

Administration of Criminal Justice Monitoring Committee (ACJMC) - Federal

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Inside this Issue

1. Editor's Note.
2. Message from the Executive Secretary's Desk.
3. Key Developments in the Operations of some Stakeholders in the Criminal Justice System.
4. **Article** - The Role of the ACJMC in the Implementation of the ACJA 2015 - *Continued*.
5. ACJMC's Activities and Photo Gallery.

1. Editor's Note



Maxwell Ekor (PhD)

This is the second edition of the Administration of Criminal Justice Monitoring Committee (ACJMC) Monthly Newsletter. We are delighted that the first publication was widely received and appreciated by partners, stakeholders and the entire reading public.

In this edition, the Executive Secretary Barrister Sulayman Dawodu concludes his message from the first publication as well as his article on the role of the ACJMC in the implementation of the Administration of Criminal Justice Act (ACJA) 2015.

The key developments in the criminal justice system in the month under review show that important gains were recorded by some of the government agencies responsible for arrests and prosecutions. The ACJMC team constantly engages with the agencies to monitor and ensure they comply with provisions of the ACJA.

It is crucial to mention that the ACJMC has a *Change Management* mechanism that guides its operations, including the monitoring of government agencies involved in criminal justice. This *Change Management* framework will be the subject of discussion in the *Article* section of the next edition of the newsletter.

2. Message from the Executive Secretary's Desk



Barrister Sulayman Dawodu

The ACJMC in conjunction with other stakeholders has contributed to legal reforms by submitting a memorandum on constitutional amendment to the National Assembly ...

Dear esteemed readers, my message in this second version of our newsletter highlights the successes of the ACJMC, which has translated to a better criminal justice system. They include but not limited to:

- 1) Supporting the establishment of ACJMC secretariats in different states including Cross River State, Edo State, and Kano State.
- 2) Training of lawyers to provide pro-bono legal services to under privileged persons under the Police Duty and Solicitor Scheme.
- 3) Facilitating the decongestion of places of detention within the FCT and providing mats, disinfectants and other custody items to Police divisions in the FCT to improve the state of the detainees while in custody.
- 4) The ACJMC in conjunction with other stakeholders has contributed to legal reforms by submitting a memorandum on constitutional amendment to the National Assembly in which it highlighted certain aspects of the Constitution dealing with criminal justice that needs to be amended.
- 5) Furthermore, it has also immensely contributed to the drafting of key criminal justice legislations which when passed would shape the face of criminal justice in Nigeria. Some of such legislations include the Proceeds of Crime Bill, the Witness Protection Bill, the Public Interest Disclosure Bill, the Terrorism Prohibition and Prevention Bill etc. Still on legislative reforms, the ACJMC has supported the drafting of a number of practice directions and guidelines which are soon to be signed off by the respective heads of

court and become operational in guiding the implementation of relevant portions of the ACJA and the other laws they deal with. Some of these practice directions include amongst others; Practice Direction on Remand and Practice Direction on Case Management etc.

All these activities and successes have further propelled the Committee towards achieving its mandate under the ACJA. Notwithstanding these feats, the ACJMC is confronted with challenges that impair its effectiveness. These limitations will be discussed in my message in the next edition of the newsletter.

Thank You.

3. Key developments in the operations of some stakeholders in the criminal justice system.

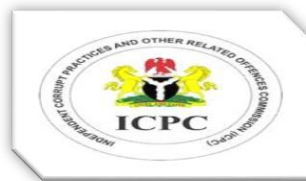


The National Human Rights Commission (NHRC) is one of the key players in the criminal justice system. It ensures that the rights of suspects are not abused from arrest, to detention, investigation and then prosecution in the law court.

One of the main events of the NHRC in the month of February 2022 was the visitation of police stations across the country to monitor their compliance with human rights standards. The activity was part of a broader police reform initiative aimed at enhancing police accountability, identifying good practices and documenting challenges that may exist.

