forwarded to the Attorney-General of the Federation.

(7) The presiding judge or magistrate before whom the criminal proceedings are pending shall not participate in the discussion contemplated in subsection (3) of this section.

(8) Where a plea agreement is reached by the prosecution and the defence, the prosecutor shall inform the court that the parties have reached an agreement and the presiding judge or magistrate shall then inquire from the defendant to confirm the correctness of the agreement.

⁴¹ See generally T. C. Eze and E. Amaka, "A Critical Appraisal of the Concept of Plea Bargaining in Criminal Justice Delivery in Nigeria" (2015) 3 (4) *Global Journal of Politics and Law Research*, pp 31-43 also available at <http://www.eajournals.org/wp-content/uploads/A-Critical-Appraisal-of-the-Concept-of-Plea-Bargaining-In-Criminal-Justice-Delivery-in-Nigeria2.pdf>, for a comprehensive discourse on the issue.

⁴² Cap. E LFN 2004. Hereafter EFCC Act.

⁴³ See section 14 (2) of the EFCC Act.

(9) *The presiding judge or magistrate shall ascertain whether the defendant admits the allegation in the charge to which he has pleaded guilty and whether he entered into the agreement voluntarily and without undue influence and may where—*

(a) satisfied that the defendant is guilty of the offence to which he has pleaded guilty, convict the defendant on his plea of guilty to that offence, or

(b) he is for any reason of the opinion that the defendant cannot be convicted of the offence in respect of which the agreement was reached and to which the defendant has pleaded guilty or that the agreement is in conflict with the defendant's right referred to in subsection (6) of this section, he shall record a plea of not guilty in respect of such charge and order that the trial proceed.

(10) *Where a defendant has been convicted in terms of subsection (9) (a), the presiding judge or magistrate shall consider the sentence as agreed upon and where he is –*

(a) satisfied that such sentence is an appropriate sentence, impose the sentence; or

(b) of the view that he would have imposed a lesser sentence than the sentence agreed, impose the lesser sentence; or

(c) of the view that the offence requires a heavier sentence than the sentence agreed upon, he shall inform the defendant of such heavier sentence he considers to be appropriate.

(11) *The presiding Judge or Magistrate shall make an order that any money, asset or property agreed to be forfeited under the plea bargain shall be transferred to and vest in the victim or his representative or any other person as may be appropriate or reasonably feasible.*

(12) *Notwithstanding the provisions of the Sheriffs and Civil Process Act, the prosecutor shall take reasonable steps to ensure that any money, asset or property agreed to be forfeited or returned by the offender under a plea bargain are transferred to or vested in the victim, his representative or other person lawfully entitled to it.*

Why it can be successfully argued that these extensive provisions have laid to rest the long drawn out legal battle as to the legality of the practice of plea bargaining in Nigeria, the practice from the provisions above is not devoid of challenges. Some have argued that plea bargaining undermines the basic premise of crime and punishment⁴⁴ and that it robs the accused of the chances of full trial whereupon he might be free though he is culpable. It was further argued that the practice will further erode the confidence of the judiciary by the ignorant members of the

⁴⁴ See O. Olayanju, "The Relevance of Plea Bargaining in the Administration of Justice System in Nigeria" (2001) VIII (2) LASU Law Journal, 40.

society who do not understand the working of the law.⁴⁵ An average non lawyer may not appreciate why a man who stole billions of naira for instance should be made to return an amount of money for a light punishment while the hungry man who stole *garri* is going for 2 years imprisonment. Again there is this apprehension that the process might soon be abused by the public officials and the high political class who are the major stakeholders in the plea bargain business. It should be mentioned that some of the money recovered through plea bargaining is allegedly missing. This is a travesty of criminal justice.

