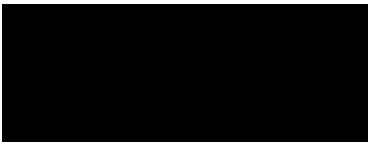


IMPACT REPORT

RULE OF LAW AND ANTI-CORRUPTION IN NIGERIA



STRENGTHENING THE ADMINISTRATION OF CRIMINAL JUSTICE



INTRODUCTION

Assessments conducted in 2018 in Adamawa, Anambra, Kano, Lagos, and the FCT showed that the administration of criminal justice was overwhelmed by resource and capacity constraints, weakening coordination and ineffectiveness of criminal justice delivery. Although many states had passed administration of criminal justice laws to promote efficient, speedy, and transparent dispensation of justice, the provisions were largely not being implemented.

The criminal justice system was lethargic; courts and prosecutors’ dockets bulged; and custodial facilities overflowed with awaiting trial inmates. Awareness of criminal justice services was low, and many people did not believe the system could or would deliver just outcomes. Agencies focused on their own duties; coordination and collaboration were minimal and inconsistent, usually only occurring when an agency felt there was no other option.



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ACTIVITIES

RoLAC’s initial priority was to ensure that there was a suitable legal framework to implement a criminal justice reform agenda. In Adamawa and Kano, the passage of the administration of criminal

justice (ACJ) laws was prioritised. In Anambra and Lagos, RoLAC supported the revision of existing legislation to address shortcomings.

Other related criminal legislation was

reviewed, and amendments passed. RoLAC lent technical assistance to the review of the Nigerian Prison Act, the Nigeria Police Act, the Magistrate Court Law of Anambra State, and Criminal Code Laws in Adamawa, Anambra, Edo, and Lagos states.

Table 1: Legislative amendments supported by RoLAC

Criminal justice laws passed or amended		
S/N	Repealed/Amended Legislation	New Legislation
1	Criminal Procedure Code of Adamawa State	Adamawa State Administration of Criminal Justice Law, 2018
2	Criminal Procedure Code 1991 & Criminal Procedure (Amendment) Law 2000, Laws of Kano State	The Administration of Criminal Justice Law, 2019
3	Administration of Criminal Justice (Repeal and Re-Enactment) Law, 2015	Lagos State Administration of Criminal Justice (Amendment) Law, 2021
4	Anambra State Administration of Criminal Justice Law, 2010	Anambra State Administration of Criminal Justice Law, 2022
6	The Penal Code Law, Laws of Adamawa State, 1997	Adamawa State Penal Code Law, 2018

S/N	Complementary legislation	
	Repealed/Amended Legislation	New Legislation
7	The Prisons Act, 1972	The Nigerian Correctional Service Act, 2019
8	The Police Act, 1943	The Nigeria Police Act, 2020
9	The Anambra State Magistrate Court Law, 1956	The Magistrate Courts Law, 2022
10	Edo State Criminal Code Law, 1916, Cap 48, Laws of Bendel State	The Criminal Law of Edo State, 2022
11	Edo State Justice Sector Reform Team lacked an enabling law	The Justice Sector Reform Law, 2022

With the right legal framework in place, focus shifted to implementing ACJL provisions that addressed vulnerabilities within the criminal justice system. Key areas included arrest, detention, torture, and prolonged trials leading to extended periods in custody for awaiting trial persons (ATPs). Interventions were designed to strengthen due process and respect for human rights; improve case, time, and trial management; and implement restorative justice and non-custodial measures.



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Table 2: Provisions of ACJ and other laws supported by RoLAC to implement

S/N	Provision implemented	Situation before intervention	Measures undertaken
1	Reporting obligations and judicial inspection of detention facilities	Arbitrary arrests and detentions; prolonged pretrial detention	Developed and deployed guidelines, tools, and reporting templates; trained judicial officers and Divisional Police Officers (DPOs)
2	Audio-visual recording of confessional statements	Suspects forced to make confessional statements, which were often successfully challenged in court	Six modern statement taking rooms provided; user manuals developed; police officers trained on human rights compliant criminal interviewing skills; and 1,095 confessional statements recorded
3	ACJ Law and Nigerian Police Act provisions regarding detention, right to remain silent and legal representation during interrogation	Officers unaware of ACJLs and global standards on treatment of suspects in law enforcement custody, resulting in gross infractions of suspects' rights	Six Standard Operating Procedures (SOPs) developed for the Nigeria Police Force (NPF); police officers trained and mentored on SOPs