The importance of this activity is recognized by the ACJMC as it is in tandem with section 34 of the ACJA 2015 which provides that Chief Magistrates in police divisions conduct monthly inspection of police stations and other places of detention.

Overall, the NHRC is instrumental in the implementation of the ACJA 2015. The ACJMC will continue to work with the NHRC to always get information about the outcomes of such visitations, and also get the committee to be part of future visitations.



In the month under review, the Independent Corrupt Practices and Other Related Offences Commission (ICPC) continued its prosecution of former governor of Zamfara state Abdulazeez Abubakar Yari. The case commenced over four years ago and is still on-going even though the ICPC secured an interim order of forfeiture of some properties allegedly linked to the former governor.

Prior to getting this judgment, the ICPC in January 2021 had gotten judgment against Yari when the court approved the ICPC's seizure of the former governor's \$669,248 and over ₦24.3 million.

The ACJMC is concerned about the long time it takes to prosecute cases involving politically-exposed individuals. The committee is however hopeful that in the medium to long term, the time for completing such cases will improve as it continues its advocacies for effective implementation of the ACJA 2015.



The highlight of the activities of the National Drug Law Enforcement Agency, (NDLEA) in February 2022 is the arrest and detention of Deputy Commissioner of Police (DCP) Abba Kyari for his involvement in a 25kg Cocaine deal.

The ACJMC acknowledges the professional conduct of the NDLEA, a key partaker in the implementation of the ACJA 2015, in the way the case is being handled. Getting the court's approval for the detention of the suspended DCP, and then entering into actual prosecution, is in line with the speedy trial requirements of the ACJA.

Another major activity that the NDLEA carried out in the month under review was the seizure of over 22,160kg of codeine syrup, Methamphetamine and Skunk at Akala in Mushin area of Lagos state. The ACJMC hopes that the arrested persons will be prosecuted in good time based on speedy trial provision of ACJA.



Some of the activities of the Economic and Financial Crimes Commission, (EFCC) that were of interest to the ACJMC in the month under review are as follows:

- 1) The trial of Grace Taiga, a former Director of Legal at the Ministry of Petroleum Resources till March 31, 2022 was adjourned owing to absence of her lead counsel, Ola Olanipekun, SAN. The case, which commenced in 2019 is of an international dimension because the accused is alleged to have collected bribes to facilitate awards of contract in the infamous Process & Industrial Development scam.

While the reason(s) for the absence of the counsel was/were not provided, the ACJMC is worried that such adjournments elongates the trial periods of criminal cases. Although the ACJMC does not share the conspiracy sentiments that senior lawyers use several tactics to delay the trial of criminal cases, the absence of defence counsels, without cogent reasons, may give credence to such views.

- 2) The prosecution of the former governor of Plateau State, Senator David Jonah Jang continued in the month under review at the Plateau State High Court. The highlight of the court proceeding was the presentation of more evidence in the N6.32 billion fraud allegation against Jang.

The trial of Jang started in 2018 and it's now in its fourth year. The case is another example, and confirmation, of the long-time it takes to complete cases relating to politically-exposed persons. With four years already spent at the High Court and the possibility of appeal, this case may not be concluded in reasonable time as provided in the ACJA 2015.

The ACJMC believes that the effective implementation of the ACJA in its current form will improve the timeline for finalizing criminal cases. In addition, the proposed amendments to the Act by the ACJMC, if accepted by the National Assembly, will further improve the timely for completing cases linked to politically-exposed persons.

4. The role of the ACJMC in the implementation of the ACJA 2015 - *Continued*



Barrister Sulayman Dawodu

4. Persons awaiting trial are, as far as possible, not detained in prison custody.

This is one of the major targets of the ACJMC and to achieve this, it liaises with prosecutors, prosecutorial agencies and the courts. Prosecutors are encouraged to carry out thorough investigations before arresting and charging suspects to court. This would reduce the length of time for the trial so that the defendants do not stay in the awaiting trial category longer than necessary. Also, courts are being sensitized on the need to grant bail to suspects instead of remanding them in custody. This has a direct impact on how many suspects would be awaiting trial in the detention facilities.

