2019

NIALS REPORT

PROJECT: "Supporting Implementation of and Compliance with the Administration of Criminal Justice Act of Nigeria (ACJA) 2015"

With the support of
John D. and Catherine T. MacArthur Foundation

MacArthur Foundation

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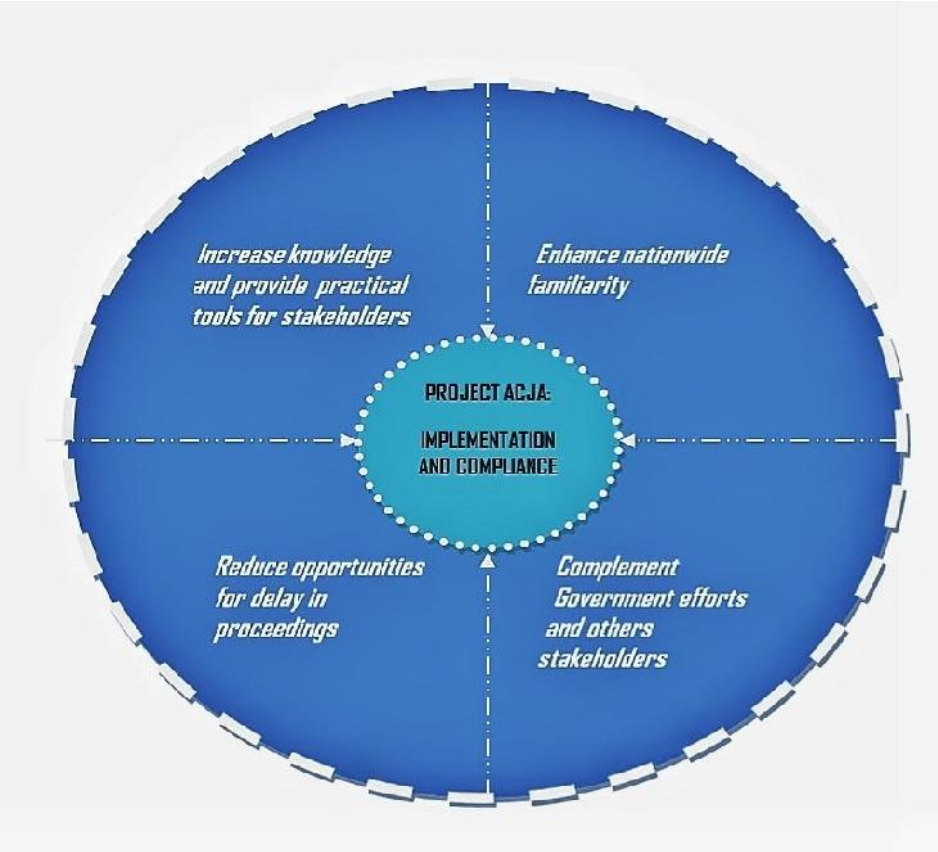
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REPORT ON THE PROJECT TITLED "SUPPORTING IMPLEMENTATION OF AND COMPLIANCE WITH THE ADMINISTRATION OF CRIMINAL JUSTICE ACT IN NIGERIA (ACJA) 2015" BY NIGERIAN INSTITUTE OF ADVANCED LEGAL STUDIES (NIALS)

Report Period Covered: July 1, 2017 to June 30, 2018 (*the report period*)