4	Plea bargain provisions across focal states	Lengthy criminal trials, contributing to congested courts and prisons	Plea bargain manuals and mechanisms developed; judicial officers, prosecutors, defence lawyers trained; ATPs sensitised
5	ACJ Law and Nigeria Correctional Services Act (NCSA) provisions regarding rationalization of sentences and administration of non-custodial measures	Sentencing inconsistent and mostly custodial, resulting in prison congestion and increased costs to administer criminal justice	Sentencing guidelines developed; Judges and Magistrates trained; Nigerian Correctional Service (NCoS) established 'non-custodial department' and national and state parole boards; good practices and training resources developed; correctional officers trained
6	Administration of Criminal Justice Monitoring Committees (ACJMC)	ACJMC constrained by low investment in workspace, staffing, training and lack of awareness of existence and role	Offices refitted; RoLAC partnered with ACJMC on ACJL implementation increased visibility; workplans, M&E tools, and reporting templates developed



Good coordination between agencies is critical to effective and sustained implementation of ACJL provisions. RoLAC worked with and strengthened Justice Sector Reform Teams (JRTs) to lead collaboration and helped establish new teams in seven states, bringing the total to 31 by 2022. Regular JRT Network meetings encouraged and enabled knowledge sharing. Annual action plans were developed to help prioritise reform initiatives.

Capacity building helped criminal justice agencies to better understand their roles, resulting in new models of interagency coordination to improve service delivery. Liaison offices were set up to facilitate transmission of case files legal advice between Departments of Public Prosecution (DPP) and State Police Commands, reducing delays.

FCT Police Command and federal prosecutors developed standard operating procedures to strengthen coordination and collaboration in the investigation and prosecution of crimes. An investigation guide was developed for police investigators. At the federal level, RoLAC and the Federal Justice Sector Reform Coordinating Committee (FJSRCC) hosted six regional summits on ACJA/ACJL, and sensitised criminal justice agencies in all 36 states on ACJ law implementation.

RoLAC developed guidelines, practice directions, resources, tools, and structures to implement ACJL provisions. Guidelines showed how to document judicial oversight visits to places of detention; plea bargain manuals laid out procedures for charge, plea, and sentence negotiations; while sentencing guidelines help judges and magistrates to rationalise punishment and utilise non-custodial measures. New statement taking rooms strengthened measures against torture, by providing equipment and facilities where interviews could be recorded digitally. Case management

systems enabled monitoring of time standards and tracked the progress and completion of criminal processes.

Training and peer-learning activities were undertaken with judges, magistrates, prosecutors, police investigators, defence lawyers and correctional officers all benefitting. Training on trial advocacy for prosecutors and public defenders in Lagos improved case preparation, efficiency and case management. A forum for Directors of Public Prosecution (DPPs) from four states led to increased cross learning and study tours of the Lagos DPP.

IMPACT

RoLAC support has contributed to a more timely, efficient, and transparent administration of criminal justice in many areas, building on the passage of laws and development of guidelines.

Practice directions paved the way for key policy and practice changes in the adopting institutions

All RoLAC states adopted plea bargain and sentencing guidelines. At the FCT Judiciary, a new sentencing guideline signalled a strategic shift in sentencing policy by making non-custodial measures a primary penal measure that judges should apply. This shift was responsible for about 20,000 non-custodial sentences that were issued during the height of the Covid-19 pandemic in the FCT alone. It spared custodial centres in the territory from further

congestion at a time when the public health care system came under such severe strain from the pandemic, and when the Correctional Services could not have risked an outbreak in prisons from new inmates. At the federal level also, important

practice changes were adopted by the Nigerian Police and the Nigerian Correctional Service (NCoS) to reform custody management and enable and institutionalise non-custodial sentencing services.