5. The relationship between the organs charged with the responsibility for all aspects of the administration of justice is cordial and there exists co-operation amongst the organs in the administration of justice in Nigeria.

The ACJMC is at the centre-stage of this and has been achieving great milestones in this regard. It engenders cordiality and cooperation amongst stakeholders by organizing roundtables, dialogues and other forms of engagements. This creates improved communication and cordial relationship amongst the stakeholders.

This cooperation is also witnessed by how many criminal justice institutions are willing to share information, collaborate and partner with other agencies. For example, the NCS has agreed to link its Correctional Service Information Management System with the ACJMC portal so as to facilitate better communication and information sharing.

6. Collate, analyze and publish information in relation to the administration of criminal justice sector in Nigeria.

The ACJMC achieves this objective by virtue of its Annual Report which details all its obligations and all the

work it has done within the year. It also publishes information relating to the work of other criminal justice stakeholders in advancing the criminal justice system. This Annual Report is written after collaboration and engagements with stakeholders so as to put clearly, the true and accurate picture of criminal justice in Nigeria.

7. Submit quarterly report to the Chief Justice of Nigeria to keep him abreast of developments towards improved criminal justice delivery and for necessary action.

Just like the Annual Report, the quarterly report is written after wide consultation and engagements with stakeholders. The report captures burning issues within the criminal justice sector for the quarter and it analyses these issues while trying to propose solutions which can be adopted and implemented by the Chief Justice of Nigeria if he pleases. The report usually would capture issues ranging from the assignment of cases in court, to speedy trial, bail and bail reform etc.

7. Carry out other activities as are necessary for the effective and efficient administration of criminal justice.

The ACJMC has done a great amount of work in this regard including but not limited to:

- i. **Creating sub-committees:** These sub-committees draw its membership from a broad spectrum of criminal justice stakeholders. These sub-committees are given mandates from the broad mandate of the ACJMC. The sub-committees are - Investigation and Prosecution, Monitoring and Evaluation, Speedy Trial, Prison Decongestion and Media Sub-Committee.
- ii. **ACJMC Mapping of Police Stations in the FCT.** This was done in 2019 with the support of the EU funded ROLAC programme. The findings were analyzed, and recommendations proffered. This helped the ACJMC to gather data for policy making decisions. Embarking on the project also enabled the ACJMC form good relationship with the divisional heads and created good working relationships.
- iii. **ACJMC Support to Section 34 Oversight Visit by Magistrates:** This started in 2018 with a pilot visit in the FCT. This was followed by training of all the magistrates who were nominated to carry out these visits across the FCT. These visits also led to the development of the section 34 visitation template by the ACJMC after consultation with the magistrates.

- iv. **ACJMC Portal:** The ACJMC with the support of development partners like Trust Africa and ROLAC amongst others developed an electronic filing, processing and analytics database called the ACJMC Portal. This portal is meant to be used by all stakeholders who have any reporting obligation under the ACJA 2015.
- v. **Reporting Obligations:** Pending the full use and deployment of the ACJMC Portal, the ACJMC went round the Police Divisions in the FCT and Law Enforcement agencies to share the reporting template with them and showed them how it can be used in making the statutory reports required under sections 29 and 33 of the ACJA and in line with s. 15 of the ACJA. This has witnessed great and increasing levels of compliance.
- vi. **Custody Management:** The ACJMC carried out baseline assessment of the current practices by the law enforcement agencies in relation to compliance with the ACJA on arrest protocols and custody management. This involved assessment of process of arrest, detention, questioning and charging or bail. It also includes the process or mechanism of keeping records of these processes and procedure. This culminated in the development of the recently approved Custody Management Guidelines.

Overall, the ACJMC is not only fulfilling its roles under the ACJA, but it is also doing all what is necessary to ensure that there is a holistic reform of the Nigerian Criminal Justice System.

