

Administration of Criminal Justice Monitoring Committee (ACJMC) - Federal

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1. Editor's Note



Maxwell Ekor (PhD)

It is with great pleasure and honour that I am introducing to partners and all criminal justice stakeholders, this maiden edition of the Administration of Criminal Justice Monitoring Committee (ACJMC) Monthly Newsletter. The goal is to ensure sustained and clear dissemination of information about the criminal justice system and activities of the ACJMC.

The structure of the newsletter is standardized to provide monthly information on the following issues: (a) Key developments in the operations of some criminal justice stakeholders and implications for the implementation of ACJA 2015; (b) An article discussing topical matter(s); and (c) Activities of the ACJMC, including photo gallery to showcase them.

In this first edition, the Executive Secretary, in addition to his message, also wrote the article highlighting the ACJMC's role in the implementation of the ACJA 2015 and some of the successes that have been recorded.

Finally, I want congratulate the Executive Secretary, Mr. Sulayman Dawodu and the entire ACJMC team for the untiring efforts at ensuring that the newsletter becomes operational. I am optimistic that readers will

2. Message from the Executive Secretary's Desk



Barrister Sulayman Dawodu

Dear distinguished partners, stakeholders, and the Nigerian populace; I bring you warm greetings from myself and the ACJMC Secretariat team..

The ACJMC is established by virtue of s.469 of the Administration of Criminal Justice Act (ACJA) 2015. The core function is to ensure the effective and efficient application of the Act. The committee was also established to ensure the speedy dispensation of criminal justice. Since its inauguration in 2018, the ACJMC has been involved in the dispensation of criminal justice, and this is evident through its activities at ensuring that criminal cases are speedily dealt with, decongestion of prisons, and decongestion of criminal cases in courts, among others.

Because the actions of the ACJMC are vital to the dispensation of criminal Justice, it is important that stakeholders, partners, as well as the public are acquainted with the events of the committee. This would help all and sundry to monitor the ACJMC's progress, and the steps that are being taken to guarantee that ACJA is effectively applied.

This newsletter is thus the strategic tool by which this would be realized. It will serve as a means by which regular news of the committee are published. My message in the next edition will highlight the achievements of the ACJMC in its short life span.

Lastly, the ACJMC operates an open, transparent and accountable system. I therefore invite comments and suggestions from partners, stakeholders and the reading public on any aspect of our newsletter.

Thank You.

...it is important that stakeholders, partners, as well as the public are acquainted with the events of the committee.

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



The Economic and Financial Crimes Commission (EFCC), a key partaker in the criminal justice system and one of the government agencies responsible for implementing the ACJA, witnessed considerable level of activities in the month of January 2022.

Of interest to the ACJMC is the Commission's prosecution of suspects in line with provisions of the ACJA. The following are some of the main important events that shaped the criminal justice system from the EFCC's angle in the month under review:

- a) The Commission on January 6, 2022 announced that it secured a total of 2,220 convictions across all its Commands in 2021. This is seen as a 127.5% improvement over the previous year and represents a 98% success rate in prosecution as the Commission lost only 34 cases during the period. The ACJMC considers this a significant progress in the criminal justice system and indicates progress in the adherence to provisions of ACJA by the EFCC.
- b) On January 18, 2022, the EFCC made progress with the continued prosecution of the former Governor of Adamawa State, Muritala Nyako. This is because the Court of Appeal dismissed the former Governor's appeal seeking to overturn the ruling of the Federal High Court that he has a case to answer on criminal charges of fraud to the tune of N29bn.

The ACJMC however considers this as one of the cases involving politically-exposed persons that negates the speedy trial provision of the ACJA. The trial of Nyako started on July 7, 2015 and the EFCC closed its case on November 3, 2019. Justice Okon Abang of the Federal High Court then ruled that Nyako has a case to answer on the alleged charges.

- c) Another case involving politically-exposed persons that the EFCC continued with in the month under review is the one involving former finance minister

Nenadi Usman and former Aviation minister Femi Fani-Kayode. The two former ministers were re-arraigned on January 24, 2022, alongside Yusuf Danjuma, a former National Chairman of the Association of Local Government of Nigeria (ALGON) and a company, Joint-Trust Dimensions Nigeria Limited for conspiracy and unlawful retention to the tune of N1.5 billion.

The trial of the accused persons started in 2016 and it is now in the 6th year. With seven years into the prosecution of Nyako and six years into that of Usman and Fani-Kayode, it is clear that cases involving politically-exposed persons take time to complete.

The ACJMC hopes that this narrative will change in the near future as its advocacies, sensitizations and collaborations with stakeholders for the effective implementation of the ACJA yields the desired results.



One of the main limitations for successful and timely conclusion of criminal cases is lack of thorough investigation and evidence to prosecute offenders.

To build institutional capacity in these areas, the National Agency for the Prohibition In Trafficking in Persons (NAPTIP) on January 15, 2022 announced that it has concluded plans to collaborate with the United States of America based National Centre for Missing and Exploited Children . The goal is to enhance the tracing and diligent investigation of all cases relating to child abuse and human trafficking.