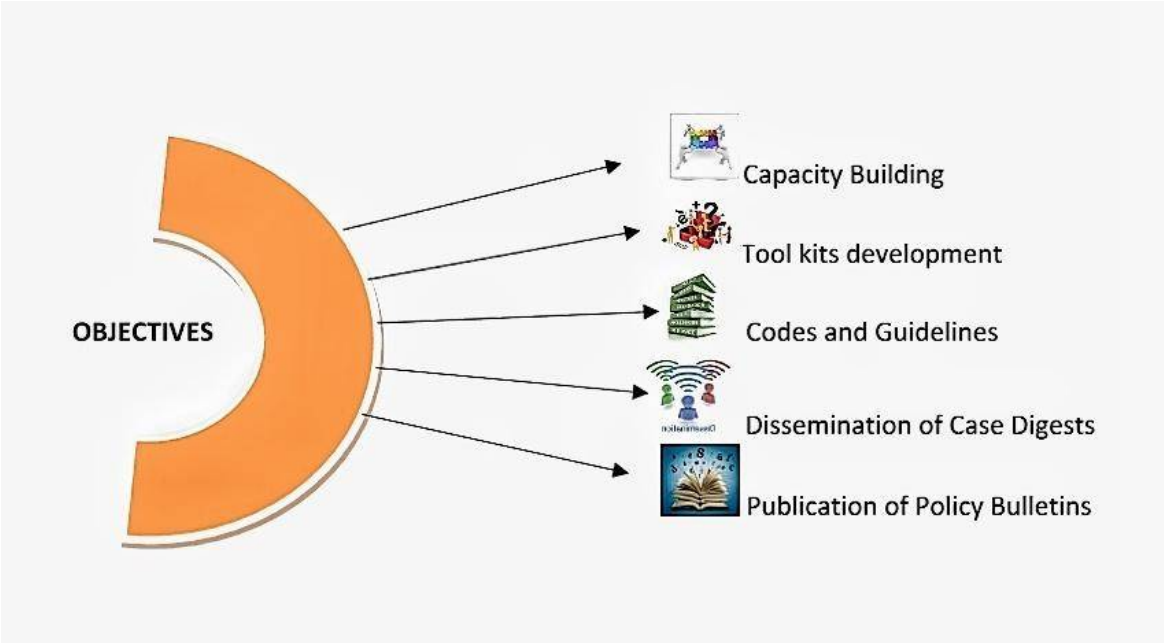
INTRODUCTION

This Project aims to support the implementation of and compliance with the Administration of Criminal Justice Act 2015 (ACJA) through activities that will deepen understanding of the Act and improve the management and flow of criminal proceedings, including the prosecution of anti-corruption cases, to which the ACJA applies. By increasing knowledge and providing practical tools for stakeholders, this project will enhance nationwide familiarity. This Project will reduce opportunities for delays in proceedings and complement the efforts of Government and other stakeholders in the implementation of the ACJA. Although the ACJA is an improvement on the old Criminal Procedural Law, unfamiliarity with the new law on the part of key stakeholders such as lawyers, judges and support staff (paralegals) has led to frustrating results in its application of the ACJA. The delays that still characterize proceedings and the level of judicial rulings that are inconsistent with the ACJA show weak appreciation of Act.



The project therefore aims to achieve these objectives through the following three activities-

1. Capacity Building for lawyers and judicial officers.
2. Development of tool kits, codes and guidelines incorporating best practices, and
3. Publication and dissemination of Policy bulletins and Case digests



FUNDED ACTIVITIES AND RESULTS

ACTIVITY 1: INSTITUTIONALISED TRAINING WORKSHOPS ON THE ACJA 2015

Although the Project Account was credited in early September 2017, preliminary work on Activity One which envisaged institutionalization of a Training syllabi on the ACJA 2015 commenced by 08/01/2017 with exploratory consultations with the National Judicial Institute (NJI) and the Federal Judiciary.

The activities undertaken during the report period are:

1. Development of syllabi and training modules on the ACJA 2015 for-
   a. Judicial Officers (developed in collaboration with NJI);
   b. Defence Counsel; and
   c. Prosecuting Counsel

2. Workshop for Judges of the FCT, Abuja and Federal High Courts in collaboration with the NJI;



TRAINING MANUALS AND WORKSHOPS

Standardized training manuals and similar learning tools highlighted issues of delay, attitude and case management and sought to give informed guidance based on case law to the targets or beneficiaries of workshops. By developing a manual and dissemination to partners, NIALS, aims to standardize training of lawyers and judges who are the main beneficiaries of the Project. Other beneficiaries are the NJI and other CLE trainers.

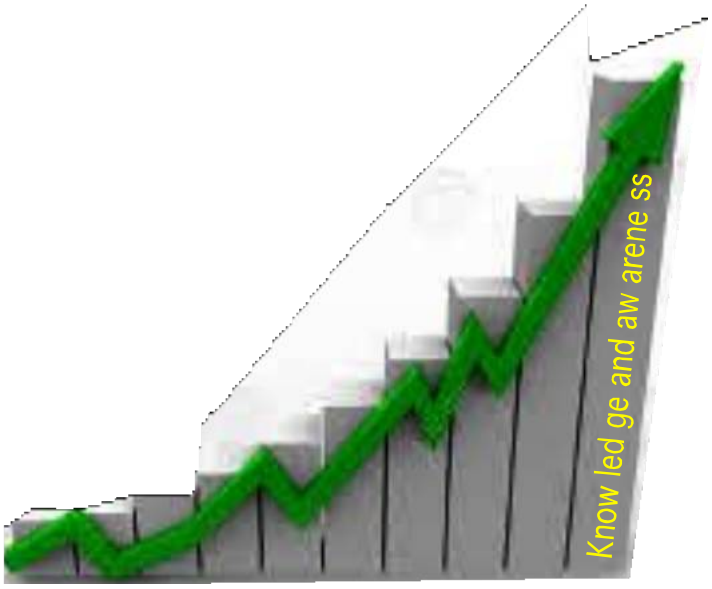




a. To what extent have the project's goals been accomplished?