This notwithstanding, certain benefits of the practice exist. It has been acclaimed that the practice is cost effective, saves time and prevents unnecessary public trial. It reduces the courts' workload and prosecution's list of cases especially with the inability of the court to handle the volume of criminal cases.⁴⁶

Compensation of Victim of Crime

This is one area in criminal litigation which has for a very long time been begging for attention. The inability of the CPA and the CPC to guarantee the right of a victim of crime to some compensation has contributed to resort by members of the society to the police for the recovery of debts. Once the offender *settles* the victim and the police at the police station he is freed from criminal prosecution. About ninety per cent of such 'settled' cases never go to court. The reason is that under CPA and CPC, all a victim can get is a criminal conviction of the accused and if he is still desirous of recovering his money, for instance, in a charge of stealing, then he needs a civil suit to achieve that. According to Odion: "asking the victims to proceed on another journey of civil litigation with the attendant cost and time, before he can be financially rehabilitated is not fair enough in the circumstance."⁴⁷ There is no gainsaying that victims of crime do suffer diversely and sometimes are discouraged from supporting the Prosecution's case by refusing to attend court to give evidence being fully aware that they would get nothing personally from the proceedings. It has been said that:

Studies on the effect of crime have shown that, though the public may suffer the indirect effect of crime such as fear of crime and its attendant restrictions, the individual victims suffer a lot more 'both psychologically, physically and

⁴⁵ Ibid, at 43.

⁴⁶ See Oguce Samuel, "Development of Plea Bargaining in the Administration of Criminal Justice in Nigeria" (2011) *NIALS Journal of Law and Development*, pp.70-74.

⁴⁷ J. O. Odion "Evolving Restitutionary Rights for Victims of Crime In Nigeria: A Focus on Corrupt and Fraudulent Practices available online at <http://www.nigerianlawguru.com/articles/criminal%20law%20and%20procedure/EVOLVING%20RESTITUTIONARY%20RIGHTS%20FOR%20VICTIMS%20OF%20CRIME%20IN%20NIGERIA,%20A%20FOCUS%20ON%20CORRUPT%20AND%20FRAUDULENT%20PRACTICES.pdf>

financially, depending on the type of offence. Though the victim could institute civil proceedings against the offender, it is known that this remedy for various reasons (such as cost and time) is rarely used.⁴⁸

Thankful enough, by Section 314 (1) of ACJA, a victim can now secure conviction and receive compensation in the same proceeding with respect to the areas to which the ACJA applies. Section 314 (1) provides:

Notwithstanding the limit of its civil or criminal jurisdiction, a court has power in delivering its judgment to award to a victim commensurate compensation by the defendant or any other person or the State.

- (2) The Court in considering the award of compensation to the victim may call for additional evidence to enable it determine the quantum of compensation to award in subsection (1) of this section.⁴⁹

The court may also order the defendant to pay a sum of money to defray expenses incurred in the prosecution. The court may order the convict to pay compensation to an innocent purchaser of any property in respect of which the offence has been committed who has been compelled to give it up.⁵⁰ The court may also order the convicted person to pay some money in defraying expenses incurred in medical treatment of any person injured by the convict in connection with the offence.⁵¹

⁴⁸ See E. Koroye, "Compensation of Victims of Crime as a Sanction of Criminal Courts," in E. Chianu (ed.) *Legal Essays in Honour of Professor Sagay* (Benin City: Dept of Public Law, University of Benin, 1996), 131-132 cited in Odion, *Ibid* .

⁴⁹ Under the EFCC Act what is provided is the forfeiture and seizure of property. Section 19(1) of the EFCC Act provides *inter alia* "A person convicted of an offence under this Act shall forfeit to the Federal Government. (a) All assets and properties which may be or are the subject of an interim order of the court after an attachment by the commission as specified in Section 25 of this Act. (b) Any assets or property confiscated or derived from any proceeds, that person obtained directly or indirectly as a result of such offence not already disclosed in the Assets Declaration form specified in Form A of this Act..."