Table 3: Policy and practice changes adopted across Nigeria with RoLAC support

Agency		Policy / practice adopted
1	Judiciary in five states and FCT	Sentencing guidelines rationalised sentencing and provide guidance on use of non-custodial measures. Lagos had guidelines prior to the start of the programme
2	Justice agencies in five states	Plea bargain manuals to guide prosecutors and defendants on how to plea bargain. The Federal Ministry of Justice is considering adopting a manual
3	Nigerian Police (NPF)	Six standards of practice on arrest and treatment of suspects in custody; search and seizure; criminal investigations; stop and search; Identification parades; and investigative interviewing
4	Judiciary, Ministry of Justice, Lagos	Practice direction on restorative justice; policies on restorative justice and the District Prosecutors programme
5	Judiciary (Edo & Lagos); Ministry of Justice, Lagos	Practice direction on restorative justice (Edo & Lagos); policies on restorative justice and the District Prosecutors programme (Lagos)

Implementing plea bargain processes reduced time cases spent in court, contributing to decongesting courts as cases were disposed of more speedily.

Table 4: Plea bargain implementation in RoLAC states

State	Plea bargain manual adopted	Active plea bargain committee (PBC)	PBC-led awareness campaigns	Plea bargain applications lodged	Plea bargain agreements reached/ reviewed
Adamawa	Yes	Yes	Yes	30	Not yet
Anambra	Yes	Yes	Yes, 180 persons, inc 90 inmates reached	90	Not yet
Edo	Yes	Yes		17	Yes
Kano	Yes	Yes	Yes	Not yet	Not yet
Lagos	Yes	Yes	Yes	529	279

Inspection visits to detention facilities strengthened compliance with due process safeguards and human rights

Suspects were more likely to be arraigned within 48 hours of arrest as constitutionally stipulated, and police officers facilitated access to legal assistance. Arbitrary arrests and detention by the police reduced due to increased judicial scrutiny. These changes helped to reduce crowding in detention facilities. The police recorded suspects' statements

on audio-visual devices or in the presence of a legal representatives or a legal aid provider. Some statements were taken under the

supervision of a superior officer. These measures helped to reduce the mistreatment of suspects by police officers.



Table 5: Judicial oversight visits to places of detention

Oversight visit results – Adamawa, Anambra, Edo, Kano, Lagos & FCT					
RoLAC year	Inspection visits	Detainees interviewed	Detainees granted bail	Detainees discharged	Directives for Arraignment
Year 2	105	1024	171	N/A	285
Year 3	54	346	98	129	112
Year 4	74	194	103	100	75
Year 5	419	2,205	485	129	1,190
Year 6	105	795	105	102	614
Total	823	4,564	962	460	2,276

Restorative justice delivered better outcomes for victims and perpetrators, enabling speedy resolution of cases without lengthy trials

Victims of crime secured reparation for their loss while perpetrators acknowledged their wrongdoing and were able to make amends. Restorative justice also afforded opportunities for plea bargains.

Judges at the Lagos State High Court recognised that improved trial advocacy skills by attorneys from the Office of the Public Defender resulted in better time management and speedier disposition of cases in Lagos

Improved case management at the Anambra state DPP, and better case management systems at the State High Court contributed to significant time savings at the DPP and Courts.

A nascent culture of due process compliance and respect for human rights developed in police stations

Ten communities in Adamawa and Kano, where post-training assessments of policing improvements were conducted commended the police for being more professional, efficient and community focused after they were trained on the ACJL. Training helped to reduce human rights abuses by the police, restore public confidence in the criminal justice system, and improve police community relations and crime intelligence. Criminal complaints are now routinely resolved at the police station without formal charges.

Support for the federal Administration of Criminal Justice Monitoring Committee (ACJMC) enabled it to monitor and promote ACJA implementation and support the emergence of



23 other ACJMCs across Nigeria

These ACJMCs now play critical roles in promoting and monitoring ACJL compliance in their respective states. RoLAC-trained FCT magistrates trained fellow magistrates to carry out oversight visits. Senior police officers in Lagos, Anambra, Edo, and Kano cascaded ACJL training to subordinates, while the DPP of Lagos trained peers in Anambra, Adamawa, Edo, and Kano on reform initiatives including plea bargain and sentencing. RoLAC-trained police officers did the same for subordinates in their respective police stations, while judges trained their peers on sentencing. These actors raised the prospects that beneficiary agencies had internal capacity to address capacity gaps in a sustainable manner over the long term.

Capacity support for the implementation of non-custodial measures by the NCoS yielded 83 NCoS training school instructors and more than 2000 correctional officers to supervise non-custodial sentences

These correctional officers have so far supervised 32,000 offenders serving community

service sentences, who otherwise would have spent time in prison. The NCoS, in compliance with the Nigeria Correctional Service Act, constituted a new Directorate of Non-Custodial Measures, helping to institutionalise and ensure more efficient administration of non-custodial measures. The Directorate is responsible for the implementation of non-custodial measures, including supervision of the 36 Deputy Controller of Corrections who were appointed to administer non-custodial measures across the 36 states.