On account of the diversity and depth of the manuals, there has been increased knowledge about the provisions of the ACJA and awareness of judicial interpretations. This is one of the key objectives of the project which is measurable. The collaboration between NIALS and NJI also led to the deployment of the Manual for Judicial officers at the maiden training workshop for judges held on the 23rd and 24th of May, 2018 in the FCT. NIALS also collaborated with FIDA in the development of FIDAs training manual however collaboration with the Nigerian Bar Association on the

development of online training resources did not proceed beyond preliminary discussions.



b. What have been the policy implications (if any) of this funded activity to date?

This activity impacts judicial training policy. However, the impact to date has been minimal in view of the bureaucratic hurdles involved in the adoption of the Training modules and the incorporation of Standard training workshops on ACJA in the NJI calendar. NIALS also proposes to integrate these modules into its other CLE programs for Prosecutors and legal practitioners. A second implication arising from development and use of the manuals relates to the need to re-visit the shortcomings of Practice Directions in supplementing the ACJA and modalities for resourcing or providing institutional capacity for some of the provisions of the ACJA 2015.

ACTIVITY 2: CASE BULLETIN/DIGEST

This activity aims at producing case bulletin/digest on court proceedings and judgments on ACJA. These publications aim to emphasize the lead role of the judge and the responsibilities of counsel in the reduction of delays and effective case management, compile and analyze case law for dissemination to lawyers and judicial officers who are the primary beneficiaries.

The main activity under this head has been the establishment of an Editorial Committee and the collation of rulings and decisions of Federal courts and FCT courts on the ACJA 2015. Collaboration with the NBA branches in States that have adopted the ACJA will extend the collation of decisions of state courts in these states. During the Report period, 252 judgments and/or rulings on various provisions of the ACJA 2015 have

been collated and are currently being analyzed by the editorial team constituted.

ON ACCOUNT OF THE STAGE OF ACTIVITY, THE EXTENT TO WHICH THE GOALS OF THIS ACTIVITY HAS BEEN REALISED OR POLICY IMPLICATIONS CANNOT BE ASCERTAINED.

ACTIVITY 3: RULES ON ACJA

Following NIALS observation on the existence of diverse practice directions and guidelines on areas like case management, disclosure and de-clogging, as well as lack of clarity on their enforceability, NIALS after consultation with our cohort lead, CENSOJ, proposes to concentrate its efforts under this component on the drafting of rules under Section 490 of the ACJA 2015. Towards this end, the collaboration of the FCT Chief Judge and the ACJMC has been sought and obtained. A steering Committee on ACJA rules under the leadership of the FCT Chief Judge will be inaugurated soon.

ON ACCOUNT OF THE STAGE OF ACTIVITY, THE EXTENT TO WHICH THE GOALS OF THIS ACTIVITY HAS BEEN REALISED OR POLICY IMPLICATIONS CANNOT BE ASCERTAINED.

REFLECTION

a. **What has your organization learned from the past year of implementing the funded activities?**

   In the course of engagement with stakeholders under Activities 1 and 2, it was revealed that the level of misunderstanding of the ACJA 2015 is underestimated. Provisions are ascribed meanings that go beyond the intendment of the law or which run contrary to constitutional norms. Research also revealed the inconclusive nature of some provisions such as Section 396 which mandated a High Court Judge who is elevated to the Court of Appeal to conclude part heard cases before resuming at the new posting. It is clear that institutional resourcing and supplementation with rules are important to effective implementation of the ACJA2015.

   It also was evident that attitude and negative mind-set were serious challenges to the effectiveness of the progressive approach the ACJA adopted towards case management. Nevertheless, the provisions do not go far enough in some important respects. For example, disclosure obligations for the purpose of case management are one-sided (on the Prosecution); also punitive cost regime only addresses frivolous adjournment but is silent on other attitudinal issues like tardiness, introduction of frivolous material or some other forms of time wasting. Rules unfortunately cannot go beyond the primary Act.

NIALS learnt also that attitudes differed not only across jurisdictions but within. In some of the states, willingness to apply and make the law work is strong while in some other jurisdictions, "it is just another piece of legislation." Legal practitioners particularly defence counsel (private lawyers) should be a major focus of training not only because of their numbers but also because they are more critical of the legislation and consider it more of a nuisance. Incidentally, they usually fall outside the scope of many of the capacity building activities on ACJA.



b. How have your funded activities changed from the original proposal to MacArthur, if at all? Why were these changes necessary?