The National Centre for Missing and Exploited Children is the custodian of the Cybertipline, which is a centralized reporting mechanism for crimes related to the sexual exploitation of children. With this development, NAPTIP will have unrestricted access to millions of information around the world that would help tackle online recruitment, trafficking and exploitation of victims.

The ACJMC welcomes such policy measures aimed at enhancing capacity to investigate and prosecute criminal cases, the aim of which will be effective and

timely completion of cases involving child abuse and human trafficking.

The ACJMC is also delighted to know that in the month under review, the collaboration between the NAP TIP and the Department for State Services resulted in the liberation of a Burundian woman and her three children from traffickers in Umunoha village, Mbaitoli Council of Imo State where they were held bound and exploited. Such partnerships are vital for the effective implementation of the ACJA 2015.

4. The role of the ACJMC in the implementation of the ACJA 2015



Barrister Sulayman Dawodu

Background

The ACJMC was established pursuant to the ACJA 2015. The ACJA was enacted into law because there was a dire need to reform the procedural laws on criminal justice administration in Nigeria. Prior to this time, even though some procedural laws existed, they were no longer sufficient to deal with the wide range of procedural technicalities that were emerging in the criminal justice sphere. Also, there were some differences among the procedural laws which existed, leading to inconsistencies in the application of the substantive laws. This also created several lacunae's that were constantly exploited by litigants.

Another factor that plagued the previous system of criminal justice administration was that there was no institution or organization charged with the responsibility of monitoring, coordinating and supporting the implementation of the existing laws. The ACJA thus established the ACJMC pursuant to s.469 and charged it with the responsibility of ensuring the effective and efficient application of the Act by all stakeholders. This is not the only role the ACJMC has to perform under the Act, and as such we would deal more extensively with the role of the ACJMC.

Composition

The ACJMC has its composition listed out under s.469 (2) of the Act which includes the Chief Judge of the High Court of the Federal Capital Territory as the Chairman, the Attorney General of the Federation, the Inspector General of Police, the Comptroller-General of the Nigerian Prison Service, the Director General Legal Aid Council and the Executive Secretary, National Human Rights Commission and a representative of the Civil Society Organization.

Functions

Section 470 of the ACJA lists the functions of the ACJMC as follows:

- 1) The Committee shall be charged with the responsibility of ensuring effective and efficient application of the Act by the relevant agencies.
- 2) Without prejudice to subsection (1), the Committee shall ensure 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 co-operation 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 functions of the committee.
 - g) submit quarterly report to the Chief Justice of Nigeria to keep him 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.

With regards to what the ACJMC has done to ensure that each item contained under s.470 are achieved, it would be good to consider each of those specific items.

1. *Criminal matters are speedily dealt with.*

In order to ensure that criminal matters are speedily dealt with, the ACJMC engages all stakeholders who hold key responsibilities. The stakeholders include Heads of Court, Judges and Magistrates, Registrars, Clerks, Prosecutors, Defence Counsel, Correctional Service etc.

From the engagements, the ACJMC ascertains the support needed by the stakeholders to make them effective. Usually, the needs include but not limited to budgetary, technical and capacity requests. To address these needs, the ACJMC partners and gets support from organisations and development partners including the European Union funded Rule of Law and Anti-Corruption (ROLAC), CLEEN Foundation, Partners West Africa Nigeria etc.

With regards to infrastructure support for speedy trial, the ACJMC with the backing of, and in collaboration with ROLAC, has been able to set-up two state-of-the-art Statement Taking Rooms (STRs) at the Wuse Police Division and also at the Special Anti-Robbery Squad (SARS) Facility.

The STRs serve to record by audio visual means, the statement taking process for inmates. This implies that once a statement is obtained from a suspect and questions arise as to the voluntariness or otherwise of such statement, the recording from these rooms would be referred to immediately and used as evidence to determine if the statements were voluntarily made or made by virtue of duress, force or compulsion. This shortens the length of trial because not only would the need for trial-within-trial be dispensed with, it also shortens the length of the main trial.

The ACJMC is also advocating for the adoption of case management in all criminal trials. This would help organize the trial process and bring a level of predictability to the timespan of a trial. Although still work in progress, it is hoped that gains would be made in this regard in the FCT and around the Federation.

There are also plans by the ACJMC to seek for the full implementation of s.306, s.383, and s.396 of the ACJA. These sections deal with speedy trial and when fully implemented, the trial process would undoubtedly be fast and effective. The ACJMC is thus campaigning for full implementation of these provisions by creating awareness, holding consultations and advocacy, especially at the policy level.

2. *Congestion of criminal cases in courts is reduced.*

The ACJMC is spearheading the reduction of cases in court dockets. Practically, many declogging exercises have been organized for the courts and this has resulted in the massive decongestion of cases.