⁵⁰ See section 319(b) ACJA

⁵¹ *Ibid*, section 319(c)

Note that the court may, in a proceeding instituted by a private prosecutor or on a summons or complaint of a private person, on acquittal of the defendant, order the private prosecutor or person to pay to the defendant such reasonable costs as the court may deem fit.⁵²

These provisions for compensation are some of the greatest feats in the criminal justice system in Nigeria since 1945. From the forgoing, offences against property (e.g stealing, robbery, arson, burglary and housebreaking, etc) and against the person (e.g. assault occasioning, rape, etc) should attract compensation in appropriate cases.

Workability of some of the Innovations/Challenges and the Way Forward

First of all one might want to ask, how does the ACJA intend to realise these laudable projects stated in section 1 as its purpose? For instance, the Act gives a suspect the right to consult a legal practitioner of his choice before making, endorsing or writing any statement or answering any question put to him after arrest by the Police. It further gives a suspect the right to(a) be accorded humane treatment, having regard to his right to the dignity of his person; (b) not be subjected to any form of torture, cruel, inhuman or degrading treatment and that he shall not be arrested merely on a civil wrong or breach of contract. It is submitted that these bare letter words are not sufficient in themselves to protect these rights from police violation.

Unfortunately, the Act does not disclose how it tends to achieve these. Even though section 33 of the ACJA puts a duty on the Police to report all arrest without warrant made by them to the nearest Magistrate on the last day of every month who shall forward same to the Criminal Justice Monitoring Committee which shall analyse the reports and advise the Attorney-General of the Federation as to the trends of arrests, bail and related matters, there is no guarantee that the Police can be put under check by this procedure.

By subsection 5, where no report is made, the Magistrate shall forward a report to the Chief Judge of the State and the Attorney-General of the State for appropriate remedial action. One

⁵² See section 322 ACJA. This section needs some modification. There should be some conditions which should exist before a defendant can proceed against private prosecutor otherwise this rule will be said as operating against private prosecution. Where a case is manifestly frivolous compensation against private prosecution is justified. A defendant or accused who is acquitted on the basis of successfully establishing some defences like provocation, intoxication, etc should not be allowed to receive compensation against the private prosecution.

would have thought that the complaint of failure to make report by the Police would be made to the Police Regulatory body like the Police Service Commission and the Minister of Interior who have control over the Police. Honestly, I wonder what the Chief Judge and the Attorney General can directly do to the police in the circumstances beyond writing a report recommending sanction.

It is suggested that where a police officer violates the right of a suspect protected under the ACJA, he should be liable to criminal prosecution. The traditional compensatory right against the Police has not worked because even when an Applicant gets judgment against the Police for human rights violation, most time, it is difficult to enforce it.

Another foreseeable challenge is in the realm of plea bargain. There are different stages of considering plea bargain under the ACJA. This is before plea and during or after the presentation of the evidence of the prosecution. Section 270 (17) ACJA provides:

The prosecution may enter into plea bargaining with the defendant, with the consent of the victim or his representative during or after the presentation of the evidence of the prosecution, but before the presentation of the evidence of the defence, provided that all of the following conditions are present:

- (a) the evidence of the prosecution is insufficient to prove the offence charged beyond reasonable doubt;
- (b) where the defendant has agreed to return the proceeds of the crime or make restitution to the victim or his representative, and
- (c) where the defendant in a case of the crime of conspiracy has fully cooperated with the investigation and prosecution of the crime by providing relevant information for the successful prosecution of other conspirators.

This presupposes that once hearing has commenced plea bargain shall not be considered except the above conditions are met, one of which is that the evidence of the prosecution is insufficient to prove the offence. It is submitted that this category of plea bargaining will not succeed. This is because it is very unlikely that a defence counsel would want to advise his client to accept criminal liability and be punished without full trial in the face of insufficient evidence against his client when he has the option of making a no case submission. It is recommended that condition (a) of subsection 17 of section 270 of ACJA be deleted as it is unrealistic.