One of the proposed activities under this project is the development of tool kits, practice directions, and guidelines on diverse aspects of the ACJA 2015 particularly on case management, day-to-day trial of criminal cases and other important provisions of the ACJA that can expedite criminal trials. However, upon some stocktaking of existing tools, NIALS considered that the Practice Directions issued by the Chief Judge of the FC T and also the Federal High Court as well as Sentencing Guidelines should in the intermediate term suffice. However, as these guides are neither comprehensive nor explicit enough, NIALS has proposed the drafting of Implementation Rules under the Section 490 in collaboration with the FCT Judiciary and the Administration of Criminal Justice Monitoring Committee (ACJMC). Towards this end, a Steering Committee under the chairmanship of the Chief Judge of the FCT will be established however the scope of this task is wider and more elaborate than what NIALS originally proposed.

c. **What have been the biggest challenges and/or risks to date? Have they been addressed? If yes, how? If not, why?-**

One of the biggest challenges clearly has been shortfalls in the estimates prepared for the institutionalized training for judicial officers. Necessary inputs to ensure participation of the targeted number of judges were not included in the budget as NIALS became privy to this information after the project document had been finalized. One of the ways we have tried to resolve this is to conduct more training outside Abuja and thus reach zonal clusters. Also following the suggestions of the Chief Justice of Nigeria workshop participants, will be a mix of Bar and Bench. Some minor delays occasioned by the vacation in July and August have also been experienced. However, these are not sufficiently disruptive.



FEEDBACK

1. Training workshops should be sustained and the modules developed by NIALS should be widely circulated. The Foundation should increase support for these initiatives. Although, resources for the publication and printing of Manuals were accessed under the heading "workshop materials" this is grossly inadequate for wider dissemination to all stakeholders.

2. The Foundation should also support for activities under the ACJA Rules Drafting Committee which will be chaired by the Chief Judge of the FCT and include a broad cross section of stakeholders. Although NIALS proposed drafting guidelines and practice directions on some key areas,

this has become overtaken by the subsequent adoption of practice directions issued in 2017 by the FCT Chief Judge on these areas (HC-FCT Practice Directions) including also on sentencing.

However, the Drafting of Rules is imperative because-

a. Practice Directions have limited reach
b. Rules are expressly authorized under the ACJA (S.490) and are of general application
c. There is need to have broad-based consultation on subsidiary rules.
d. Such consultation will also review the Rules of Professional Conduct and other laws including the Legal Practitioners Act in order to come up with provisions that enhance the courts control over proceedings and adequately punish counsel for errant conduct.

INTELLECTUAL PROPERTY

a. Describe the Grant Work Product, if any, produced to date.
Training Manuals for each of the targets beneficiaries under Activity 1 i.e Judges, Prosecutors and Defence Counsel have been produced. The manual typically contains at least four (4) Modules. Each module is broken down into (5) units; each unit examines relevant sub themes highlighting- background; key principles, statute and case law guides; individual or group exercises and further reading materials. (**see Appendix B for detailed outline of the Manuals**.)

b. Who owns the Intellectual Property Rights to the Grant Work Product? Were licenses provided to third parties?
The Intellectual Property Rights in the Grant Work Product belongs to NIALS under a Creative Commons license which allows non-commercial, non-alteration dissemination by third parties.

c. Was the Grant Work Product distributed widely and at no or minimal cost?
The Grant Work Products are distributed widely and at no cost to users.

d. Are any revenues expected, or were any revenues realized to date from the Grant Work Product?
No revenue was realized to date from the Grant Work Products.

FUNDED ACTIVITIES UPDATE

The focus of the NIALS funded activities to date have been in two areas namely-

(i) To institutionalize training on the ACJA and the Criminal Justice System, this is being done through collaboration with the National

Judicial Institute on the development of training manual/curricula for training of Judicial Officers and their support staff.

(ii) Monitoring and analyses of the jurisprudence of the ACJA through case surveys and bulletins. This will be done by gathering and analyzing the decisions of all Superior Courts of record in Nigeria to ascertain decided cases reflecting the ACJA after which the cases that will constitute the bases for the digest will be highlighted.