In 2017, 17 states had adopted ACJLs, while 24 had Justice Sector Reform Teams (JRTs)

RoLAC supported the Federal Justice Sector Reform Coordinating Committee's efforts to promote justice sector reforms and increase awareness and interest among states, contributing to the adoption of ACJ Laws in 16 states and the creation of seven new JRTs. Fifteen reform initiatives were implemented in the Federal Capital Territory, including the completion of the National Legislative Drafting Manual. Six regional ACJ law awareness events hosted by the FJSRCC enabled the implementation of judicial oversights in Bauchi, Cross River, Edo, Imo, and Sokoto states.

¹ The data that is shown here is not comprehensive. Oversight visits and data collection were interrupted by Covid-19, a nationwide industrial action by court staff, and security threats in Anambra. Data for year 6 is for the first three months only.

LESSONS

All institutions go through leadership transitions and staff redeployments.

Such movements often occur without consideration for the effect they have on ongoing reforms or capacity developments. This needs to be identified as a risk at the outset of reforms and arrangements worked out to ensure beneficiary agencies retain trained staff long enough to embed systems, and transfer knowledge and skills.

Many law enforcers, regardless of the level of education, were not fully conversant with the criminal laws they have a mandate to enforce.

To ensure that capacity is developed and retained, iterative learning is necessary, including training, refreshers, peer learning and mentoring.

Reforms require sustained awareness creation about rights that citizens may enjoy and how to access those rights.

This has several benefits, including reaching those law enforcement officers that may not directly participate in capacity building events. When citizens are informed enough to demand certain services, justice providers are driven to supply those services, applying their new skills and knowledge.

Single approaches to resolving a problem often do not deliver, whereas multi-faceted approaches may be more successful.

In Lagos, the combination of oversight visits, plea bargain, restorative justice, non-custodial sentencing, and a case filtering project contributed to the amelioration of congestion in

courts and prisons. Multiple approaches often require multiple actors. In Anambra, improved case management by the Ministry of Justice and the Judiciary contributed to significant improvements in time management in the courts. To focus on any one of these measures or actors without also involving others may not deliver the desired gains.

The Anambra State Judiciary demonstrated the value of an effective case management system.

This included its capacity to measure the duration of individual elements of the trial process from the arrival of a case file through to the completion of a trial. Some of the key phases measured and the improvements in time taken to complete them are illustrated in table 6 below.



Table 6: Duration of court processes at the Anambra State High Court as measured by the CMR

Time savings in criminal processes through improved case management at the Anambra State High Court						
	Item	Policy Target	Average days Aug 2019 Baseline	Average days Dec 2021	Average days Feb 2022	Notes
1	No. of cases uploaded to Case Management Register (CMR)	N/A	572 cases	1,934 cases	1,946 cases	Data for 3,271 individual suspects on CMR by Feb 2022
2	Avg. days from filing information and proofs of evidence / charges to arriving with the Assistant Chief Registrar (ACR) for review	Maximum 3 days	N/A	16 days	7 days	Reduced by over 50%
3	Avg. days for ACR to review and dispatch case file to Chief Judge/Admin Judge	Maximum 3 days	170 days	34 days	16 days	Significant reduction from August 2019
4	Avg. days for Chief Judge/ Admin Judge to assign case file to trial court	Maximum 3 days	16 days	10 days	11 days	30% reduction since August 2019
5	Total days from receipt of Information and proof of evidence or charge to assignment to trial court	Maximum 14 days	173 days	15 days	11 days	Huge reduction. Milestone target achieved and exceeded
6	Avg. days from case file transmission to court to first hearing	Maximum 20 days	108 days	62 days	43 days	60% reduction

Poor funding severely limits the capacity of criminal justice institutions to deliver their services

However, while funding needs to be increased, it need not block all initiatives. The NCoS rose above their lack of funding to mobilize personnel around a shared vision to transform correctional services. The degree of institutional buy-in and ownership of the reforms that ensued is an important lesson that while change may be encouraged by external actors, the primary motivation must come from within the institution.