3. *Congestion in prisons is reduced.*

The ACJMC engages with the Nigerian Correctional Service (NCS) on this point, particularly dealing with s.111 of the ACJA which mandates the Comptroller General to submit a report of all persons who are awaiting trial and have been in detention for over 180 days from the time of arraignment.

The NCS cooperates with the ACJMC and submits its report to the Secretariat so that same can be escalated across all institutions or agencies responsible for the trial of suspects. There is also the collaborative move to synchronize the ACJMC Portal with the Correctional Service Information Management System so that the records of detainees whose cases fall within the category provided under s.111 would automatically be highlighted on ACJMC portal so that actions can be taken to resolve the lengthy detention.

There have also been partnerships between the ACJMC and other Civil Society Organisations who deal with the decongestion of the Correctional Service. It is hoped that these engagements and future plans regarding decongestion of Correctional Service Centres would yield the much-desired results in a not-too-distant future.

To be continued.

5. **ACJMC Activities for January 2022**



In line with its mandate of ensuring the effective implementation of ACJA, the ACJMC's activities for January 2022 were, as usual, tailored towards achieving this objective. The activities are listed as follows:

- a) Custody Management
 - i. Distribution of sleeping materials to 20 Police Divisions in the FCT on January 6th and 7th.

- ii. Executive Secretary (ACJMC) with His team and the PPRO and her team visited Durumi and Maitama police divisions on the 6th and Apo, Lugbe, Dutse Alhaji, Kubwa and Life Camp Divisions on the 7th of January.
- b) Remand Framework Monitoring Committee meeting held on January 10th. This was the 4th meeting of the committee which is on the Practice Direction of Remand Orders in the FCT and the development of the Guideline.
- c) Custody Management
 - i. Distribution of sleeping materials for 20 Police Divisions in the FCT between January 11th and 12th.
 - ii. Executive Secretary (ACJMC) with His team and the PPRO with her team visited Wuye, Mpape, and Mabuchi and Utako division on the 11th of January.
 - iii. Executive Secretary (ACJMC) with His team and the PPRO with her team visited Bwari, Nyanya, Karu, Jikwoyi and Asokoro on the 12th of January.
- d) Support of ACJMC States - Training of States' Criminal stakeholders that have adopted Administration of Criminal Justice Law in Bauchi.
- e) GIZ Meeting - Meeting with Programme Director of GIZ on further support to the ACJMC on the 24th of January 2022.
- f) Support of ACJMC States - Training of Criminal Stakeholders in states that have adopted ACJL in Cross River State 27th- 29th of January.

ACJMC Police Duty Solicitors Scheme (PDSS)

The ACJMC launched its Police Duty Solicitors Scheme (PDSS) on Jan. 14th, 2022. Worthy of note were the courtesy visits to over twenty (20) stations including the PDSS pilot stations in the FCT, led by the Executive Secretary ACJMC, accompanied by the PPRO FCT command, in which sleeping materials and copies of ACJA were handed over to Divisional Police Officers for use at their Stations.

On 26th January 2022 a one-day training was held for ten (10) Duty Solicitors alongside representatives

from ten (10) pilot Police Divisions namely - *Durumi, Maitama, Apo, Lugbe, Dutse, Life-camp, Mpape, Bwari, Karu and Kuje.*

The training centered on equipping Duty Solicitors to provide legal assistance to suspects in Police custody by ensuring that the provisions of the ACJA 2015, Police Force Order 20 and the 1999 Constitution (As Amended) as regards the roles of a Duty Solicitor, arrest of suspects, taking of confessional statement and detention of suspects etc. are being adhered to.

Major discussions centred on the relationship between the Police and lawyers, the core values of rendering pro bono services, effective reporting standard of the PDSS and the practical stationing of lawyers.

The training was hosted by the Executive Secretary to ACJMC Mr. Sulayman Dawodu Esq and was anchored by the Supervising Solicitor Mrs. Genevieve Ike Johnson Esq. In attendance were representatives from, the ten (10) pilot Divisions of the Nigerian Police Force in Abuja, the Legal Aid Council of Nigeria (LACON), Partners West Africa - Nigeria (PWAN) and the Nigerian Bar Association (NBA).

Following the Duty Solicitors Training, an onboarding session was held with the Supervising Solicitor on the 28th of January, 2022. The purpose of the session was to confirm assigned stations to each solicitor, to further orientate, provide the Duty Solicitors with their I.D cards, oath of service and work manuals. Resolutions were also made on reporting formats pending the update and launch of a PDSS App. Resumption date for the scheme was scheduled for 1st February, 2022.

Photo Gallery



Meeting with the Attorney General of Ministry of Justice, Cross River State



Police Duty Solicitors Scheme Launch



Sleeping Materials Distribution to Police Divisions in the FCT



Pioneer ACJMC Duty Solicitors



Training of PDSS Duty Solicitors

Quote of the Month

A judge who cannot punish, in the end associates himself with
the criminal.

Johann Wolfgang Von Goethe

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 article section are entirely those of the author.
- For more information, please contact the Executive Secretary via sulaydawodu@yahoo.com or 09094688542.