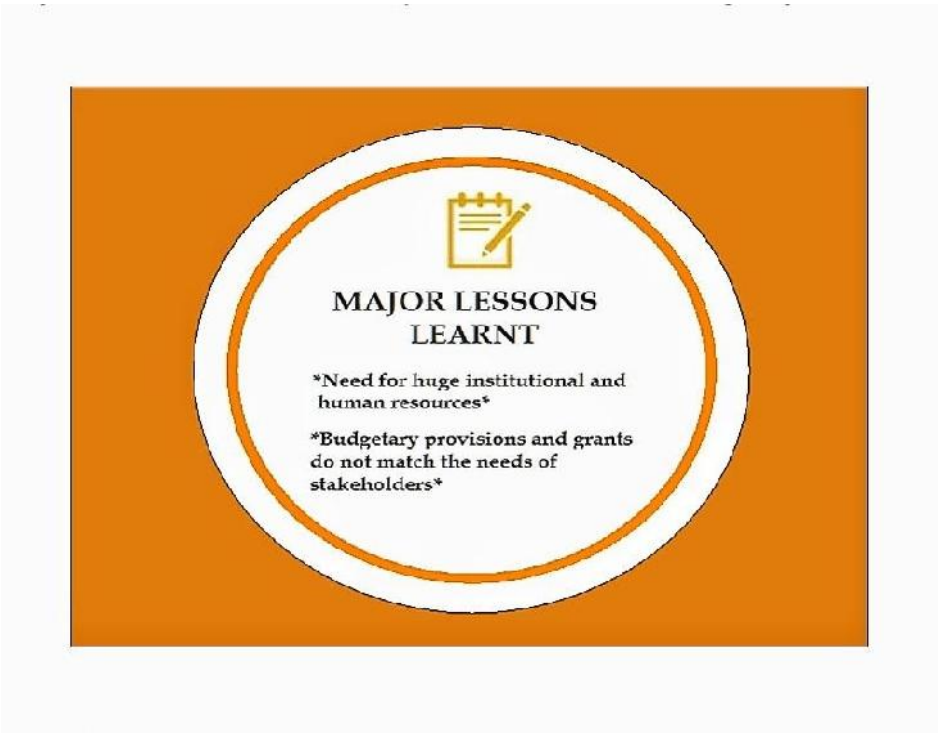
RESULTS

There has been increased awareness on the provisions of the Administration of Criminal Justice Act and the responsibilities of the Court and lawyers under the law. To effectively review and assess feedback on inputs, questionnaires were distributed and analyzed. In a general evaluation of the administered questionnaires at the conducted workshops, the analysis showed that participants' appreciation of the law increased after the workshop.

LEARNING

What is the most important thing you have learned from these funded activities to date? What has been the biggest unanticipated challenge to date?

The Project has revealed important gaps between the law making and its implementation. The ACJA requires huge institutional and human resource investments by the state. Budgetary provision or grants are obviously not matching the needs of stakeholders despite the efforts the Foundation and other donor agencies are making towards realization of the objectives of effective criminal trial system. The main challenges that were unanticipated have been highlighted above.



SUSTAINABILITY/NEXT STAGES

How and how well do you anticipate the work of these funded activities will be sustained beyond grant funded activities funding?

The training workshops conducted for judicial officers/support staff as well as prosecutors and defence lawyers will be institutionalized and sustained over time with the help of the Manual and training curriculum developed by NIALS. Also having collaborated with NJI in the development of the training curricula/manuals and training of Judicial officers, it is envisaged that by the end of the three (3) year grant period, this will form part of the already instituted training programmes for the Judges and their support staff. NIALS is also collaborating with the NBA on the dissemination and use of the manual for lawyers.

Rule drafting will produce binding statutory instruments under the ACJA 2015 which will enhance its effective implementation.

APPENDICES

APPENDIX A – SYNOPSIS OF THE TRAINING MANUAL ON ACJA

1. MANUAL FOR JUDICIAL OFFICERS

The curriculum for judges consists of FIVE modules. The modules are developed based on selected provisions that pertain specifically to adjudication under the ACJA.

Module 1: Anti-corruption cases under the Administration of Criminal Justice Act (objectives, content, application, scope etc)

This module consists of three units. It gives an overview of anti-corruption cases under the ACJA.

Unit 1: Corrupt offences nature and typologies

Unit 2: Bail Considerations as well as Remand time limit and Rights of detainees

Unit 3: The role of Judges in Anti-corruption cases.

Module 2: Case Management and disclosure protocols (ACJA and Practice directions)

This module consists of five units and it discusses case management under the ACJA.

Unit 1: Role of judges in ensuring speedy trial

Unit 2: Working with counsel in case management and timelines for trial

Unit 3: Disclosure limits and the interest of the defence

Unit 4: Adjournments delays and punitive cost

Unit 5: Interlocutory applications under ACJA.

Module 3: Effective Plea Bargain System in the Administration of justice particularly in corruption cases

The module discusses the role expected of the judge in the plea bargaining process under the ACJA; the overriding public interest considerations in plea bargaining process; as well as sentencing after a plea bargain has been reached. The module is divided into four units.

Unit 1: Role of the court in Plea Bargaining process

Unit 2: Overriding Public Interest considerations in Plea bargaining

Unit 3: Ethical and professional norms on Plea bargaining

Unit 4: Sentencing after a plea bargain.

Module 4: Sentencing and consequential orders

This module deals with sentencing under the ACJA. It discusses considerations made by the court in sentencing as well as guidelines to be followed by the court in sentencing upon conviction. Other consequential orders are also discussed. The module is divided into 3 units.

Unit 1: Guidelines and Directions in sentencing
Unit 2: Non custodial punishment
Unit 3: Considerations for forfeiture orders – Protection of third parties; varying orders.

Module 5: Witnesses Protection under the ACJA
This module discusses the practice of witness protection as provided for by the ACJA. It is divided into three units.
Unit 1: When Judges can recommend witness protection
Unit 2: Witness Protection in serious crimes
Unit 3: Impact of witness protection on the defence right to fair hearing.