Concluded.

5 ACJMC Activities for February 2022



The key activities of the ACJMC for the month of February 2022 that helped it achieve some of its objectives are as follows:

- 1) **Implementation of S.34 – Stakeholders’ meeting with Magistrate and Judges** on the improvement of oversight visitation to Police stations and other Law enforcement agencies on the 1st of February.

- 2) Support of ACJMC States - Training of Criminal Stakeholders in states that have adopted ACJL at Osun, Oyo and Ondo State on 2nd- 10th of February.
- 3) Oversight Visitation to Mpape Police Division on the 18th of February led by the Supervising Magistrate Snr. Magistrate Fatima Nadoma.
- 4) Custody Management - Distribution of sleeping materials to Police Divisions in the FCT on Feb. 24th.
- 5) Executive Secretary (ACJMC) with his team and the PPRO with her team visited Kuje, Galadimawa, Iddo and Trademore division
- 6) Support of ACJMC States - Training of Criminal Stakeholders in states that have adopted ACJL in Bayelsa State between 23rd- 25th of February.
- 7) NULAI - Remand Frame-Work Monitoring Committee meeting held on the 22nd of February at the ACJMC Secretariat for adaptation of the Guidelines.
- 8) ACJMC Investigation and Prosecution Subcommittee meeting on the 28th of February 2022 for adoption of Guidelines.

ACJMC Police Duty Solicitors Scheme (PDSS)

In the month under review, the Duty Solicitors reported at assigned stations and resumed work on the 1st of February, 2022. All Duty Solicitors were required to send soft copies of their daily reports to a designated email address while feedbacks and advice is given from the backend by the Senior Supervising Solicitor who reports directly to the Executive Secretary ACJMC.

Several requests for pro bono lawyers were made throughout the month, for suspects who were charged to Court without legal representation. Each request is forwarded to the Supervising Solicitor for further actions. With the lull in the NBA provision of pro bono lawyers, plans went underway to bring the Court Duty Solicitors Scheme to a reality, who will take up from where the Police Duty Solicitors stop at the stations.

There were also, several complaints from Duty Solicitors on the poor level of cooperation from some of the Police Stations; these complaints majored on lack of access to cell facility, lack of access to interview suspects, poor response from some of the

D.P.Os and I.P.Os and lack of tables and chairs to accommodate the Duty Solicitors in the stations.

While there were no physical team meetings in the month, the Supervising Solicitor ensured a constant communication through visits, phone calls and WhatsApp platforms.

The Supervising Solicitor also made official visits to the Police Stations to address some of the various challenges faced by Duty Solicitors and also to officially introduce them by Letters of Introduction issued by the Executive Secretary of the ACJMC, Mr Sulayman Dawodu Esq.

In the month under review, plans were further made to supply tables and chairs for Solicitors that direly needed them at their stations.

Overall, the level of cooperation with the Divisional Police Officers and the Divisional Crime Officers in February was commendable. There has been no doubt on their willingness and enthusiasm to comply with the provisions of ACJA 2015 and work with the Duty Solicitors posted to their stations.

Photo Gallery



Remand Framework Monitoring Committee Meeting



Support of ACJMC States - Ondo



ACJMC Investigation and Prosecution Sub Committee Meeting



Support of ACJMC States - Osun



Support of ACJMC State Bayelsa (Inauguration)



Support of ACJMC States - Oyo

Quote of the Month

Crime is a violation of people and relationships. It creates obligations to make things right. Justice involves the victim, the offender and the search for solutions which promote repair, reconciliation and reassurance.

Howard Zehr

About the ACJMC Newsletter

- This newsletter is a publication of the Administration of Criminal Justice Monitoring Committee (ACJMC) Secretariat.
- The goal is to inform and educate the criminal justice stakeholders and the public about the ACJMC's activities.
- The views expressed in the guest article section are entirely those of the author.
- For more information, please contact the Executive Secretary via sulaydawodu@yahoo.com or 09094688542.