The last likely challenge is in the area of compensation for the victim of the offence. A lawyer asked: “However as laudable as this provision is, one important question remains unaddressed: what happens in a situation where the convict is unable to pay the compensation imposed on

him? Will he be kept in prison for failing to pay the said compensation?”⁵³ This question should not be ignored. First and foremost, is it possible to award term of imprisonment and also award compensation against the accused? From the wordings of the Act, it appears possible.⁵⁴

But section 316 provides that “where a sentence or conviction does not order the payment of money but orders the convict to be imprisoned the court shall issue a warrant of commitment accordingly.” This section gives the impression that where a sentence orders the payment of money, the court shall not issue a warrant of commitment. This is basically because while he is in prison custody he cannot defray the award. The question therefore is: what happens to the convict without the issuance of warrant of commitment? Is he expected to walk home free to raise the money awarded against him? If that is so, what happens after paying the compensation? Is it then a warrant of commitment will be issued? These questions have no answers in the Act. It is suggested that this area be re-couched to give the victim of crime genuine hope of relief and confidence in this criminal compensatory scheme.

Furthermore, it is observed that the ACJA has no provision for written address. This is a huge set back as far as the demand of quick justice delivery is concerned. One would have thought that addresses in no case submission, preliminary objections, final addresses would be required to be in writing. This would have further saved the court a lot of time without affecting the justice of the case. The drafters of this legislation are urged to put this into consideration reason being that same has proven to be time saving in civil litigation. What is more, some courts are already asking lawyers to files written addresses in criminal cases without express provision. The ACJA would have been a perfect opportunity to corroborate what these courts are already practicing.

Finally it is suggested that State Houses of Assembly should emulate Lagos State and the National Assembly and adopt this new law. There are clamours from the NBA in Delta State for the adoption of the ACJA. It is suggested that the Ministry of Justice should blaze the trail or at least support this move being a major stakeholder in the criminal justice sector.

⁵³Ineanyichukwo Maraizu, The Guardian of February 12, 2016 accessed online at <http://www.ngrguardiannews.com/2015/11/critique-of-administration-of-criminal-justice-act-acja-2015/>

⁵⁴ Section 314(1) provides: “Notwithstanding the limit of its civil or criminal jurisdiction, a court has power in delivering its judgment to award to a victim commensurate compensation by the defendant or any other person or the State. (2) The Court in considering the award of compensation to the victim may call for additional evidence to enable it determine the quantum of compensation to award in subsection (1) of this section.”

CONCLUSION

On a whole, the ACJA is ground breaking and an elegant piece of legislation. If the Act is able to actualise these objectives, the criminal justice sector in Nigeria would have regained the confidence of the people. Some of the issues identified in this work which plagued criminal proceedings under the CPA and CPC can be tackled if all stakeholders collaborate and efficiently discharge their function as defined by law. It is further suggested that there is need for stakeholders' workshops and training to be held to sensitise all, not only on the innovations introduced by the Act, but to also fashion out measures for the effective implementation of this new law.

The NBA, the Police, Law officers in the State Ministry of Justice, the Prison officials and even teachers of criminal procedure law must collaborate to give effect to the true spirit of this law. Given that some statutes vest the State High Court with jurisdiction to try Federal offences, the High Court Judges of the States are equally major stakeholders in programme. What is more? Though laudable are the objectives of the ACJA, for criminal cases to be drastically reduced in courts, for prisons to be decongested to the barest minimum; and for persons awaiting trial not to be detained in prison custody, as far as possible, then criminal proceedings in the States must key into these innovations. This is because most detainees in prisons are persons facing charges under State law. Most Federal Offenders (particularly in the area of economic crimes) hardly languish in prison.

It is therefore strongly urged upon State law makers to begin a process of reviewing the criminal justice system as it affects their States with the objective of adopting the ACJA with relevant modifications. Until the whole country has embraced these innovations, these objectives might not be fully achieved.

I thank you for your patience.

I thank you for your attention in tolerating this humble contribution to the 2016 Refresher Course for Judicial Officers.

God bless you.

HON. JUSTICE M. UMIKORO

Chief Judge

Delta State

Abuja – Wednesday the 16th March, 2016