2. MANUAL FOR PROSECUTORS PROGRAM

There are FOUR modules in all and they contain aspects of the ACJA which are general to prosecution of criminal cases and provisions which are peculiar to prosecutors in the prosecuting of criminal cases.

Module 1: Prosecuting anti-corruption cases under the administration of Criminal Justice Act objectives, content application, scope etc)
There are five units in this module. This module gives a general background to prosecution under the ACJA as it relates to the prosecutor.
Unit 1: Corrupt offences: nature and typologies
Unit 2: Duties of Prosecutors – duty of the prosecutor during pre-trial detention. e.g. paper documentation and monitoring of remand cases.
Unit 3: Bail considerations
Unit 4: Code/guidelines – on prosecutorial discretion
Unit 5: Remand time limit and Rights of detainees.

Module 2: Case Management and Disclosure Protocols
This module consists of three units. It discusses the case management provisions under the ACJA.
Unit 1: Coordination with investigators
Unit 2: Timelines under the ACJA – a review of the Practice Directions
Unit 3: Witnesses.

Module 3: Practice and Procedure Relating to Plea Bargaining
The module consists of seven units. It explores the practice and procedure of plea bargaining from the stand point of the prosecutor. Emphasis is laid on corruption cases.
Unit 1: Negotiating plea bargaining agreement
Unit 2: Discretionary considerations of plea bargaining
Unit 3: Guideline to prevent abuses in plea bargain
Unit 4: Necessary Considerations in Plea bargaining under the ACJA
Unit 5: Procedural Exigencies
Unit 6: Human Rights standards in plea bargaining process

Unit 7: Plea bargaining in Corruption cases.

Module 4: Sentencing and Consequential orders

This module consists of three units. It discusses sentencing and sentencing orders and the role of the prosecutor in obtaining some of these orders.

Unit 1: Guidelines and Directions in sentencing

Unit 2: Non-Custodial Punishment

Unit 3: Obtaining Forfeiture orders.

3. MANUAL FOR DEFENCE LAWYERS PROGRAM

The curriculum for defence lawyers consists of FIVE modules. The modules are developed based on selected provisions that pertain specifically to defence under the ACJA.

Module 1: Defending anti-corruption cases under the Administration of Criminal Justice Act (objectives, content, application, scope etc)

This module consists of five units. This module gives a general background to defending a defendant under the ACJA with emphasis on corruption cases.

Unit 1: Corrupt offences nature and typologies

Unit 2: Duties of Counsel

Unit 3: Bail Considerations

Unit 4: Code/ guidelines – on prosecutorial discretion

Unit 5: Remand time limit and Right of detainees.

Module 2: Case Management and disclosure protocols (ACJA and Practice directions)

This module consists of four units and it discusses case management under the ACJA.

Unit 1: Role of the counsel in court case management system

Unit 2: Disclosure limits and the interest of the defence

Unit 3: Adjournments delays and punitive costs

Unit 4: Interlocutory applications under the ACJA.

Module 3: Plea bargaining in the Criminal justice system of Nigeria

This module has four units and it examines the process of negotiating plea bargaining under the ACJA from the stand point of the defence.

Unit 1: Initiating and Negotiating Plea bargain agreement

Unit 2: Role of the defence counsel as an "Equalizer" in the plea bargaining process

Unit 3: The concept of "Reasonableness" under the ACJA

Unit 4: Plea bargaining in corruption cases.

Module 4: Pre-trial detentions or Remand under the ACJA

The module discusses pre-trial remand as provided under the ACJA and the procedural considerations as it relates to the defence counsel. The module is divided into 2 broad units.

Unit 1: Examination of the constitutionality of Pre-trial remand

-Human Rights considerations e.g. Right to fair hearing and Right to liberty.

Unit 2: Procedural prerequisites of Pre-trial detention.

The following are examined in this unit:

-Examination of "Probable Cause"

-Remand time limit and Rights of detainees

-Duty of the defence counsel during pre-trial detention. Eg. Duty to ensure the rights of the detainee is adequately protected.

Module 5: Sentencing and Consequential orders

This module deals with sentencing under the ACJA. It is designed to enlighten defence counsel on sentencing by the court and other consequential orders. It is divided into 3 units.

Unit 1: Guidelines and Directions in sentencing

Unit 2: Non custodial punishment

Unit 3: Defending forfeiture orders – Protection of third parties; varying orders.

APPENDIX A

NARRATIVE REPORT ON THE TRAINING WORKSHOP ON THE ACJA 2015 FOR JUDGES – MAY 23 – 24 2018



The NIALS maiden training workshop for judges took place on May 23 – 24, 2018 at the National Judicial Institute Complex, Jabi-Airport Road, Abuja. The training comprised of judges from the High Court in FCT and Niger State. The Workshop was organised with the aid of Session Managers and Resource Persons assembled by the Institute (NIALS). The Training Team comprised of academics and practitioners within the legal profession as well as some of our cohorts: LEDAP, Centre for Social Legal Studies (CSLS), CLEEN Foundation, and the Nigerian Bar Association.