DATA/STATISTICS AT A GLANCE

- **1,095** suspects were interviewed in RoLAC-funded statement taking rooms and had their confessional statements recorded on audio-visual devices
- **32,000** offenders completed community service under the supervision of the Nigerian Correctional Service
- The Anambra State High Courts Case Management system reduced case duration by an average of **396** days
- **9,904** criminal justice actors, including judges, magistrates, prosecutors, police investigators, etc., were trained on ACJ Laws and other legislation and procedures.

COMMENTS FROM BENEFICIARIES

Vivian I Udedike, Deputy Chief Registrar (DCR) Inspectorate, Anambra State Judiciary

“

I'm glad that the Case Management System was introduced and supported by RoLAC in Anambra State in view of how useful and effective it has been. The CMS has assisted us at resolving very complex legal/administrative issues such as the inability to monitor the progress of cases in our courts within the shortest possible time, data collection and planning. The CMS is so effective that the Honourable Chief Judge now uses it as a performance tool in monitoring the progress of cases in the courts. I am personally grateful for the opportunity to oversee the CMS unit in the Judiciary.

”

Alhaji Bashir Haruna Kassim, Chairman of the Police-Community Relations Committee (PCRC), Fagge Division, Kano

“

The police have changed their modus operandi. Police officers and men have been trained and they now inform arrested persons of the reason for their arrest. They also abstain from unnecessary restraining of arrested persons, avoid arresting innocent persons to compel the appearance of suspected persons, and generally, treat arrested persons with dignity and respect in accordance with the law. ”

Justice A.O. Adeyemi, High Court of Lagos State and Former Director of Public Prosecutions, Lagos State

“

The journey which began in 2017 in Lagos State has now crystallised into a tool, which has become more attractive to the defence to use. Over the years, hundreds of plea agreements have been done. The impact has been a huge success in terms of reducing the dockets of the courts and decongesting the custodial centers. Plea bargains in Lagos State have come to stay.

”

PERSONAL STORY OF CHANGE



CSP Abubakar Hamma, Divisional Police Officer, Fagge Police Division, Kano

I had previously benefitted from community policing programmes, but none of these included training on the Administration of Criminal Justice Law (ACJL).

Shortly after my deployment to the Fagge Police Division in May 2019, RoLAC trained an officer in my division. At my request, the officer wrote a report of the training, which contained key highlights that soon became a checklist for implementing the ACJL in my division. I found that implementing the ACJL was not hard after all, though at the start, we were uncertain about how to comply with remand provisions and reporting obligations.

I later attended capacity building events on the ACJL funded by RoLAC, enabling me to organise step-down training for all my officers. When aspects of the ACJL proved difficult to explain, I invited a magistrate or a lawyer from the Legal Aid Council to explain in more detail.

The training helped us to devise a new approach to policing, which focused on strengthening connections with the community and encouraging peaceful resolution of criminal disputes (restorative justice). My officers were motivated to observe due process safeguards in the ACJL because they knew that I was serious about utilising the training that we had received.

I have observed many positive changes following the training, including:

- Officers always inform suspects of the reason for their arrest
- Officers do not use unnecessary force when making arrests
- Officers no longer make proxy arrests and
- Officers treat all persons, including suspects with dignity throughout the case.

There have been fewer people detained at my division, leading to

“

The training helped us to devise a new approach to policing, which focused on strengthening connections with the community and encouraging peaceful resolution of criminal disputes (restorative justice). ”

improved conditions for those that are held in custody, especially in the area of sanitary standards.

These changes have had a positive effect on community relations in Fagge with increased trust in policemen at the division and more reporting of criminal activity. The Fagge community now works with the police to maintain public order. Recently, the community joined hands with the police to suppress criminal elements who threatened to overwhelm the police during a physical confrontation. Logistical support has also been provided on occasions.

These positive changes can be attributed to a better trained police force. It was ‘business as usual’ before we were trained on the ACJL. The police function better when they have the right training. Training improves the understanding of the value of the service that the police provide to the public. Give me a well-trained cohort of police officers, I will give you a community that is safe for all.

The Rule of Law and Anti-Corruption (RoLAC) Programme is working to enhance good governance by strengthening the rule of law and curbing corruption. Our main objective is to back the government's justice and anti-corruption agenda by supporting the adoption and implementation of relevant legislation, policies and strategies in the sector. The six-year programme (2017–23) is funded by the European Union and implemented by the British Council.

Find out more
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