I. OBJECTIVES OF THE TRAINING/WORKSHOP

i) To provide training for Federal Judges of the FCT and Federal High Courts tailored towards understanding and implementation of the ACJA.

ii) To advance uniformity in rulings and expedite trials in criminal proceedings.

II. EXPECTED OUTCOMES OF THE TRAINING/WORKSHOP

At the end of the training it is expected that:

i) Participants demonstrate a clear understanding and appreciation of the ACJA, particularly its innovative provisions on Nigerian Criminal Procedural Law.

ii) Participants should have better knowledge of procedures for implementation of the ACJA

iii) Challenges already identified or raised by participants are satisfactorily addressed.

To effectively gauge feedback on objectives (i) and (ii), questionnaires were distributed to participants. Responses to the questionnaires are analysed in section 3 of this Report.

INTRODUCTION

The ACJA was signed into law in 2015 as an innovative legislation which has brought fundamental changes to the Nigerian Criminal Justice System. The Two-Day Workshop is an offshoot of concerted efforts to ensure the speedy and effective dispensation of justice in Nigeria through the implementation of the Administration of Criminal Justice Act. The Workshop was organised with the sponsorship of the MacArthur Foundation with the primary purpose of promoting understanding of the ACJA through tailored trainings and continuing legal education for judges, prosecutors, and defence lawyers. This segment in a series of trainings and programs designed to achieve this purpose is tailored specifically for Judges of the Federal High Court and the High Court of the Federal Capital territory.

To effectively facilitate the training/workshop, the Institute (NIALS) developed a Comprehensive Training Manual to serve as a guideline for covering all relevant areas of the ACJA. The Training Manual, launched at the Workshop, is divided into Five Modules with sub-topics on which the participants were trained.

The Workshop commenced at about 10.18am on the 23rd Day of May, 2018 with the presence of the Chief Justice of Nigeria, **Hon. Justice Walter Samuel Onnoghen, GCON**. Also present were **Hon. Justice Ishaq Bello**, Chief Judge of the High Court of the Federal Capital Territory; **Dr Kole Shettima**, Director, Africa, MacArthur Foundation; **Hon. Justice R. I. Bozimo**, Administrator, National Judicial Institute; and **Prof Adedeji Adekunle**, SAN, Director General, Nigerian Institute of Advanced Legal Studies.

A Welcome Address was delivered by the Administrator, NJI. In her address, she noted that the Administration of Criminal Justice Act (ACJA), signed into law in 2015, had introduced a considerable number of innovations into the evolution of criminal procedure law in Nigeria. Some of these innovations include: Plea bargain, Non-custodial sentences, Parole, Electronic recording of confessional statements, to mention but a few. She also stated that on the basis of great interests and efforts from all relevant stakeholders, attempts are being made towards obtaining uniformity of the Act by all States of the Federation. She further pledged the willingness of the NJI to continually strive in the realisation of its statutory mandate to promote continuing judicial education for judicial officers.

The CJN in his Keynote Address highlighted the purpose of the ACJA to 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, defendant and victim. According to the CJN, the objective of the ACJA is a paradigm shift in the criminal justice system of Nigeria taking on a restorative approach from the previously punitive approach thereby placing the needs of the society, victims, vulnerable persons and human dignity at the forefront. He acknowledged a number of challenges with the ACJA regarding its application, implementation, compliance and funding thus buttressing the need for the Workshop. He further commended the National Judicial Institute (NJI) and the Nigerian Institute of Advanced Legal Studies (NIALS) for organising the Workshop thereby improving and raising the standards of the judiciary and the administration of justice in Nigeria.

Dr Kole Shettima, Africa Director, MacArthur Foundation and Prof Adedeji Adekunle, the Director-General (NIALS) also made Opening Remarks highlighting the objectives and importance of the Workshop and enjoined participants to take advantage of available opportunities to enrich their knowledge and ventilate possible challenges in their application of the ACJA in the course of their adjudicatory functions.



TRAINING TEAM

The members of the Training Team include: Professor Adedeji Adekunle, SAN – Director General, Nigerian Institute of Advanced Legal Studies; Professor Bolaji Owasanoye – Executive Secretary, Presidential Advisory Committee on Anti-Corruption (PACAC); Mr Rotimi Jacobs, SAN – Legal Practitioner; Professor Yemi Akinseye George, SAN – President, Centre for Socio-Legal Studies; Professor Ayo Atsenua – Dean, Faculty of Law, University of Lagos; Dr Akeem Bello – Faculty of Law, University of Lagos; Mr J B Daudu, SAN – Legal

Practitioner and former President, Nigerian Bar Association (NBA); Dr Fatima Waziri-Azi, PhD – Research & Program Officer, Presidential Advisory Committee Against Corruption (PACAC); Mr Austin Emumejakpor – Legal Practitioner; and Mr Chinonye Obiagwu – National Coordinator, Legal Defence and Assistance Project (LEDAP).

AGENDA

The Workshop held for a Two-day period divided into Five (5) sessions with Two (2) Papers discussed in each session. The Training Programme provides details on the Session Themes and topics of discourse as follows:

DAY ONE –

Session One

Sub-Theme: Overview of the Administration of Criminal Justice Act, 2015

Paper One: Understanding the ACJA, 2015

Paper Two: How the ACJA 2015 Impacts Corruption Proceedings

Session Two

Sub-Theme: Case Management and Disclosure Protocols under the Administration of Criminal Justice Act, 2015

Paper Three: Case Management in Anti-Corruption Cases under the ACJA, 2015

Paper Four: Disclosure Protocols, Limits and the Interest of the Defence under the ACJA, 2015 & Practice Directions

DAY TWO –

Session Three

Sub-theme: Developing an Institutional Mechanism for Day-to-Day Trial and Interlocutory Applications under the ACJA, 2015

Paper Five: Developing an Institutional Mechanism for Day-to-Day Trial under the ACJA, 2015

Paper Six: Adjournments and Interlocutory Applications under the ACJA, 2015

Session Four

Sub-Theme: Effective Plea Bargain and Corporate Criminal Liability in the Administration of Criminal Justice in Nigeria

Paper Seven: Effective Plea Bargain System in the Administration Justice, particularly in Corruption Cases

Paper Eight: Corporate Criminal Liability in the Administration of Justice in Nigeria

Session Five

Sub-theme: Witness Protection/Sentencing and Consequential Orders under the ACJA, 2015

Paper Nine: Witnesses and Proceedings under the ACJA, 2015

Paper Ten: Sentencing and Consequential Orders under the ACJA, 2015

There were also Question and Answer Sessions at the end of each paper to ensure full interaction between trainers and the participants.

OBSERVATIONS/ RECOMMENDATIONS

1. It was observed that the ACJA appeared to lay more emphasis on high profile, anti-corruption cases to the detriment of other criminal and civil cases. It was therefore suggested that the high courts should be divided into specific divisions of core expertise such as Criminal, Civil and Family divisions to enable the judges focus exclusively on their assigned areas efficiently.
2. Special anti-corruption courts should therefore be created to enable empirical evaluation of the working/implementation of the ACJA.
3. Research should also be conducted into the totality of cases filed in a court and the number of cases assigned to a judge for efficiency in view of the expected/estimated timeframe within which a case id to be concluded.
4. The ACJA should be amended to accommodate Plea Forms, enabling the defendant to frontload his plea to all charges against him. This is expected to save judicial time usually expended in taking individual pleas for as many charges read out against the defendant in open court.
5. Infrastructural challenges such as poor electricity supply, absence of CCTV or cameras in most police stations, and so on, impede the effective implementation of the ACJA. The government ought to make efforts towards addressing the infrastructure deficit thus ensuring that the Nigerian criminal justice system is truly reformed.
6. More human resources/personnel should be added to the existing number of judicial officers as judges are currently overworked with large number of cases assigned to too few hands.
7. Automation of the court system with electronic recording systems for instance, is paramount in order to save time and increase efficiency.
8. The innovative provisions on the remand process are meant to give the courts more control over it. However, the absence of any requirement to on the State to return to the Court for a review after a period of remand is granted to ascertain whether a suspect should be further remanded or discharge renders the strict application of Section 296 of the Act almost impracticable. The ACJA should therefore be amended to reflect this.
9. Investigations should, as much as possible, be concluded before arrests are made. This prevents an abuse of the remand provisions and also addresses the problems of over-crowding of detention facilities.
10. Where the Prosecution files an application for the remand of a suspect, relevant documents should be annexed to show cause why such application should be granted.
11. It is recommended that specific prosecution counsel be assigned to specific courts. This allows for a better working synergy between the court and the lawyer/prosecuting agency.
12. The ACJA, contrary to Supreme Court decisions and directives on the status of a judge elevated from a trial court to a higher court, provides

that a judge so elevated, can continue to hear and conclude cases already assigned to him before his elevation. This is ostensibly to save time which would be lost if the case is re-assigned to another court to begin afresh. However, it is recommended that this provision be reviewed as it creates a situation of awkwardness when a judge elevated to the Court of Appeal for instance, has to sign his name as the Judge of the High Court when he no longer occupies such office.

13. A review of the rule on admissibility of petitions against judges should be carried out as counsel and parties attempt to attack the integrity of the judge in a bid to delay or scuttle trials.



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